

BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**FRANK'S FRAME & BODY SHOP;**  
**LARRY A. ROBBINS**  
127 Main Street  
Valley Springs, CA 95252

Automotive Repair Dealer Registration  
No. ARD 207657

Respondent.

Case No. 77/11-20

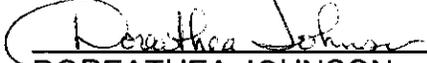
OAH No. 2012010427

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective 9/25/12.

DATED: September 6, 2012

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
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*Attorneys for Complainant*  
8

9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**  
11

12 In the Matter of the Accusation Against:

Case No. 77/11-20

13 **FRANK'S FRAME & BODY SHOP;**  
**LARRY A. ROBBINS**  
14 **127 Main Street**  
**Valley Springs, CA 95252**  
15 **Automotive Repair Dealer Registration No.**  
**ARD 207657**  
16

OAH No. 2012010427

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17 Respondent.  
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He  
23 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
24 Harris, Attorney General of the State of California, by Geoffrey S. Allen, Deputy Attorney  
25 General.

26 2. Respondent Frank's Frame & Body Shop; Larry A. Robbins (Respondent) is  
27 represented in this proceeding by attorney Brian Chavez-Ochoa, whose address is: Law Offices, 4  
28 Jean St., Ste. 4, Valley Springs, CA 95252.







ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Brian Chavez-Ochoa. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED:

8/6/12

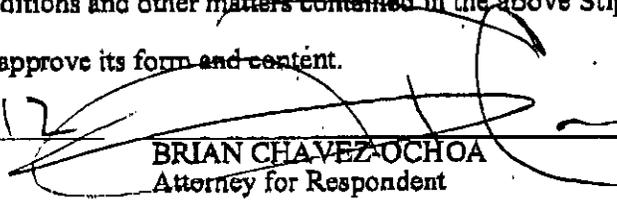


FRANK'S FRAME & BODY SHOP; LARRY A. ROBBINS  
Respondent

I have read and fully discussed with Respondent Frank's Frame & Body Shop; Larry A. Robbins the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

8/6/12



BRIAN CHAVEZ-OCHOA  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated:

8/6/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General

  
GEOFFREY S. ALLEN  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 77/11-20**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 77/11-20

12 **FRANK'S FRAME & BODY SHOP**  
13 **127 Main Street**  
**Valley Springs, CA 95252**  
14 **LARRY A. ROBBINS, OWNER**  
**Automotive Repair Dealer Registration No.**  
15 **ARD 207657**

**A C C U S A T I O N**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as  
21 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

22 **Automotive Repair Dealer Registration**

23 2. On a date uncertain in 1999, the Bureau issued Automotive Repair Dealer  
24 Registration Number ARD 207657 ("registration") to Larry A. Robbins ("Respondent"), doing  
25 business as Frank's Frame & Body Shop. The registration was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

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1 COST RECOVERY

2 6. Code section 125.3 provides, in pertinent part, that a Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **BUSINESS COMPLIANCE INSPECTION**

7 7. On June 23, 2010, the Bureau, along with Amador County District Attorney  
8 Investigators, California Department of Motor Vehicle Investigators, and a Special Agent from  
9 the National Insurance Crime Bureau (“representatives”) performed a business compliance  
10 inspection at Respondent’s facility located at 127 Main Street, Valley Springs, California. The  
11 representatives met with Riley Robbins (“Riley”), who identified himself as Respondent’s son.

12 8. During the inspection, the representatives asked to inspect the records for a vehicle  
13 that was undergoing repairs. The vehicle was a 2004 Honda Pilot, California License Plate No.  
14 5JQY577, owned by Harold Gowder (“consumer”). Riley provided the representatives with  
15 Estimate No. 1016139428-1-1, prepared by Mid-Century Insurance Company. The inspection  
16 revealed that the vehicle was not being repaired pursuant to the estimate. Specifically, the  
17 estimate provided for the left front fender to be replaced; however, that part was being repaired.  
18 The representatives also found that the left front and rear door “body side moldings” had not been  
19 removed as the estimate provided.

20 9. On June 24, 2010, the representatives made a visit to the consumer’s residence to  
21 discuss the repairs being performed on the consumer’s vehicle by Respondent. The consumer  
22 informed the representatives that he had not given Respondent permission to deviate from the  
23 repairs set forth in the estimate.

