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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:

Case No. 77/11-64

13 **RELIANCE AUTO BODY**
29547 Ruus Road
14 **Hayward, CA 94544**
MOHAMMAD S. YUSUFI, OWNER
15 **Automotive Repair Dealer Registration No.**
ARD 236453

A C C U S A T I O N

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. John Wallauch ("Complainant") brings this Accusation solely in his official capacity
21 as 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 2004, the Bureau issued Automotive Repair Dealer
24 Registration Number ARD 236453 ("registration") to Mohammad S. Yusufi ("Respondent"),
25 doing business as Reliance Auto Body. The registration was in full force and effect at all times
26 relevant to the charges brought herein and will expire on November 30, 2012, unless renewed.

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

7 (c) In addition to subdivisions (a) and (b), an automotive repair dealer,
8 when doing auto body or collision repairs, shall provide an itemized written estimate
9 for all parts and labor to the customer. The estimate shall describe labor and parts
10 separately and shall identify each part, indicating whether the replacement part is
11 new, used, rebuilt, or reconditioned. Each crash part shall be identified on the written
12 estimate and the written estimate shall indicate whether the crash part is an original
13 equipment manufacturer crash part or a nonoriginal equipment manufacturer
14 aftermarket crash part.

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

19 7. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
20 "commission," "committee," "department," "division," "examining committee," "program," and
21 "agency." "License" includes certificate, registration or other means to engage in a business or
22 profession regulated by the Code.

23 COST RECOVERY

24 8. Code section 125.3 provides, in pertinent part, that a Board may request the
25 administrative law judge to direct a licentiate 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 **CONSUMER COMPLAINT – 2008 DODGE CHARGER**

9. In or about October 2010, Sara Steadman ("consumer") drove her 2008 Dodge
Charger to Respondent's facility for collision repairs. On or about October 12, 2010, Progressive
Choice Insurance Company ("PCIC"), prepared a Damage Appraisal for Claim No. 10-2441496-
01, totaling \$5,234.27, less the consumer's \$500 deductible. Following completion of the repairs,
PCIC paid Respondent \$4,734.27 for the repairs and the consumer paid Respondent her \$500
deductible. The consumer returned to Respondent's facility to retrieve her vehicle and discovered

1 that the front grille was cracked, the front Chrysler emblem was loose, and the paint on the front
2 bumper was chipped. The consumer returned to Respondent's facility and complained about the
3 repairs and Respondent offered to refund the consumer \$1,100, which she declined. On or about
4 January 28, 2011, the consumer failed a complaint with the Bureau.

5 10. On or about February 24, 2011, the Bureau made a field visit to Akins Collision
6 Center, Inc., and performed a post repair inspection of the consumer's vehicle. The Bureau
7 discovered that the following parts and labor had not been performed, totaling \$2,174.40:

8 a. Respondent failed to replace the front grille, pursuant to line item 11 of the repair
9 estimate.

10 b. Respondent failed to replace the air conditioning condenser, pursuant to line item 20
11 of the repair estimate.

12 c. Respondent failed to evacuate and recharge the air conditioner, pursuant to line item
13 21 of the repair estimate.

14 d. Respondent failed to replace the upper front body tie bar, pursuant to line item 23 of
15 the repair estimate.

16 e. Respondent failed to refinish the upper tie bar, pursuant to line item 24 of the repair
17 estimate.

18 f. Respondent failed to replace the right front body side rail, pursuant to line item 25 of
19 the repair estimate.

20 g. Respondent failed to refinish the sidemember complete, pursuant to line item 26 of
21 the repair estimate.

22 h. Respondent failed to replace the low note horn assembly, pursuant to line item 27 of
23 the repair estimate.

24 i. Respondent failed to replace the high note horn assembly, pursuant to line item 28 of
25 the repair estimate.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 11. Respondent has subjected his registration to discipline under Code section 9884.7,
4 subdivision (a)(1), in that in or about November 2010, he made statements which he knew or
5 which by exercise of reasonable care he should have known were untrue or misleading, by
6 representing to the consumer and PCIC that the vehicle had been repaired pursuant to the estimate
7 prepared by PCIC when, in fact, Respondent had not replaced parts and performed labor totaling
8 \$2,174.40, as more particularly set forth in paragraph 10, subparagraphs a through i, above.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 12. Respondent has subjected his registration to discipline under Code section 9884.7,
12 subdivision (a)(4), in that in or about December 2010, Respondent committed fraud when he
13 accepted payment of \$4,734.27 from PCIC for parts and labor regarding the repairs to the
14 consumer's vehicle when, in fact, Respondent failed to replace parts and perform labor totaling
15 \$2,174.40.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Code)**

18 13. Respondent has subjected his registration to discipline under Code section 9884.7,
19 subdivision (a)(6), in that in or about November 2010, Respondent failed to comply with the
20 following sections of that code:

21 a. **Section 9884.8:** Respondent failed to provide the consumer with a final invoice
22 regarding the repairs performed to her vehicle.

