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

In the Matter of the Accusation Against:
**MIKE A. AOUN
MIKES MOBILE GLASS
1216 Arden Way, Suite B
Sacramento, CA 95815
Automotive Repair Dealer Registration No.
ARD 222957**

Respondent.

Case No. 77/13-63

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 14, 2013, Complainant John Wallauch, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 77/13-63 against Mike A. Aoun, Mikes Mobile Glass (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)
2. On or about March 21, 2003, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 222957 to Respondent. The Automotive Repair Dealer Registration expired on July 31, 2011, and has not been renewed.

1 3. Respondent's lapse in licensure, however, pursuant to Business and Professions Code
2 section 118(b) do not deprive the Bureau of its authority to institute or continue this disciplinary
3 proceeding.

4 4. On or about May 24, 2013, an employee of the Department of Justice served by
5 Certified and First Class Mail copies of the Accusation No. 77/13-63, Statement to Respondent,
6 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
7 11507.5, 11507.6, and 11507.7) to Respondent's address of record which, pursuant to Business
8 and Professions Code section 136, is required to be reported and maintained with the Bureau.

9 Respondent's address of record was and is:

10 1216 Arden Way, Suite B
11 Sacramento, CA 95815.

12 5. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 6. On or about May 30, 2013, the aforementioned documents were returned by the U.S.
16 Postal Service marked "return to sender and Unable to Forward." The address on the documents
17 was the same as the address on file with the Bureau. Respondent failed to maintain an updated
18 address with the Bureau and the Bureau has made attempts to serve the Respondent at the address
19 on file. Respondent has not made himself available for service and therefore, has not availed
20 himself of his right to file a notice of defense and appear at hearing.

21 7. Government Code section 11506 states, in pertinent part:

22 (c) The respondent shall be entitled to a hearing on the merits if the respondent
23 files a notice of defense, and the notice shall be deemed a specific denial of all parts
24 of the accusation not expressly admitted. Failure to file a notice of defense shall
25 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
26 may nevertheless grant a hearing.

27 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
28 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
77/13-63.

 9. California Government Code section 11520 states, in pertinent part:

1 (a) If the respondent either fails to file a notice of defense or to appear at the
2 hearing, the agency may take action based upon the respondent's express admissions
3 or upon other evidence and affidavits may be used as evidence without any notice to
4 respondent.

5 10. Pursuant to its authority under Government Code section 11520, the Director after
6 having reviewed the proof of service dated May 24, 2013, signed by Yesenia Rocha, (and return
7 envelopes & Confirm Notice) finds Respondent is in default. The Director will take action
8 without further hearing and, based on Accusation, No. 77/13-63, proof of service and on the
9 Affidavit of Bureau Representative Carl Homes finds that the allegations in Accusation are true.

10 DETERMINATION OF ISSUES

11 1. Based on the foregoing findings of fact, Respondent Mike A. Aoun, Mikes Mobile
12 Glass has subjected his Automotive Repair Dealer Registration No. ARD 222957 to discipline.

13 2. The agency has jurisdiction to adjudicate this case by default.

14 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive
15 Repair Dealer Registration based upon the following violations alleged in the Accusation which
16 are supported by the evidence contained in the affidavit of Bureau Representative Carl Homes in
17 this case:

18 a. Business and Professions Code section 9884.7(a)(1)-untrue or misleading statements;

19 b. Business and Professions Code section 9884.7(a)(7)-departure from accepted trade
20 standards;

21 c. Business and Professions Code section 9884.7(a)(6) and Business and Professions
22 Code section 9884.9(a)- for failure to provide a written estimated price for labor and parts
23 necessary for a specific job

24 d. Business and Professions Code section 9884.7(a)(6) and California Code of
25 Regulations, title 16, Section 3356(a)(1)- failure to list the Automotive Repair Dealer
26 Registration Number on a Work Order;

27 e. Business and Professions Code section 9884.7(a)(6) and California Code of
28 Regulations, title 16, Section 3371-advertising at a location other than his address of record;

f. Business and Professions Code section 9884.7(a)(4)- fraudulent acts;

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g. Business and Professions Code section 9884.7(a)(6) and Business and Professions code section 9884.8- failing to provide an invoice;

h. Business and Professions Code section 9884.7(a)(6) and Business and Professions Code section 9884.6(a)-performing repairs for compensation without possessing a valid registration.

ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 222957, heretofore issued to Respondent Mike A. Aoun, Mikes Mobile Glass, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on SEP 05 2013.

It is so ORDERED August 2, 2013



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

11122144.DOC
DOJ Matter ID:SA2012106784

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13 **MIKES MOBILE GLASS**
14 **MIKE A. AOUN, Owner**
15 **aka MOHAMAD ABDUL LATIF AOUN**
16 **aka TONY AOUN**
17 **aka PHILLIP AOUN**
18 **aka EDDIE AOUN**
19 **1216 Arden Way, Suite B**
20 **Sacramento, CA 95815**
21 **Automotive Repair Dealer Registration No.**
22 **ARD 222957**
23 Respondent.

Case No. **77/13-63**
ACCUSATION

24 John Wallauch ("Complainant") alleges:

25 **PARTIES**

- 26 1. Complainant brings this Accusation solely in his official capacity as the Chief of the
27 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
28 2. On or about March 21, 2003, the Bureau issued Automotive Repair Dealer
Registration Number ARD 222957 to Mike A. Aoun, also known as Mohamad Abdul Latif Aoun,
Tony Aoun, Phillip Aoun, Eddie Aoun ("Respondent"), doing business as Mikes Mobile Glass.
The registration expired on July 31, 2011, and has not been renewed.

1 If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state
2 that fact. If a part of a component system is composed of new and used, rebuilt or
3 reconditioned parts, that invoice shall clearly state that fact. The invoice shall include
4 a statement indicating whether any crash parts are original equipment manufacturer
5 crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy
6 of the invoice shall be given to the customer and one copy shall be retained by the
7 automotive repair dealer.

8 6. Code section 9884.9 states:

9 (a) The automotive repair dealer shall give to the customer a written
10 estimated price for labor and parts necessary for a specific job. No work shall be
11 done and no charges shall accrue before authorization to proceed is obtained from the
12 customer. No charge shall be made for work done or parts supplied in excess of the
13 estimated price without the oral or written consent of the customer that shall be
14 obtained at some time after it is determined that the estimated price is insufficient and
15 before the work not estimated is done or the parts not estimated are supplied. Written
16 consent or authorization for an increase in the original estimated price may be
17 provided by electronic mail or facsimile transmission from the customer. The bureau
18 may specify in regulation the procedures to be followed by an automotive repair
19 dealer if an authorization or consent for an increase in the original estimated price is
20 provided by electronic mail or facsimile transmission. If that consent is oral, the
21 dealer shall make a notation on the work order of the date, time, name of person
22 authorizing the additional repairs, and telephone number called, if any, together with
23 a specification of the additional parts and labor and the total additional cost, and shall
24 do either of the following:

25 (1) Make a notation on the invoice of the same facts set forth in the
26 notation on the work order.

27 (2) Upon completion of the repairs, obtain the customer's signature or
28 initials to an acknowledgment of notice and consent, if there is an oral consent of the
customer to additional repairs, in the following language:

"I acknowledge notice and oral approval of an increase in the original
estimated price.

(signature or initials)"

Nothing in this section shall be construed as requiring an automotive repair dealer to give
a written estimated price if the dealer does not agree to perform the requested repair.

7. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
against an automotive repair dealer or to render a decision invalidating a registration temporarily
or permanently.

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 3356(a)(1) states:

3 All invoices for service and repair work performed, and parts supplied, as
4 provided for in Section 9884.8 of the Business and Professions Code, shall comply
5 with the following:

6 The invoice shall show the automotive repair dealer's registration number
7 and the corresponding business name and address as shown in the Bureau's records. If
8 the automotive repair dealer's telephone number is shown, it shall comply with the
9 requirements of subsection (b) of Section 3371 of this chapter.

