

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

In the Matter of the First Amended Accusation
Against:

**INTERSTATE COLLISION CENTER,
INC.; JOHN H. MISIRIAN**
12311 Sherman Way
North Hollywood, CA 91605

Automotive Repair Dealer Registration No.
ARD 233889

Case No. 77/13-24

Respondent.

DECISION

The attached Stipulated Revocation of License 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

July 24, 2014

DATED: July 2, 2014



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

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2 LINDA L. SUN
Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 77/13-24

13 **INTERSTATE COLLISION CENTER,**
14 **INC.; JOHN H. MISIRIAN**
15 **12311 Sherman Way**
16 **North Hollywood, CA 91605**

STIPULATED REVOCATION OF
LICENSE AND DISCIPLINARY ORDER

17 **Automotive Repair Dealer Registration No.**
18 **ARD 233889**

Respondent.

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. Patrick Dorais (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 Michael Brown, Deputy Attorney General.

25 2. Interstate Collision Center, Inc.; John H. Misirian (Respondent) is represented in this
26 proceeding by attorney George Mgdesyan, whose address is 15260 Ventura Boulevard, Suite
27 2200, Sherman Oaks, CA 91403.

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in First Amended Accusation No, 77/13-24.

9. Respondent agrees that its Automotive Repair Dealer Registration No. ARD 233889 is subject to discipline and it agrees to be bound by the Director of Consumer Affairs imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff regarding this stipulation and revocation, without notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that it may not withdraw its agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Revocation of License and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Revocation of License and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Revocation of License and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Revocation of License and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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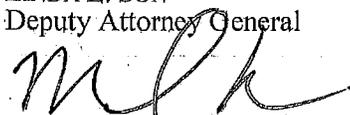
ENDORSEMENT

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

Dated: June 23, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA L. SUN
Deputy Attorney General



MICHAEL BROWN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2013030085

1 KAMALA D. HARRIS
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6 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
Against:

Case No. 77/13-24

12 **INTERSTATE COLLISION CENTER,**
13 **INC.; JOHN H. MISRIAN**
14 **12311 Sherman Way**
North Hollywood, CA 91605

FIRST AMENDED ACCUSATION

15 **Automotive Repair Dealer Registration No.**
ARD 233889

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Patrick Dorais ("Complainant") brings this First Amended Accusation solely in his
21 official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of
22 Consumer Affairs.

23 **Automotive Repair Dealer Registration**

24 2. On or about July 9, 2004, the Bureau issued Automotive Repair Dealer Registration
25 Number ARD 233889 ("registration") to Interstate Collision Center Inc., with John H. Misirian as
26 President/Secretary/Treasurer, doing business as Interstate Collision Center Inc. ("Respondent").
27 The registration was in full force and effect at all times relevant to the charges brought herein and
28 will expire on May 31, 2015, unless renewed.

1 "(d) The Legislature hereby finds and declares that the application of this section has been
2 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th
3 554, and that the holding in that case has placed a significant number of statutes and regulations
4 in question, resulting in potential harm to the consumers of California from licensees who have
5 been convicted of crimes. Therefore, the Legislature finds and declares that this section
6 establishes an independent basis for a board to impose discipline upon a licensee, and that the
7 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not
8 constitute a change to, but rather are declaratory of, existing law."

9 7. Section 9889.3 of the Code states, in pertinent part:

10 "The director may suspend, revoke, or take other disciplinary action against a license as
11 provided in this article if the licensee or any partner, officer, or director thereof:

12 ...
13 (b) Is convicted of any crime substantially related to the qualifications, functions and duties
14 of the licenseholder in question."

15 8. Code section 9884.7 states, in pertinent part:

16 (a) The director, where the automotive repair dealer cannot show there was a bona
17 fide error, may refuse to validate, or may invalidate temporarily or permanently, the registration
18 of an automotive repair dealer for any of the following acts or omissions related to the conduct of
19 the business of the automotive repair dealer, which are done by the automotive repair dealer or
20 any automotive technician, employee, partner, officer, or member of the automotive repair dealer.

