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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 Accusation Against:

Case No.

77/11-25

12 **PREMIER RV COLLISION**  
13 **2467 Simpson Street**  
**Kingsburg, CA 93631**  
14 **NICHOLAS S. FLORES, PARTNER**  
**JAMIE B. FLORES, PARTNER**  
15 **Automotive Repair Dealer Registration No.**  
**ARD 236123**

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

16 Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

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

23 **Automotive Repair Dealer Registration**

24 2. On a date uncertain in 2004, the Bureau issued Automotive Repair Dealer  
25 Registration Number ARD 236123 ("registration") to Premier RV Collision ("Respondent"), with  
26 Nicholas S. Flores and Jamie B. Flores as Partners. The registration expired on October 31, 2010.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **CONSUMER COMPLAINT – 1992 FOUR WINDS MOTOR HOME**

4 7. On or about November 11, 2009, Boyd Brady's ("consumer") 1992 Four Winds  
5 Motor Home sustained water damage to the inside of the vehicle. The consumer took the vehicle  
6 to Respondent's facility. Respondent generated an estimate in the amount of \$4,749.25 to repair  
7 the vehicle. On or about December 2, 2009, AAA issued a check for \$4,649.25 made payable to  
8 Respondent and the consumer. The check was endorsed and deposited.

9 8. On or about February 2, 2011, the Bureau received a consumer complaint from the  
10 consumer. The consumer informed the Bureau that Respondent had possession of his 1992 Four  
11 Winds Motor Home for over a year and the repairs were still not completed. The consumer also  
12 informed the Bureau that he had not endorsed the insurance check issued to Respondent for  
13 payment of the repairs, that Respondent's business was closed, and that his vehicle had been  
14 relocated behind a Mexican restaurant in Parlier, California.

15 9. On or about February 8, 2011, the Bureau, along with a AAA Special Investigation  
16 Unit Analyst went to the address where the vehicle was located. The Bureau inspected the  
17 vehicle using Estimate No. 93, generated by Respondent. That inspection revealed the following:

18 a. The RV had not been re-wallpapered. The old wallpaper had been removed but the  
19 walls were painted gold rather than new wallpaper being installed as described on the estimate.

20 b. Some of the windows appeared to have been removed although other windows had  
21 not been removed.

22 c. The carpet had only been replaced from the bedroom forward except for the engine  
23 cover area. The carpet had been replaced with house carpet and not automotive or indoor/outdoor  
24 carpet.

25 d. The old carpet was still visible in the bedroom and had not been removed, indicating  
26 that the floor had not been treated.

27 e. None of the interior panels had been rebuffed.

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1 f. The vehicle had also been stored outside in a field with the front vent open. The new  
2 carpet was completely soaked. There was also evidence of water damage on the ceiling adjacent  
3 to the vent. Further, there was water damage on the front fascia board on the cab-over, the right  
4 side window, and the rear cabinet top in the bedroom. The outer panel on the right side above the  
5 rear window was also damaged.

6 10. On the same day as the inspection, the Bureau spoke with Nick Flores, a partner of  
7 Respondent herein, who told the Bureau the business was closed and they were no longer  
8 performing repairs. Mr. Flores told the Bureau he had signed the consumer's name to the back of  
9 the insurance check and deposited the money into the business account. Mr. Flores also told the  
10 Bureau that a refund would be forth coming to AAA for the \$4,649.25 it paid to Respondent for  
11 the repairs; however, no payment was received by AAA.

12 11. On or about February 24, 2011, the vehicle was subsequently taken to Elite RV  
13 Collision and Repair. That facility estimated the cost to repair the vehicle would be \$11,340.05.  
14 On the same date, AAA determined the vehicle was a total loss and settled the claim with the  
15 consumer for \$7,111.57.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Untrue or Misleading Statements)**

18 12. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
19 subdivision (a)(1), in that Respondent made or authorized statements which it knew or in the  
20 exercise of reasonable care should have known to be untrue or misleading by failing to perform  
21 the work Respondent set forth on Estimate No. 93, which was prepared by Respondent and  
22 submitted to AAA for payment.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 13. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
26 subdivision (a)(4), in that Respondent committed acts that constitute fraud when it accepted  
27 payment in the amount of \$4,649.25 from AAA for repairs it failed to perform on the consumer's  
28 1992 Four Winds Motor Home.

1 OTHER MATTERS

2 14. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,  
3 or place on probation the registration for all places of business operated in this state by  
4 Respondent Premier RV Collision, upon a finding that Respondent has, or is, engaged in a course  
5 of repeated and willful violations of the laws and regulations pertaining to an automotive repair  
6 dealer.

7 **PRAYER**

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

10 1. Revoking, suspending, or placing on probation, Automotive Repair Dealer  
11 Registration Number ARD 236123, issued to Premier RV Collision;

12 2. Revoking, suspending, or placing on probation, any other automotive repair dealer  
13 registration issued to Premier RV Collision;

14 3. Ordering Premier RV Collision to pay the Bureau of Automotive Repair the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3; and,

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

18  
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20  
21 DATED: \_\_\_\_\_

10/27/11



22 SHERRY MEHL  
23 Chief  
24 Bureau of Automotive Repair  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant

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