10 9. California Code of Regulations, title 16, section 3371 states:

11 No dealer shall publish, utter, or make or cause to be published, uttered,
12 or made any false or misleading statement or advertisement which is known to be
13 false or misleading or which by the exercise of reasonable care should be known to be
14 false or misleading. Advertisements and advertising signs shall clearly show the
15 following:

16 (a) Firm Name and Address. The dealer's firm name and address as they
17 appear on the State regulation certificate as an automotive repair dealer; and

18 (b) Telephone Number. If a telephone number appears in an
19 advertisement or on an advertising sign, this number shall be the same number as
20 that listed for the dealer's firm name and address in the telephone directory, or in the
21 telephone company records if such number is assigned to the dealer subsequent to the
22 publication such telephone directory.

23 **COST RECOVERY**

24 10. Code section 125.3 provides, in pertinent part, that a Board may request the
25 administrative law judge to direct a licensee found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

28 **UNDERCOVER OPERATION NO. 1 - 2003 BUICK**

On or about October 26, 2011, a Bureau undercover operator ("operator") called a
telephone number (530-458-XXXX) listed on an internet advertisement for Mikes Mobile Glass
with a business address of 173 E. Webster Street, Colusa, California. The operator spoke with an
individual named Tony ("Tony"). The operator requested a price for a new windshield. Tony
asked the operator if the vehicle had a rain sensor. The operator stated that she did not think it

1 did. Tony asked the operator if she wanted an Original Equipment Manufacturer ("OEM")
2 windshield for \$237 or an aftermarket windshield for \$196. The operator chose the OEM
3 windshield. The operator provided Tony with her insurance policy information and claim number
4 from Mercury Insurance. The operator told Tony that she had a \$100 deductible. Tony told the
5 operator he would give her a \$10 discount on her deductible. The operator scheduled an
6 appointment to have the windshield installed the following day.

7 12. On or about October 27, 2011, the operator drove to a parking lot near an assisted
8 living facility and met with a male named Chris ("Chris"), a technician from Mikes Mobile Glass.
9 Chris told the operator that she would need to pay a \$90 deductible for the windshield
10 replacement. Chris did not prepare a written estimate or obtain the operator's signature prior to
11 replacing the windshield. Chris replaced the windshield. The operator paid Chris \$90, signed
12 Work Order No. [REDACTED] totaling \$989.20 (minus a \$100 deductible), and was provided a copy.

13 13. On or about November 1, 2011, a Bureau representative reinspected the vehicle
14 using Work Order No. [REDACTED] as a reference, and found that the windshield installed was not the
15 correct windshield for the vehicle. The windshield installed did not have the rain sensor option,
16 thereby rendering the rain sensor option on the vehicle disabled. In addition, Respondent
17 represented on Work Order No. [REDACTED] that a rain sensor windshield was installed when, in fact, it
18 was not. Furthermore, the Bureau representative found that the rain sensor module (which would
19 have been attached to the moisture sensor on the windshield) had been removed and was missing.
20 The electrical connector for the rain sensor module was found hidden in the vehicle's headliner.

21 14. Respondent submitted Work Order No. [REDACTED] to Mercury Insurance for payment.
22 However, the work order Respondent submitted was different than the one provided to the
23 operator. The work order submitted to Mercury Insurance did not list a rain sensor windshield
24 and listed a total of \$516.82 (minus a \$100 deductible), whereas the work order provided to the
25 operator totaled \$989.20 (minus a \$100 deductible). On or about November 7, 2011, Mercury
26 Insurance paid \$416.82 to Respondent.

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FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

15. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about October 27, 2011, regarding the 2003 Buick, Respondent made statements which he knew or which by exercise of reasonable care should have known were untrue or misleading, in that Respondent falsely represented to the operator and on the version of Work Order No. [REDACTED] provided to the operator, that a rain sensor equipped windshield had been installed in the vehicle when, in fact, it was not. In addition, Respondent falsely represented on Work Order No. [REDACTED] that he was a Limited Liability Corporation ("LLC") when, in fact, Respondent holds a sole ownership license.