21 (1) Making or authorizing in any manner or by any means whatever any statement
22 written or oral which is untrue or misleading, and which is known, or which by the exercise of
23 reasonable care should be known, to be untrue or misleading.

24 (2) Causing or allowing a customer to sign any work order that does not state repairs
25 requested by the customer or the automobile's odometer reading at the time of repair.

26 (3) Failing or refusing to give to a customer a copy of any document requiring his or
27 her signature, as soon as the customer signs the document.

28 (4) Any other conduct which constitutes fraud.

1 (6) Failure in any material respect to comply with the provisions of this chapter or
2 regulations adopted pursuant to it...

3 (7) Any willful departure from or disregard of accepted trade standards for good and
4 workmanlike repair in any material respect, which is prejudicial to another without consent of the
5 owner or his or her duly authorized representative.

6 (b) Except as provided for in subdivision (o), if an automotive repair dealer operates
7 more than one place of business in this state, the director pursuant to subdivision (a) shall only
8 invalidate temporarily or permanently the registration of the specific place of business which has
9 violated any of the provisions of this chapter. This violation, or action by the director, shall not
10 affect in any manner the right of the automotive repair dealer to operate his or her other places of
11 business.

12 (c) Notwithstanding subdivision (b), the director may invalidate temporarily or
13 permanently, the registration for all places of business operated in this state by an automotive
14 repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of
15 repeated and willful violations of this chapter, or regulations adopted pursuant to it.

16 9. Code section 9884.8 states, in pertinent part:

17 All work done by an automotive repair dealer, including all warranty work, shall be
18 recorded on an invoice and shall describe all service work done and parts supplied . . . One copy
19 of the invoice shall be given to the customer and one copy shall be retained by the automotive
20 repair dealer.

21 10. Code section 9884.9 states, in pertinent part:

22 (a) The automotive repair dealer shall give to the customer a written estimated price
23 for labor and parts necessary for a specific job. No work shall be done and no charges shall
24 accrue before authorization to proceed is obtained from the customer. No charge shall be made
25 for work done or parts supplied in excess of the estimated price without the oral or written
26 consent of the customer that shall be obtained at some time after it is determined that the
27 estimated price is insufficient and before the work not estimated is done or the parts not estimated
28 are supplied. Written consent or authorization for an increase in the original estimated price may

1 be provided by electronic mail or facsimile transmission from the customer. The bureau may
2 specify in regulation the procedures to be followed by an automotive repair dealer if an
3 authorization or consent for an increase in the original estimated price is provided by electronic
4 mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the
5 work order of the date, time, name of person authorizing the additional repairs and telephone
6 number called, if any, together with a specification of the additional parts and labor and the total
7 additional cost, and shall do either of the following:

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

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

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

14 _____
15 (signature or initials)"

16 11. Section 44072.2 of the Health and Safety code provides, in pertinent part:

17 "The director may suspend, revoke, or take other disciplinary action against a license as
18 provided in this article if the licensee, or any partner, officer, or director thereof, does any of the
19 following:

20 ...
21 (b) Is convicted of any crime substantially related to the qualifications, functions, or
22 duties of the licenseholder in question."

23 **COST RECOVERY**

24 12. 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.

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1 of the estimate, which Tony agreed to adopt as the method of repair.

2 16. On July 15, 2011, AAA issued a check in the amount of \$2,816.20 made payable to
3 the operator and Interstate Collision Center Inc.

4 17. On August 8, 2011, the operator returned to the Respondent's facility to retrieve the
5 vehicle and met with Tony. The operator paid \$500.00 in cash for the insurance deductible and
6 received a copy of an invoice dated August 5, 2011, and a copy of the AAA estimate dated July
7 14, 2011. The operator asked Tony if AAA had approved the use of original Chrysler parts for
8 the vehicle repairs. Tony said "yes", the vehicle was repaired using original Chrysler parts.