23 b. **Section 9884.9, subdivision (c):** Respondent failed to provide the consumer with a
24 written estimated price for parts and labor for a specific job.

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1 **POST AUTO BODY REPAIR INSPECTION NO. 1**

2 14. On or about July 13, 2011, the Bureau received a copy of the PCIC Damage
3 Appraisal for Claim No. 10-1440132-01, totaling \$4,438.82, regarding a 2008 Honda CRV,
4 owned by Delilah Serrano ("consumer"). The repairs were completed by Respondent in or about
5 November 2010. PCIC paid Respondent \$3,938.82 for the repairs.

6 15. On or about August 3, 2011, the Bureau performed a post repair inspection of the
7 consumer's 2008 Honda CRV. That inspection revealed that the following parts had not been
8 replaced and labor had not been performed, totaling \$1,432.05:

9 a. Respondent failed to remove and replace the left fender mud guard, pursuant to line
10 item 4 of the repair estimate.

11 b. Respondent failed to replace the left fender wheel opening moulding, pursuant to line
12 item 5 of the repair estimate.

13 c. Respondent failed to replace the mud guard kit, pursuant to line item 6 of the repair
14 estimate.

15 d. Respondent failed to replace the left front door repair panel, pursuant to line item 8 of
16 the repair estimate.

17 e. Respondent failed to refinish the left front door outside, pursuant to line item 9 of the
18 repair estimate.

19 f. Respondent failed to refinish the left front door jams, pursuant to line item 10 of the
20 repair estimate.

21 g. Respondent failed to remove and install the left front belt moulding, pursuant to line
22 item 11 of the repair estimate.

23 h. Respondent failed to replace the left front lower door garnish moulding, pursuant to
24 line item 13 of the repair estimate.

25 i. Respondent failed to remove and install the left front outer door handle, pursuant to
26 line item 15 of the repair estimate.

27 j. Respondent failed to replace the left rear lower door garnish moulding, pursuant to
28 line item 19 of the repair estimate.

1 k. Respondent failed to remove and install the left rear outer door handle, pursuant to
2 line item 21 of the repair estimate.

3 l. Respondent failed to replace the left quarter wheel opening moulding, pursuant to line
4 item 25 of the repair estimate.

5 m. Respondent failed to replace the left quarter mud guard, pursuant to line item 26 of
6 the repair estimate.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Misleading Statements)**

9 16. Respondent has subjected his registration to discipline under Code section 9884.7,
10 subdivision (a)(1), in that in or about November 2010, he made statements which he knew or
11 which by exercise of reasonable care he should have known were untrue or misleading, by
12 representing to the consumer and PCIC that the vehicle had been repaired pursuant to the estimate
13 prepared by PCIC when, in fact, Respondent had not replaced parts and performed labor totaling
14 \$1,432.05, as more particularly set forth in paragraph 15, subparagraphs a through m, above.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 17. Respondent has subjected his registration to discipline under Code section 9884.7,
18 subdivision (a)(4), in that in or about October 2010, Respondent committed fraud when he
19 accepted payment of \$3,938.82 from PCIC for parts and labor regarding the repairs to the
20 consumer's vehicle when, in fact, Respondent failed to replace parts and perform labor totaling
21 \$1,432.05.

22 **SIXTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Code)**

24 18. Respondent has subjected his registration to discipline under Code section 9884.7,
25 subdivision (a)(6), in that in or about November 2010, Respondent failed to comply with the
26 following sections of that code:

27 a. **Section 9884.8:** Respondent failed to provide the consumer with a final invoice
28 regarding the repairs performed to her vehicle.

1 i. Respondent failed to refinish the hood underside, pursuant to line item 21 of the
2 repair estimate.

3 j. Respondent failed to replace the cooling fan shroud, pursuant to line item 23 or the
4 repair estimate.

5 k. Respondent failed to replace the air conditioning condenser, pursuant to line item 24
6 of the repair estimate.

7 l. Respondent failed to evacuate and recharge the air conditioning, pursuant to line item
8 25 of the repair estimate.

9 m. Respondent failed to replace the left fender panel, pursuant to line item 29 of the
10 repair estimate.

11 n. Respondent failed to refinish the left fender outside, pursuant to line item 30 of the
12 repair estimate.

13 o. Respondent failed to refinish the left fender edge, pursuant to line item 31 of the
14 repair estimate.

15 p. Respondent failed to replace the upper front body tie bar, pursuant to line item 34 of
16 the repair estimate.

17 q. Respondent failed to refinish the upper tie bar, pursuant to line item 35 of the repair
18 estimate.

19 r. Respondent failed to replace the high note horn assembly, pursuant to line item 36 of
20 the repair estimate.

21 s. Respondent failed to replace the low note horn assembly, pursuant to line item 37 of
22 the repair estimate.