SECOND CAUSE FOR DISCIPLINE

(Departure from Accepted Trade Standards)

16. Respondent's registration is subject to discipline under Code section 9884.7(a)(7), in that on or about October 27, 2011, regarding the 2003 Buick, Respondent willfully departed from or disregarded accepted trade standards for good and workmanlike repair without the consent of the owner or the owner's duly authorized representative in a material respect, in that Respondent failed to install the proper windshield for that vehicle, in that it was not equipped with a the rain sensor option.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

17. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that in or about October 27, 2011, regarding the 2003 Buick, Respondent failed to comply with Code section 9884.9(a), by failing to provide the operator with a written estimated price for labor and parts necessary for a specific job.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

3 18. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
4 in that on or about October 27, 2011, regarding the 2003 Buick, Respondent failed to comply with
5 of California Code of Regulations, title 16, in the following material respects:

6 a. **Section 3356(a)(1):**

7 i. Respondent failed to list the Automotive Repair Dealer Registration
8 Number on Work Order No. [REDACTED]

9 ii. Respondent listed his business name as Mikes Mobile Glass On The Go
10 LLC on Work Order No. [REDACTED] when, in fact, Respondent holds a sole ownership license.

11 b. **Section 3371:** Respondent advertised on the internet yellowbook directory as
12 Mike's Mobile Glass, located at 173 E. Webster Street, Colusa, California 95932-2949, with a
13 telephone number of (530) 458-XXXX when, in fact, Respondent's address of record is 1216
14 Arden Way, Suite B, Sacramento, California 95815.

15 **UNDERCOVER OPERATION NO. 2 - 2007 JEEP**

16 19. On or about January 10, 2012, a Bureau undercover operator ("operator")
17 called "Windshield Replacement Folsom CA" from an internet advertisement that showed a
18 business address of 1126 Sibley Street, Folsom, California, and a web address of
19 <http://www.johnsmobilcautoglassfolsomca.com>. The operator called the telephone number
20 (916-365-XXXX) listed on the advertisement and spoke to a male named Tony. The operator
21 asked Tony about replacing the windshield in her vehicle. The operator also told Tony that she
22 had an advertisement with a \$10 off coupon and that she had already made a claim with her
23 insurance company (Mercury Insurance). The operator provided Tony with her insurance
24 company information and claim number. Tony told the operator that he would check the
25 availability of the windshield and call her back. Later that day, Tony called the operator back and
26 scheduled the windshield installation the following day.

27 20. On or about January 11, 2012, the operator drove to a regional transit parking lot
28 in Rancho Cordova, California, and met with a male named Chris. Chris presented the operator

1 with Invoice No. [REDACTED] that had a charge of \$90 for the deductible. The operator signed the
2 invoice and received a copy. The operator paid Chris \$90. Chris then replaced the windshield.
3 The operator was not provided a final invoice.

4 21. On or about January 12, 2012, a Bureau representative reinspected the vehicle and
5 found that the windshield had been replaced pursuant to Invoice No. [REDACTED] provided to the
6 operator.

7 22. On or about February 13, 2012, Mercury Insurance issued payment to Respondent
8 in the amount of \$459.06, pursuant to Invoice No. [REDACTED] (an invoice that was different than the
9 invoice provided to the operator).

10 23. On or about February 28, 2012, a Bureau representative obtained a copy of Invoice
11 No. [REDACTED] and found that the invoice included a charge for Molding (Reveal), Part No.
12 1AG97XDVAC.