24 10. On July 13, 2010, the representatives made a second visit to the consumer’s residence  
25 to inspect the vehicle. Upon inspection of the vehicle, the representatives found the following  
26 repairs, totaling \$77, which had not been performed:

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28 ///

- 1 a. Respondent failed to remove and install the left front door molding.  
2 b. Respondent failed to remove and install the left rear door molding.  
3 c. Respondent failed to remove and install the fuel door.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Misleading Statements)**

6 11. Respondent has subjected his registration to discipline pursuant to Code section  
7 9884.7, subdivision (a)(1), in that in or about June/July 2010, he made statements which he knew  
8 or which by exercise of reasonable care he should have known were untrue or misleading, by  
9 representing to the consumer and Mid-Century Insurance Company that the consumer's vehicle  
10 had been repaired consistent with Estimate No. 1016139428-1-1. In fact, Respondent failed to  
11 repair the vehicle pursuant to the estimate, as more particularly set forth in paragraph 10,  
12 subparagraphs a through c, above.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 12. Respondent has subjected his registration to discipline pursuant to Code section  
16 9884.7, subdivision (a)(4), in that in or about June/July 2010, he committed acts which constitute  
17 fraud by accepting payment of \$2,769.23 from Mid-Century Insurance Company for the repairs;  
18 however, Respondent failed to perform repairs including labor in the amount of \$77, as more  
19 particularly set forth in paragraph 10, subparagraphs a through c, above.

20 **VEHICLE INSPECTION NO. 1 – 1998 CHEVROLET G-10 VAN (PASTORINO)**

21 13. On or about May 6, 2010, Richard Pastorino ("consumer") had his 1998 Chevrolet G-  
22 10 Van taken to Respondent's facility for auto body repairs. On or about May 7, 2010, California  
23 State Automobile Association ("CSAA") approved the estimate prepared by Respondent in the  
24 amount of \$3,661.85, which included a \$250 deductible to be paid by the consumer. CSAA paid  
25 Respondent \$3,411.85.

26 14. On or about August 16, 2010, the Bureau and an Amador County District Attorney  
27 Investigator performed an inspection of the consumer's vehicle. That inspection revealed that the  
28 following parts/services, totaling \$480.32, had not been provided or performed as invoiced:

- 1 a. Respondent failed to replace the nameplate.
- 2 b. Respondent failed to blend the right rear door.
- 3 c. Respondent failed to replace the decal stripes at the rear doors.
- 4 d. Respondent failed to repair the radiator support.
- 5 e. Respondent charged for paint material.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Misleading Statements)**

8 15. Respondent has subjected his registration to discipline pursuant to Code section  
9 9884.7, subdivision (a)(1), in that on or about May 6, 2010, he made statements which he knew or  
10 which by exercise of reasonable care he should have known were untrue or misleading, by  
11 representing to the consumer and CSAA that the consumer's vehicle had been repaired consistent  
12 with the estimate prepared by Respondent dated May 6, 2010. In fact, Respondent failed to repair  
13 the vehicle pursuant to the estimate, as more particularly set forth in paragraph 14, subparagraphs  
14 a through e, above.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 16. Respondent has subjected his registration to discipline pursuant to Code section  
18 9884.7, subdivision (a)(4), in that on or about May 8, 2010, he committed acts which constitute  
19 fraud by accepting payment of \$3,411.85 from CSAA for the repairs; however, Respondent failed  
20 to perform repairs, including labor, in the amount of \$480.32, as more particularly set forth in  
21 paragraph 14, subparagraphs a through e, above.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Departure from Accepted Trade Standards)**

24 17. Respondent has subjected his registration to discipline pursuant to Code section  
25 9884.7, subdivision (a)(7), in that on or about May 6, 2010, he willfully departed from or  
26 disregarded accepted trade standards for good and workman like repair in a material respect when  
27 he failed to restore corrosion protection at the radiator support.

1                                   **VEHICLE INSPECTION NO. 2 – 2005 HONDA CIVIC LX (BAYLESS)**

2           18.   On or about October 29, 2009, Christina Bayless (“consumer”) had her 2005 Honda  
3 Civic LX taken to Respondent’s facility for auto body repairs. On or about November 13, 2009,  
4 CSAA prepared Estimate No. 01-1DR655-3, in the amount of \$2,024.61. CSAA paid  
5 Respondent \$2,024.61 for the repairs.