23 **SEVENTH CAUSE FOR DISCIPLINE**

24 **(Misleading Statements)**

25 21. Respondent has subjected his registration to discipline under Code section 9884.7,
26 subdivision (a)(1), in that in or about December 2010, he made statements which he knew or
27 which by exercise of reasonable care he should have known were untrue or misleading, by
28 representing to the consumer and CSAA that the vehicle had been repaired pursuant to the

1 estimate prepared by CSAA when, in fact, Respondent had not replaced parts and performed
2 labor totaling \$3,013.37, as more particularly set forth in paragraph 20, subparagraphs a through
3 s, above.

4 **EIGHTH CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 22. Respondent has subjected his registration to discipline under Code section 9884.7,
7 subdivision (a)(4), in that in or about December 2010, Respondent committed fraud when he
8 accepted payment of \$6,117.87 from CSAA for parts and labor regarding the repairs to the
9 consumer's vehicle when, in fact, Respondent failed to replace parts and perform labor totaling
10 \$3,013.37.

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Code)**

13 23. Respondent has subjected his registration to discipline under Code section 9884.7,
14 subdivision (a)(6), in that in or about December 2010, Respondent failed to comply with the
15 following sections of that code:

16 a. **Section 9884.8:** Respondent failed to provide the consumer with a final invoice
17 regarding the repairs performed to her vehicle.

18 b. **Section 9884.9, subdivision (c):** Respondent failed to provide the consumer with a
19 written estimated price for parts and labor for a specific job.

20 **POST AUTO BODY REPAIR INSPECTION NO. 3**

21 24. On or about June 28, 2011, the Bureau received a copy of the Mid-Century Insurance
22 Company ("MCIC") Estimate of Record for Claim No. 1017024323-1-2, totaling \$5,886.36,
23 regarding a 2004 Mitsubishi Endeavor LS, owned by Hrifia Harifa ("consumer"). The collision
24 repairs were completed by Respondent in or about November 2010. MCIC paid Respondent
25 \$5,886.36 for the repairs.

26 25. On or about July 27, 2011, the Bureau performed a post repair inspection of the
27 consumer's 2004 Mitsubishi Endeavor LS. That inspection revealed that the following parts had
28 not been replaced and labor had not been performed, totaling \$1,509.90:

- 1 a. Respondent failed to replace the front bumper reinforcement, pursuant to line item 12
2 of the repair estimate.
- 3 b. Respondent failed to replace the hood, pursuant to line items 16 & 17 of the repair
4 estimate.
- 5 c. Respondent failed to refinish the hood underside complete, pursuant to line item 18 of
6 the repair estimate.
- 7 d. Respondent failed to replace the air conditioner condenser, pursuant to line item 20 of
8 the repair estimate.
- 9 e. Respondent failed to evacuate, recover, and recharge the refrigerant, pursuant to line
10 items 21 & 22 of the repair estimate.
- 11 f. Respondent failed to replace the radiator assembly, pursuant to line item 24 of the
12 repair estimate.
- 13 g. Respondent failed to replace the right fender liner, pursuant to line item 35 of the
14 repair estimate.
- 15 h. Respondent failed to replace the air conditioning label, pursuant to line item 44 of the
16 repair estimate.

17 **TENTH CAUSE FOR DISCIPLINE**

18 **(Misleading Statements)**

19 26. Respondent has subjected his registration to discipline under Code section 9884.7,
20 subdivision (a)(1), in that in or about November 2010, 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 MCIC that the vehicle had been repaired pursuant to the
23 estimate prepared by MCIC when, in fact, Respondent had not replaced parts and performed labor
24 totaling \$1,509.90, as more particularly set forth in paragraph 25, subparagraphs a through h,
25 above.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 27. Respondent has subjected his registration to discipline under Code section 9884.7,
4 subdivision (a)(4), in that in or about October 2010, Respondent committed fraud when he
5 accepted payment of \$5,886.36 from MCIC for parts and labor regarding the repairs to the
6 consumer's vehicle when, in fact, Respondent failed to replace parts and perform labor totaling
7 \$1,509.90.

8 **TWELFTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Code)**

10 28. Respondent has subjected his registration to discipline under Code section 9884.7,
11 subdivision (a)(6), in that in or about November 2010, Respondent failed to comply with the
12 following sections of that code:

13 a. **Section 9884.8:** Respondent failed to provide the consumer with a final invoice
14 regarding the repairs performed to her vehicle.

15 b. **Section 9884.9, subdivision (c):** Respondent failed to provide the consumer with a
16 written estimated price for parts and labor for a specific job.

17 **OTHER MATTERS**

18 29. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
19 or permanently or refuse to validate, the registrations for all places of business operated in this
20 state by Mohammad S. Yusufi, upon a finding that he has, or is, engaged in a course of repeated
21 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

22 **PRAYER**

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

25 1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration
26 Number ARD 236453, issued to Mohammad S. Yusufi, doing business as Reliance Auto Body;

27 2. Revoking, suspending or placing on probation any other automotive repair dealer
28 registration issued in the name Mohammad S. Yusufi;

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3. Ordering Mohammad S. Yusufi 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: June 21 2012


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

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