13 24. On or about February 28, 2012, a Bureau representative reinspected the vehicle
14 and found that the molding had not been replaced as charged for on Invoice No. [REDACTED]

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Untrue or Misleading Statements)**

17 25. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),
18 in that on or about January 11, 2012, regarding the 2007 Jeep, Respondent made statements
19 which he knew or which by exercise of reasonable care should have known were untrue or
20 misleading, in that Respondent falsely represented to Mercury Insurance on Invoice No. [REDACTED] that
21 it had replaced the vehicle's molding when, in fact, it was not. In addition, Respondent falsely
22 represented on Invoice Nos. [REDACTED] and [REDACTED] that he was an LLC when, in fact, Respondent holds a
23 sole ownership license.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Fraudulent Acts)**

26 26. Respondent's registration is subject to discipline under Code section 9884.7(a)(4),
27 in that on or about January 11, 2012, regarding the 2007 Jeep, Respondent committed acts which
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1 constitute fraud, in that Respondent charged for and received payment from Mercury Insurance
2 for replacing the vehicle's windshield molding when, in fact, the molding was not replaced.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Automotive Repair Act)**

5 27. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
6 in that in or about January 11, 2012, regarding the 2007 Jeep, Respondent failed to comply with
7 Code section 9884.8, by failing to provide the operator with an invoice.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

10 28. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
11 in that on or about January 11, 2012, regarding the 2007 Jeep, Respondent failed to comply with
12 of California Code of Regulations, title 16, in the following material respects:

13 a. **Section 3356(a)(1):**

14 i. Respondent failed to list the Automotive Repair Dealer Registration
15 Number on Invoice Nos. [REDACTED] and [REDACTED]

16 ii. Respondent listed his business name as Mikes Mobile Glass LLC on
17 Invoice Nos. [REDACTED] and [REDACTED] when, in fact, Respondent holds a sole ownership license.

18 b. **Section 3371:** Respondent advertised on the internet as Windshield Replacement
19 Folsom, located at 1126 Sibley Street, Folsom, California 95630, with a telephone number of
20 (916) 365-XXXX when, in fact, Respondent's business name and address of record is Mikes
21 Mobile Glass, located at 1216 Arden Way, Suite B, Sacramento, California 95815.

22 **UNDERCOVER OPERATION NO. 3 - 2000 PONTIAC**

23 29. On or about April 13, 2012, a Bureau undercover operator ("operator")
24 called "Windshield Replacement Sacramento CA" from an internet advertisement
25 with a business address of Sacramento, California 95826, and a web address of
26 <http://www.budgetautoglassinSacramento.com>. The operator called the telephone number listed
27 on the advertisement (916-930-XXXX) and spoke to a male named Tony. The operator told

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1 Tony that he needed the windshield in his vehicle replaced and scheduled an appointment for
2 April 16, 2012.

3 30. On or about April 16, 2012, the operator called the same telephone number listed
4 on the advertisement and spoke with Tony. The operator told Tony that he filed a claim with
5 Mercury Insurance and provided Tony with the claim number. On that same day, the operator
6 drove to a location in Sacramento, California, and met with Respondent and another male who
7 proceeded to replace the windshield in the vehicle. The operator did not sign a repair order or
8 receive a written estimate prior to the windshield being replaced. After the windshield was
9 replaced, the operator paid Respondent \$100 (insurance deductible) and was provided Invoice
10 No. [REDACTED] with the business name of Mikes Mobile Glass On The Go LLC in the amount of
11 \$459.70 and a business card for Mikes Mobile Glass MMG Intl Inc.

12 31. On or about April 18, 2012, Mercury Insurance paid Respondent \$499.70,
13 pursuant to Work Order No. [REDACTED] (a different work order number than what was provided to the
14 operator).

15 32. On or about May 10, 2012, a Bureau representative obtained a copy of Work
16 Order No. [REDACTED] that Respondent had submitted to Mercury Insurance for payment in the amount
17 of \$599.70 (minus a \$100 deductible) and found that Work Order No. [REDACTED] listed a more
18 expensive windshield that featured the Heads Up Display option.

19 33. On or about May 21, 2012, a Bureau representative reinspected the vehicle and
20 found that the windshield installed in the vehicle does not have the Heads Up Display feature, nor
21 does that vehicle have that option.