6           19.   On or about August 17, 2010, the Bureau and an Amador County District Attorney  
7 Investigator performed an inspection of the consumer’s vehicle. That inspection revealed that the  
8 following parts/services, totaling \$780.64, had not been provided or performed as invoiced:

- 9           a.   Respondent failed to replace the front bumper cover.
- 10           b.   Respondent failed to replace the right fender.
- 11           c.   Respondent failed to replace the right lamp assembly.

12                                   **SIXTH CAUSE FOR DISCIPLINE**

13                                   **(Misleading Statements)**

14           20.   Respondent has subjected his registration to discipline pursuant to Code section  
15 9884.7, subdivision (a)(1), in that on or about October 29, 2009, he made statements which he  
16 knew or which by exercise of reasonable care he should have known were untrue or misleading,  
17 by representing to the consumer and CSAA that the consumer’s vehicle had been repaired  
18 consistent with the estimate prepared by CSAA, dated November 13, 2009. In fact, Respondent  
19 failed to repair the vehicle pursuant to the estimate, as more particularly set forth in paragraph 19,  
20 subparagraphs a through c, above.

21                                   **SEVENTH CAUSE FOR DISCIPLINE**

22                                   **(Fraud)**

23           21.   Respondent has subjected his registration to discipline pursuant to Code section  
24 9884.7, subdivision (a)(4), in that on or about November 14, 2009, he committed acts which  
25 constitute fraud by accepting payment of \$2,024.61 from CSAA for the repairs; however,  
26 Respondent failed to perform repairs including labor in the amount of \$780.64, as more  
27 particularly set forth in paragraph 19, subparagraphs a through c, above.

1                                   **VEHICLE INSPECTION NO. 3 – 2004 HYUNDAI TIBURON (SCRIVEN)**

2           22. On or about February 11, 2010, William Scriven (“consumer”) had his 2004 Hyundai  
3 Tiburon taken to Respondent’s facility for auto body repairs. On or about February 11, 2010,  
4 Mid-Century Insurance Company prepared an estimate, dated February 11, 2010, in the amount  
5 of \$2,126.40, which included a \$500 deductible. Mid-Century Insurance Company paid  
6 Respondent \$1,626.40 for the repairs.

7           23. On or about October 4, 2010, the Bureau performed an inspection of the consumer’s  
8 vehicle. That inspection revealed that the following parts/services, totaling \$957.36, had not been  
9 provided or performed as invoiced:

- 10           a. Respondent failed to replace the bumper cover.
- 11           b. Respondent failed to replace the grill.
- 12           c. Respondent failed to replace the right front lamp assembly.
- 13           d. Respondent failed to replace the left front lamp assembly.

14                                   **EIGHTH CAUSE FOR DISCIPLINE**

15                                   **(Misleading Statements)**

16           24. Respondent has subjected his registration to discipline pursuant to Code section  
17 9884.7, subdivision (a)(1), in that on or about February 11, 2010, he made statements which he  
18 knew or which by exercise of reasonable care he should have known were untrue or misleading,  
19 by representing to the consumer and Mid-Century Insurance Company that the consumer’s  
20 vehicle had been repaired consistent with the estimate prepared by Mid-Century Insurance  
21 Company, dated February 11, 2010. In fact, Respondent failed to repair the vehicle pursuant to  
22 the estimate, as more particularly set forth in paragraph 23, subparagraphs a through d, above.

23                                   **NINTH CAUSE FOR DISCIPLINE**

24                                   **(Fraud)**

25           25. Respondent has subjected his registration to discipline pursuant to Code section  
26 9884.7, subdivision (a)(4), in that on or about February 11, 2010, he committed acts which  
27 constitute fraud by accepting payment of \$1,626.40 from Mid-Century Insurance Company for  
28

1 the repairs; however, Respondent failed to perform repairs including labor in the amount of  
2 \$957.36, as more particularly set forth in paragraph 23, subparagraphs a through d, above.

3 **VEHICLE INSPECTION NO. 4 – 2002 TOYOTA TACOMA (GIPSON)**

4 26. On or about October 15, 2009, Deborah Gipson (“consumer”) had her 2002 Toyota  
5 Tacoma taken to Respondent’s facility for auto body repairs. On or about October 15, 2009,  
6 Farmers Insurance Company prepared an estimate of record in the amount of \$7,169.81, which  
7 included a \$1,000 deductible. Farmers Insurance Company paid Respondent \$6,169.81 for the  
8 repairs.