9 18. On August 8, 2011, the Bureau inspected the vehicle using the AAA estimate dated
10 July 14, 2011 for comparison. The Bureau determined that the Respondent failed to repair the
11 vehicle as invoiced. The total value of the repairs Respondent failed to perform is \$488.93. The
12 inspection revealed the following:

- 13 a. Respondent failed to replace the front bumper cover as invoiced.
- 14 b. Respondent failed to replace the right front fender liner as invoiced.

15 19. On May 25, 2012, Respondent stated and reaffirmed by signing a Station Inspection
16 Report dated May 25, 2012, that he performed the corrective collision repairs to the 2008
17 Chrysler PT Cruiser according to AAA estimate dated July 14, 2011, without deviating from the
18 estimate.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Misleading Statements)**

21 20. Respondent has subjected its registration to discipline under Code section 9884.7,
22 subdivision (a)(1), in that on or about August 8, 2011, Respondent made statements which it
23 knew or which by exercise of reasonable care it should have known were untrue or misleading, by
24 representing to the operator and AAA that the operator's vehicle had been repaired pursuant to
25 the AAA estimate dated July 14, 2011, when, in fact, the Respondent failed to perform repairs, as
26 more particularly set forth above in paragraph 18.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 21. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
4 subdivision(a)(4), in that on or about August 8, 2011, Respondent committed acts constituting
5 fraud, by charging for and receiving payment for repairs that were not performed or for parts that
6 were not supplied, as more particularly set forth above in paragraph 18.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Violations of the Code)**

9 22. Respondent has subjected its registration to discipline under Code section 9884.7,
10 subdivision (a)(6), in that Respondent failed to comply with provisions of the Code, in the
11 Following material respects:

- 12 a. Respondent failed to provide the Bureau's operator with an itemized estimate for auto
13 body repairs for all parts and labor that indicated whether parts would be new, used,
14 reconditioned, rebuilt, or OEM crash parts, or non-OEM aftermarket crash parts prior
15 to performing the auto body repairs on the Bureau's 2008 Chrysler PT Cruiser, in
16 violation of Code section 9884.9, subdivision (c).
- 17 b. Respondent provided the Bureau's operator with an invoice that failed to list the
18 Respondent's Automotive Repair Dealer Registration number, in violation of Code
19 section 9884.8.
- 20 c. Respondent had the Bureau's operator sign a work order that did not contain the
21 vehicle's odometer reading, in violation of Code section 9884.7(a)(2).

22 **UNDERCOVER OPERATION #2 – 2004 SATURN VUE**

23 23. On September 29, 2011, an undercover operator with the Bureau (hereinafter
24 "operator") drove a Bureau-documented 2004 Saturn Vue to Respondent's facility for collision
25 repairs. The operator met with Respondent's employee Antonio Pineda ("Tony") informing him
26 that she needed the damage to her car repaired. The operator advised Tony that the damage to her
27 vehicle was covered by Mercury Insurance and that she wanted the vehicle repaired using original
28 parts. The operator asked Tony if he could contact Mercury Insurance to make arrangements,

1 Tony responded "sure we'll take care of that." The operator was provided with a copy of a work
2 order and an Interstate Collision Center estimate dated September 29, 2011.

3 24. On October 3, 2011, an adjuster with Mercury Insurance Group arrived at the
4 Respondent's facility, met with Tony and inspected the damage to the 2004 Saturn Vue and
5 prepared an itemized estimate dated October 3, 2011 with a gross total amount of \$3,565.49. The
6 adjuster gave Tony a copy of the Mercury estimate dated October 3, 2011, which Tony agreed to
7 adopt as the method of repair.

8 25. On October 3, 2011, Mercury issued a check in the amount of \$2,565.49 made
9 payable to the operator and Interstate Collision Center Inc.

10 26. On October 12, 2011, the Mercury adjuster inspected the 2004 Saturn Vue a second
11 time and prepared a supplemental estimate in the amount of \$915.27, dated October 12, 2011
12 bringing the estimate to a gross total amount of \$4,480.76.

13 27. On October 28, 2011, the operator returned to the Respondent's facility to retrieve the
14 vehicle and met with Tony. The operator paid \$1,000.00 in cash for the insurance deductible and
15 received a copy of an invoice dated October 28, 2011, and a copy of the Mercury supplemental
16 estimate dated October 12, 2011.