22 **NINTH CAUSE FOR DISCIPLINE**

23 **(Untrue or Misleading Statements)**

24 34. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),
25 in that on or about April 16, 2012, regarding the 2000 Pontiac, Respondent made statements
26 which he knew or which by exercise of reasonable care should have known were untrue or
27 misleading, in that Respondent falsely represented to Mercury Insurance on Work Order No.
28 [REDACTED] that the windshield installed in the vehicle was equipped with the Heads Up Display option

1 when, in fact, the windshield was not equipped with the Heads Up Display option. In addition,
2 Respondent falsely represented on Invoice No. [REDACTED] and Work Order [REDACTED] that he was an LLC
3 when, in fact, Respondent holds a sole ownership license.

4 **TENTH CAUSE FOR DISCIPLINE**

5 **(Fraudulent Acts)**

6 35. Respondent's registration is subject to discipline under Code section 9884.7(a)(4),
7 in that on or about April 16, 2012, regarding the 2000 Pontiac, Respondent committed acts which
8 constitute fraud, in that Respondent charged for and received payment from Mercury Insurance
9 for a windshield with the Heads Up Display option when, in fact, the windshield installed was not
10 equipped with the Heads Up Display option.

11 **ELEVENTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Automotive Repair Act)**

13 36. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
14 in that in or about April 16, 2012, regarding the 2000 Pontiac, Respondent failed to comply with
15 Code section 9884.9(a), by failing to provide the operator with a written estimated price for labor
16 and parts necessary for a specific job.

17 **TWELFTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

19 37. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
20 in that on or about April 16, 2012, regarding the 2000 Pontiac, Respondent failed to comply with
21 of California Code of Regulations, title 16, in the following material respects:

22 a. **Section 3356(a)(1):**

23 i. Respondent failed to list the Automotive Repair Dealer Registration
24 Number on Invoice No. [REDACTED] and Work Order No. [REDACTED]

25 ii. Respondent listed his business name as Mikes Mobile Glass On The Go
26 LLC on Invoice No. [REDACTED] and Work Order [REDACTED] when, in fact, Respondent holds a sole
27 ownership license.

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1 b. **Section 3371:**

2 i. Respondent advertised on the internet as Budget Windshield Replacement
3 Inc., located in Sacramento, California 95826, with a telephone number of (916) 930-XXXX
4 when, in fact, Respondent's business name and address of record is Mikes Mobile Glass, located
5 at 1216 Arden Way, Suite B, Sacramento, California 95815.

6 ii. Respondent presented a business card to the operator with his business
7 named listed as Mikes Mobile Glass MMG Intl Inc. when, in fact, Respondent holds a sole
8 ownership license.

9 **CONSUMER COMPLAINT NO. 1 – 2001 DODGE RAM**

10 38. On or about August 31, 2009, Donna Freeman ("Freeman") had the rear glass in
11 her 2001 Dodge Ram replaced by Respondent. Freeman paid Respondent \$293.38.

12 39. On or about October 22, 2009, Freeman noticed that the glass was separating from
13 the frame. Freeman called Respondent several times and requested that they repair it pursuant to
14 the lifetime warranty. Between October 22, 2009, and October 27, 2009, Freeman made several
15 appointments with Respondent to repair the glass but Respondent failed to show up for any of
16 appointments.

17 40. On or about October 30, 2009, Freeman took her vehicle to Breaker Glass for
18 repair. Breaker Glass found that the glass was loose and had pulled back from the mounting
19 surface. The adhesion failure was caused by Respondent's failure to use encapsulation primer on
20 the mounting surface. Breaker Glass also found scratches from the prior removal of the back
21 glass and rust was beginning to form due to the surface not being primed.

22 **THIRTEENTH CAUSE FOR DISCIPLINE**

23 **(Untrue or Misleading Statements)**

24 41. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),
25 in that on or about October 22, 2009, Respondent made statements which he knew or which by
26 exercise of reasonable care should have known were untrue or misleading, in that on Invoice No.
27 2761 provided to Freeman, Respondent falsely represented himself as an LLC when, in fact,
28 Respondent holds a sole ownership license.