9 27. On or about October 4, 2010, the Bureau performed an inspection of the consumer’s  
10 vehicle. That inspection revealed that the following parts/services, totaling \$1,914.27, had not  
11 been provided or performed as invoiced:

- 12 a. Respondent failed to repair the floor pan.
- 13 b. Respondent failed to refinish the floor pan.
- 14 c. Respondent failed to replace the “SR-5” nameplate.
- 15 d. Respondent failed to replace the aftermarket step bar.
- 16 e. Respondent failed to replace the used cab corner.
- 17 f. Respondent failed to remove and install the rear glass.
- 18 g. Respondent charged Farmers Insurance Company for paint material.

19 28. Further, on the same date, the consumer provided the Bureau with additional records  
20 regarding earlier repairs made to her vehicle at Respondent’s facility in or about March 2009, to  
21 the right side of the vehicle. Geico Insurance Company paid Respondent \$5,574.86 for the  
22 repairs. Further inspection of the vehicle concerning the Geico claim found the following  
23 parts/services not provided and/or performed by Respondent, totaling \$3,338.79, as follows:

- 24 a. Respondent failed to replace the front bumper.
- 25 b. Respondent failed to replace the valance panel.
- 26 c. Respondent failed to replace the right side brace.
- 27 d. Respondent failed to replace the right side bracket.
- 28 e. Respondent failed to replace the front bumper cover.

- 1 f. Respondent failed to replace the bumper right side retainer.
- 2 g. Respondent failed to replace the bumper right support arm.
- 3 h. Respondent failed to replace the grille.
- 4 i. Respondent failed to replace the right grille filler.
- 5 j. Respondent failed to replace the right signal lamp.
- 6 k. Respondent failed to replace the right fender.
- 7 l. Respondent failed to replace the right fender flare.
- 8 m. Respondent failed to replace the right apron.
- 9 n. Respondent failed to replace the right fender splash shield.
- 10 o. Respondent failed to replace the right mud guard.
- 11 p. Respondent failed to overhaul the right suspension.
- 12 q. Respondent failed to replace the right lower ball joint.
- 13 r. Respondent failed to replace the right strut.
- 14 s. Respondent failed to replace the right knuckle.
- 15 t. Respondent failed to replace the right upper control arm.
- 16 u. Respondent failed to replace the right front wheel.
- 17 v. Respondent charged Geico for paint materials.

18 **TENTH CAUSE FOR DISCIPLINE**

19 **(Misleading Statements)**

20 29. Respondent has subjected his registration to discipline pursuant to Code section  
21 9884.7, subdivision (a)(1), in that he made statements which he knew or which by exercise of  
22 reasonable care he should have known were untrue or misleading, as follows:

23 a. On or about October 15, 2009, Respondent represented to the consumer and Farmers  
24 Insurance Company that the consumer's vehicle had been repaired consistent with the estimate  
25 prepared by Farmers Insurance Company, dated October 15, 2009. In fact, Respondent failed to  
26 repair the vehicle pursuant to that estimate, as more particularly set forth in paragraph 27,  
27 subparagraphs a through g, above.

28



- 1 c. Respondent failed to replace the right hood hinge.
- 2 d. Respondent failed to replace the right fender.
- 3 e. Respondent failed to replace the left fender.
- 4 f. Respondent failed to replace the right side rail.
- 5 g. Respondent failed to refinish the right side rail.
- 6 h. Respondent failed to replace the left side rail.
- 7 i. Respondent failed to refinish the left side rail.
- 8 j. Respondent failed to replace the right nameplate.
- 9 k. Respondent failed to replace the left nameplate.
- 10 l. Respondent failed to replace the medallion.
- 11 m. Respondent failed to replace the stabilizer bar.
- 12 n. Respondent failed to replace two (2) tires.
- 13 o. Respondent failed to replace the steering wheel.
- 14 p. Respondent failed to replace the lower cross member.
- 15 q. Respondent failed to replace the front cross member.
- 16 r. Respondent charged 21st Century Insurance for paint material.