17 28. On November 2, 2011, the Bureau inspected the vehicle using the Mercury
18 supplemental estimate dated October 12, 2011, for comparison. The Bureau determined that the
19 Respondent failed to repair the vehicle as invoiced. The Total value of the repairs Respondent
20 failed to perform is \$584.52. The inspection revealed the following:

- 21 a. Respondent failed to remove/install the radiator.
- 22 b. Respondent failed to remove remove/install the air conditioning condenser.
- 23 c. Respondent failed to evacuate and re-charge the air conditioning system, including
24 refrigerant recovery.
- 25 d. Respondent failed to remove/replace the right fender emblem.
- 26 e. Respondent failed to refinish the upper front body tie bar complete.
- 27 f. Respondent failed to repair the left upper front body apron rail.
- 28 g. Respondent failed to refinish the left upper side rail.

1 h. Respondent failed to remove/install the right and left rocker moldings.

2 29. On May 25, 2012, Respondent stated and reaffirmed by signing a Station Inspection
3 Report dated May 25, 2012, that he performed the corrective collision repairs to the 2004 Saturn
4 Vue according to Mercury supplemental estimate dated October 12, 2011, without deviating from
5 the estimate.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Misleading Statements)**

8 30. Respondent has subjected its registration to discipline under Code section 9884.7,
9 subdivision (a)(1), in that on or about October 28, 2011, Respondent made statements which it
10 knew or which by exercise of reasonable care it should have known were untrue or misleading, by
11 representing to Mercury Insurance and the operator that 2004 Saturn Vue had been repaired
12 pursuant to the Mercury supplemental estimate dated October 12, 2011, when, in fact, the
13 Respondent failed to perform repairs, as more particularly set forth above in paragraph 28.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Fraud)**

16 31. Respondent has subjected its registration to discipline under Code section 9884.7,
17 subdivision (a)(4), in that on or about October 28, 2011, Respondent committed acts which
18 constitute fraud by charging for and receiving payment for repairs that were not performed and
19 for parts that were not supplied; as more particularly set forth above in paragraph 28.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Violations of the Code)**

22 32. Respondent has subjected its registration to discipline under Code section 9884.7,
23 subdivision (a)(6), in that Respondent failed to comply with provisions of the Code, in the
24 following material respects:

- 25 a. Respondent had the Bureau's operator sign a work order that did not state the repairs
26 requested or the vehicle's odometer reading, in violation of Code section 9884.7(a)(2).

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1 inquired about the quality of the used replacement parts. Tony said the used replacement parts
2 were original Toyota parts.

3 36. On February 22, 2012, Mercury issued a check in the amount of \$5,217.98 made
4 payable to the operator and Interstate Collision Center Inc.

5 37. On March 1, 2012, the adjuster inspected the 2006 Toyota Camry a second time and
6 generated a supplemental estimate dated March 1, 2012 for a gross total of \$6,813.11. The
7 adjuster addressed the individual component replacement and method of repair with Respondent
8 and gave him a copy of supplemental estimate dated March 1, 2012, which Respondent agreed to
9 adopt as the new method of repair. On March 6, 2012, Mercury issued a check in the amount of
10 \$1,095.13 made payable to the operator and Interstate Collision Center Inc.

11 38. On March 5, 2012, the operator returned to the Respondent's facility to retrieve the
12 vehicle and met with Respondent's employee Elizabeth. Elizabeth provided the operator with a
13 document titled "Repair Warranty" dated March 5, 2012, which bore a heading of Interstate
14 Collision Center and a Mercury supplemental estimate dated March 1, 2012. Elizabeth requested
15 the operator record her signature on page #5 of the supplemental estimate, which the operator did;
16 after which the operator was given an unsigned copy. Elizabeth also presented the operator with
17 an Interstate Collision Center invoice dated March 2, 2012, and requested that the operator record
18 her signature, which the operator did. Elizabeth provided the operator with a copy of Interstate
19 Collision Center invoice. The operator paid Elizabeth \$500.00 in cash for the insurance
20 deductible.