1 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

3 42. Respondent's registration is subject to discipline under Code section 9884.7(a)(7),
4 in that on or about October 22, 2009, regarding the 2001 Dodge Ram, Respondent willfully
5 departed from or disregarded accepted trade standards for good and workmanlike repair without
6 the consent of the owner or the owner's duly authorized representative in a material respect, in
7 that Respondent failed to use encapsulation primer prior to installing the rear glass in the vehicle.

8 **FIFTEENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

10 43. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
11 in that on or about October 22, 2009, regarding the 2001 Dodge Ram, Respondent failed to
12 comply with of California Code of Regulations, title 16, in the following material respects:

13 a. **Section 3356(a)(1):**

14 i. Respondent failed to list the Automotive Repair Dealer Registration
15 Number on Invoice No. 2761.

16 ii. Respondent listed his business name as Mikes Mobile Glass LLC on
17 Invoice No. 2761 when, in fact, Respondent holds a sole ownership license.

18 **CONSUMER COMPLAINT NO. 2 -- 1996 HONDA CIVIC**

19 44. On or about June 8, 2011, Wayne Wallis ("Wallis") had the windshield in his 1996
20 Honda Civic replaced by Respondent. Wallis paid Respondent \$159.60. Wallis received Invoice
21 No. 3169.

22 **SIXTEENTH CAUSE FOR DISCIPLINE**

23 **(Untrue or Misleading Statements)**

24 45. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),
25 in that on or about June 8, 2011, Respondent made statements which he knew or which by
26 exercise of reasonable care should have known were untrue or misleading, in that on Invoice No.
27 3169, Respondent falsely represented himself as an LLC when, in fact, Respondent holds a sole
28 ownership license.

1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

3 46. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
4 in that on or about June 8, 2011, regarding the 1996 Honda Civic, Respondent failed to comply
5 with of California Code of Regulations, title 16, in the following material respects:

6 a. **Section 3356(a)(1):**

7 i. Respondent failed to list the Automotive Repair Dealer Registration
8 Number on Invoice No. 3169.

9 ii. Respondent listed his business name as Mikes Mobile Glass On The Go
10 LLC on Invoice No. 3169 when, in fact, Respondent holds a sole ownership license.

11 **CONSUMER COMPLAINT NO. 3**

12 **1995 FORD F SERIES**
13 **2005 TOYOTA SIENNA VAN**
14 **1997 PONTIAC GRAND AM**

15 47. On or about June 25, 2011, consumer Jose Servin ("Servin") had the windshields
16 in three vehicles (1995 Ford F Series; 2005 Toyota Sienna Van; and 1997 Pontiac Grand Am)
17 replaced by Respondent. Servin was quoted a price of \$597.97 but was told by the installer that
18 since they were using American made glass, the price would be \$100 more, totaling \$697.97.
19 After the installations were completed, Servin was provided with Invoice No. 3224 in the amount
20 of \$213.10; Invoice No. 3223 in the amount of \$261.98; and Invoice No. 3225 in the amount of
21 \$222.89, along with a bill totaling \$897.97, which Servin paid. Later that same day, Servin
22 realized that he had been overcharged \$200. Servin contacted Respondent and requested a refund
23 of \$200. On or about July 31, 2011, Servin received a telephone call from Respondent stating
24 that "corporate" had issued a check to him in the amount of \$200. Servin never received such
25 check from "corporate."

26 **EIGHTEENTH CAUSE FOR DISCIPLINE**

27 **(Untrue or Misleading Statements)**

28 48. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),
in that on or about June 25, 2011, Respondent made statements which he knew or which by

1 exercise of reasonable care should have known were untrue or misleading, by falsely representing
2 to Servin that the "corporate" office had issued him a refund check in the amount of \$200 when,
3 in fact, there is no such "corporate" office. In fact, Respondent holds a sole owner registration,
4 and Respondent never issued Servin a refund. In addition, on Invoice Nos. 3223, 3224, and
5 3225, Respondent falsely represented himself as an LLC.