17 **TWELFTH CAUSE FOR DISCIPLINE**

18 **(Misleading Statements)**

19 33. Respondent has subjected his registration to discipline pursuant to Code section  
20 9884.7, subdivision (a)(1), in that on or about May 9, 2009, he made statements which he knew or  
21 which by exercise of reasonable care he should have known were untrue or misleading by  
22 representing to the consumer and 21st Century Insurance that the consumer's vehicle had been  
23 repaired consistent with the estimate prepared by Respondent and approved by 21st Century  
24 Insurance. In fact, Respondent failed to repair the vehicle pursuant to that estimate, as more  
25 particularly set forth in paragraph 32, subparagraphs a through r, above.

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1 THIRTEENTH CAUSE FOR DISCIPLINE

2 (Fraud)

3 34. Respondent has subjected his registration to discipline pursuant to Code section  
4 9884.7, subdivision (a)(4), in that on or about May 19, 2009, he committed acts which constitute  
5 fraud by accepting payment in the amount of \$16,270.80 from 21st Century Insurance Company  
6 for the repairs; however, Respondent failed to perform repairs including labor in the amount of  
7 \$6,020.23, as more particularly set forth in paragraph 32, subparagraphs a through r, above.

8 **VEHICLE INSPECTION NO. 6 – 1969 FORD MUSTANG (ALDERMAN)**

9 35. On or about March 3, 2010, Brian Alderman (“consumer”) had his 1969 Ford  
10 Mustang taken to Respondent’s facility for auto body repairs. Respondent was to repair the  
11 consumer’s vehicle pursuant to the CSAA written estimate totaling \$6,239.57. CSAA paid  
12 Respondent \$6,139.57 for the repairs.

13 36. On or about October 14, 2010, and October 20, 2010, the Bureau performed  
14 inspections of the consumer’s vehicle. The first inspection took place at the consumer’s home  
15 and the second inspection took place at the Bureau’s documentation lab in Sacramento,  
16 California. Those inspections revealed that the following parts/services, totaling \$3,253.52, had  
17 not been provided or performed as invoiced:

- 18 a. Respondent failed to replace the windshield moulding kit.  
19 b. Respondent failed to replace the roof.  
20 c. Respondent failed to replace the roof mouldings.  
21 d. Respondent failed to replace the weather strips.  
22 e. Respondent failed to replace the back glass mouldings.  
23 f. Respondent charged CSAA shipping costs totaling \$130.

24 FOURTEENTH CAUSE FOR DISCIPLINE

25 (Misleading Statements)

26 37. Respondent has subjected his registration to discipline pursuant to Code section  
27 9884.7, subdivision (a)(1), in that on or about March 3, 2010, he made statements which he knew  
28 or which by exercise of reasonable care he should have known were untrue or misleading by

1 representing to the consumer and CSAA that the consumer's vehicle had been repaired consistent  
2 with the estimate prepared by CSAA, dated March 4, 2010. In fact, Respondent failed to repair  
3 the vehicle pursuant to that estimate, as more particularly set forth in paragraph 36, subparagraphs  
4 a through f, above.

5 **FIFTEENTH CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 38. Respondent has subjected his registration to discipline pursuant to Code section  
8 9884.7, subdivision (a)(4), in that on or about April 1, 2010, he committed acts which constitute  
9 fraud by accepting payment in the amount of \$6,139.57 from CSAA for the repairs; however,  
10 Respondent failed to perform repairs including labor in the amount of \$3,253.52, as more  
11 particularly set forth in paragraph 36, subparagraphs a through f, above.

12 **OTHER MATTERS**

13 39. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily  
14 or permanently or refuse to validate, the registrations for all places of business operated in this  
15 state by Larry A. Robbins, upon a finding that it has, or is, engaged in a course of repeated and  
16 willful violations of the laws and regulations pertaining to an automotive repair dealer.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Director of Consumer Affairs issue a decision:

20 1. Revoking, suspending, or placing on probation, Automotive Repair Dealer  
21 Registration Number ARD 207657, issued to Larry A. Robbins, doing business as Frank's Frame  
22 & Body Shop;

23 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
24 registration issued to Larry A. Robbins;

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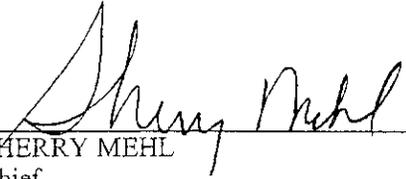
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3. Ordering Larry A. Robbins to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: October 4, 2011

  
SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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