21 39. On March 5, 2012, the Bureau inspected the vehicle using the Mercury supplemental
22 estimate dated March 1, 2012, for comparison. The Bureau determined that the Respondent
23 failed to repair the vehicle as invoiced. The Total value of the repairs Respondent failed to
24 perform is \$1,807.85. The inspection revealed the following:

- 25 a. Respondent failed to repair clamp damage.
- 26 b. Respondent failed to refinish clamp damage.
- 27 c. Respondent failed to remove/replace front bumper impact cushion.
- 28 d. Respondent failed to remove/replace left front combination lamp.

- 1 e. Respondent failed to remove/install hood release cable.
- 2 f. Respondent failed to remove/replace left fender panel.
- 3 g. Respondent failed to remove/replace left fender bracket.
- 4 h. Respondent failed to refinish tie bar complete.
- 5 i. Respondent failed to repair left front body support panel.
- 6 j. Respondent failed to refinish left radiator side support.
- 7 k. Respondent failed to repair left front body apron-assembly.
- 8 l. Respondent failed to refinish left apron assembly complete.
- 9 m. Repair left upper front body apron reinforcement.
- 10 n. Respondent failed to repair left front body extension.
- 11 o. Respondent failed to refinish left front body extension.
- 12 p. Respondent failed to remove/replace left front body plate.
- 13 q. Respondent failed to remove/install left lower fuse box cover.
- 14 r. Respondent failed to remove/replace wheel cover.
- 15 s. Respondent failed to remove/install battery.
- 16 t. Respondent failed to repair pull & Square frame & body, including set-up.
- 17 u. Respondent failed to roll back wiring.
- 18 v. Respondent failed to remove/replace seam sealer.
- 19 w. Respondent failed to remove/install left and right rocker molding.
- 20 x. Respondent failed to refinish left front upper hinge.
- 21 y. Respondent failed to refinish left front lower hinge.
- 22 z. Respondent failed to refinish left rear upper hinge.
- 23 aa. Respondent failed to refinish left rear lower hinge.
- 24 bb. Respondent failed to remove/install rear bumper assembly
- 25 cc. Respondent failed to provide weld through primer.

26 40. On May 25, 2012; Respondent stated and reaffirmed by signing a Station Inspection
27 Report dated May 25, 2012, that he performed the corrective collision repairs to the 2006 Toyota
28 Camry according to Mercury supplemental estimate dated March 1, 2012, without deviating from

1 the estimate.

2 41. On May 25, 2012, the Bureau requested records from Respondent, pertaining to the
3 repairs to the 2006 Toyota Camry. Respondent provided copies of parts purchase receipts that
4 Respondent represented were for all replacement components on the 2006 Toyota Camry. The
5 Bureau determined that Respondent failed to provide all parts purchase receipts pertinent to the
6 collision repairs performed to the 2006 Toyota Camry.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 **(Misleading Statements)**

9 42. Respondent has subjected its registration to discipline under Code section 9884.7,
10 subdivision (a)(1), in that on or about March 5, 2012, Respondent made statements which it knew
11 or which by exercise of reasonable care it should have known were untrue or misleading, by
12 representing to Mercury Insurance and the operator that the 2006 Toyota Camry would be
13 repaired pursuant to the Mercury Insurance estimate, when, in fact, the Respondent failed to
14 perform repairs, as more particularly set forth above in paragraph 39.

15 **EIGHTH CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 43. Respondent has subjected its registration to discipline under Code section 9884.7,
18 subdivision (a)(4), in that on or about March 5, 2012, Respondent committed acts which
19 constitute fraud by charging for and receiving payment for repairs that were not performed and
20 for parts that were not supplied; as more particularly set forth above in paragraph 39.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Code)**

23 44. Respondent has subjected its registration to discipline under Code section 9884.7,
24 subdivision (a)(6), in that Respondent failed to comply with provisions of the Code, in the
25 following material respects:

26 a. Respondent failed to provide the operator with a copy of the signed work order as
27 soon as the operator signed the work order, in violation of 9884.7(a)(3).