6 **NINETEENTH CAUSE FOR DISCIPLINE**

7 **(Fraudulent Acts)**

8 49. Respondent's registration is subject to discipline under Code section 9884.7(a)(4),
9 in that on or about June 25, 2011, Respondent committed acts which constitute fraud, in that
10 Respondent overcharged Servin \$200, and failed to issued Servin a refund.

11 **TWENTIETH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

13 50. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
14 in that on or about June 25, 2011, Respondent failed to comply with of California Code of
15 Regulations, title 16, in the following material respects:

16 a. **Section 3356(a)(1):**

17 i. Respondent failed to list the Automotive Repair Dealer Registration
18 Number on Invoice Nos. 3223, 3224, and 3225.

19 ii. Respondent listed his business name as Mikes Mobile Glass LLC on
20 Invoice Nos. 3223, 3224, and 3225 when, in fact, Respondent holds a sole ownership license.

21 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with the Automotive Repair Act)**

23 51. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
24 in that in or about June 25, 2011, Respondent failed to comply with Code section 9884.9(a), by
25 failing to provide Servin with a written estimated price for labor and parts necessary for a specific
26 job.

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1 company, AAA, and reported the damage. AAA called Respondent's facility and spoke with
2 Tony, who assured AAA that the damage would be taken care of. Kraus then spoke with Tony,
3 who told her that she had to take her vehicle to a repair facility in Sacramento for repairs. Kraus
4 told Tony that she did not wish to drive her vehicle to Sacramento from Yuba City for the repairs.
5 Kraus asked Tony for his insurance company information but he refused to provide it to her. On
6 or about September 16, 2011, Kraus received a telephone call from Phillip in "corporate" from
7 Mikes Mobile Glass. Kraus and Phillip were unable to come to an agreement for the repairs.

8 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

10 58. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
11 in that on or about September 12, 2011, regarding the 1999 Ford Mustang, Respondent failed to
12 comply with of California Code of Regulations, title 16, in the following material respects:

13 a. **Section 3356(a)(1):**

14 i. Respondent failed to list the Automotive Repair Dealer Registration
15 Number on Invoice No. 5893.

16 ii. Respondent listed his business name as Mikes Mobile Glass LLC on
17 Invoice No. 5893 when, in fact, Respondent holds a sole ownership license.

18 **CONSUMER COMPLAINT NO. 6 – 2007 PT CRUISER**

19 59. On or about September 13, 2011, consumer Eddie Licciardo ("Licciardo") had the
20 windshield in his 2007 PT Cruiser replaced by Respondent. Licciardo noticed air noise/whistling
21 coming through the windshield while driving. Licciardo contacted Respondent's facility
22 regarding the defect. Respondent agreed to apply additional sealant around the outside edge of
23 the windshield, which he did. However, the air noise/whistling remained. Licciardo contacted
24 Respondent again regarding the air noise/whistling coming through the windshield and was told
25 that they would get back to him. Licciardo never received any further contact from Respondent,
26 and none of Licciardo's telephone calls were returned. Licciardo had the windshield replaced by
27 another facility and no longer has any problems with his windshield.

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1 course of repeated and willful violations of the laws and regulations pertaining to an automotive
2 repair dealer.

3 **PRAYER**

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

6 1. Suspending, revoking, or placing on probation Automotive Repair Dealer
7 Registration Number ARD 222957, issued to Mike A. Aoun, also known as Mohamad Abdul
8 Latif Aoun, Tony Aoun, and Phillip Aoun, doing business as Mikes Mobile Glass;

9 2. Suspending, revoking, or placing on probation any other automotive repair dealer
10 registration issued to Mike A. Aoun, also known as Mohamad Abdul Latif Aoun, Tony Aoun,
11 and Phillip Aoun;

12 3. Ordering Mike A. Aoun, also known as Mohamad Abdul Latif Aoun, Tony Aoun
13 and Phillip Aoun to pay the Bureau of Automotive Repair the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

16 DATED: May 14, 2013


JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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