28 b. Respondent had the Bureau's operator sign a work order that did not state the repairs

- 1 requested, in violation of Code section 9884.7(a)(2).
- 2 c. Respondent provided the Bureau's operator with an invoice that failed to list the
- 3 Respondent's Automotive Repair Dealer Registration number, in violation of Code
- 4 section 9884.8.
- 5 d. Respondent failed to provide all parts purchase receipts pertinent to the collision
- 6 repairs performed to the 2006 Toyota Camry, in violation of Code section 9884.11.

7 **TENTH CAUSE FOR DISCIPLINE**

8 **(Departure From Trade Standards)**

- 9 45. Respondent is subject to disciplinary action under section 9884.7 subdivision (a)(7),
- 10 by failing to perform collision repairs on the 2006 Toyota Camry in accordance with trade
- 11 standards, in that the Respondent failed to repair and/or refinish the cracked paint on the tie bar
- 12 and the left front body extension allowing these components to be exposed to potential
- 13 rust/corrosion.

14 **ELEVENTH CAUSE FOR DISCIPLINE**

15 **(Conviction of Substantially Related Crime)**

- 16 46. Respondent is subject to disciplinary action under section 490, 9889.3 subdivision (b)
- 17 of the Code and section 44072.2 subdivision (b) of the Health and Safety Code in that Respondent
- 18 was convicted of a crime substantially related to the qualifications, functions, and duties of a
- 19 licensed automotive repair dealer. On or about November 21, 2008, after pleading nolo
- 20 contendere. Respondent was convicted of one felony count of violating Penal Code 496
- 21 subdivision (a) [receiving stolen property] in the criminal proceeding entitled *The People of the*
- 22 *State of California vs. John Hovanes Misirian* (Super. Ct. of Los Angeles, Case No. LA058894).
- 23 The Court sentenced Respondent to three years of probation, serve two days in the Los Angeles
- 24 County Jail and pay restitution.

- 25 a. The circumstances surrounding the conviction are that on or about April 17, 2008, the
- 26 Taskforce for the Regional Autotheft Prevention conducted a business/administrative inspection
- 27 at Respondent's business. During the inspection the detectives discovered a 1969 Ford Mustang
- 28 that had been reported stolen. Respondent was placed under arrest and charged with violating

1 Vehicle Code section 10802 [chop shop activities] and Penal Code section 496 subdivision (a)
2 [receiving stolen property].

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Conviction of Substantially Related Crime)**

5 46. Respondent is subject to disciplinary action under section 490, 9889.3 subdivision (b)
6 of the Code and section 44072.2 subdivision (b) of the Health and Safety Code in that Respondent
7 was convicted of a crime substantially related to the qualifications, functions, and duties of a
8 licensed automotive repair dealer. On or about October 9, 2013, after pleading nolo contendere,
9 Respondent was convicted of one felony count of violating Penal Code 550, subdivision (b)(1)
10 [insurance fraud] in the criminal proceeding entitled *The People of the State of California vs.*
11 *John Hovanes Misirian* (Super. Ct. of Los Angeles, Case No. BA405131). The circumstances of
12 the crime are set forth in paragraphs 14 through 19, 23 through 29 and 33 through 41 above.

13 **OTHER MATTERS**

14 47. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,
15 or may invalidate temporarily or permanently, the registrations for all places of business operated
16 in this state by Interstate Collision Center Inc., upon a finding that it has, or is, engaged in a
17 course of repeated and willful violations of the laws and regulations pertaining to an automotive
18 repair dealer.

19 **PRAYER**

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

- 22 1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration
23 Number ARD 233889, issued to Interstate Collision Center Inc., doing business as Interstate
24 Collision Center Inc.
- 25 2. Revoking, suspending or placing on probation any other automotive repair dealer
26 registration issued in the name Interstate Collision Center Inc.
- 27 3. Ordering Interstate Collision Center Inc., with Respondent John H. Misirian as
28 President/Secretary/Treasurer, doing business as Interstate Collision Center Inc., to pay the

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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: May 12, 2014


PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

IN20117026-2012.09.19-sn