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

In the Matter of the First Amended Accusation Against: **SHAUN WOODWARD** **dba PERFECTION AUTO PARTS & REPAIR** **9882 Waterman Road** **Elk Grove, CA 95624** **Automotive Repair Dealer Registration No. ARD 248055** Respondent.	Case No. 77-10-36 OAH No. 2011050766 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 16, 2011, Complainant Sherry Mehl, in her official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 77-10-36 against Perfection Auto Parts & Repair; Shaun Woodward (Respondent) before the Director of Consumer Affairs. On or about March 21, 2011, Complainant Sherry Mehl, in her official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed the First Amended Accusation against Respondent before the Director of Consumer Affairs. (Accusation and First Amended Accusation attached as Exhibit A.)

2. On or about December 7, 2006, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 248055 to Respondent. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 77-10-36 and will expire on November 30, 2012, unless renewed.

3. On or about March 24, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 77-10-36, First Amended Accusation No. 77-10-36, Supplemental Statement, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau, which was and is:

9882 Waterman Road, Elk Grove, CA. 95624.

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

5. On or about April 7, 2011, Respondent signed and returned a Notice of Defense, with an address of 9030 Alder Avenue, Sacramento, Ca. 96829 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's address as indicated by his Notice of Defense and it informed him that an administrative hearing in this matter was scheduled for February 6, 2012. Respondent failed to appear at that hearing.

6. Government Code section 11506 states, in pertinent part:

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

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

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

8. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated March 24, 2011, signed by Christina Pek, finds Respondent is in default. The Director will take action without further hearing and, based on Accusation and First Amended Accusation, No. 77-10-36, proof of service and on the Affidavit of Bureau Representative Mark Guess, finds that the allegations in Accusation are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Perfection Auto Parts & Repair; Shaun Woodward has subjected his Automotive Repair Dealer Registration No. ARD 248055 to discipline.

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

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

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

b. Business and Professions Code section 9884.7(a)(6) (failure to comply with the Automotive Repair Act), section 9884.8, section 9884.9(a), section 9884.9(b), section 9884.9(c), and section 9884.11.

c. Business and Professions Code section 9884.7(a)(7) (departure from trade standards) and California Code of Regulations, title 16, section 3365(b), section 3361.1(d), and section 3356.1.

d. Business and Professions Code section 9984.7(a)(6) (failure to comply with regulations) and California Code of Regulations, title 16, section 3356(c).

e. Business and Professions Code section 9984.7(a)(2) (estimate deficiencies).

f. Business and Professions Code section 9984.7(a)(4) (fraud).

g. Business and Professions Code section 9884.7(a)(9) (sublet repairs).

ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 248055, heretofore issued to Respondent Perfection Auto Parts & Repair; Shaun Woodward, 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: Tim Corcoran, 10220 Systems Parkway, Sacramento, CA 95827. 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 March 28, 2012.

It is so ORDERED March 13, 2012

Doreathea Johnson
DOREATHEA JOHNSON
DEPUTY DIRECTOR, LEGAL AFFAIRS
DEPARTMENT OF CONSUMER AFFAIRS

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Attachment:
Exhibit A: Accusation

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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: **SHAUN WOODWARD** **dba PERFECTION AUTO PARTS & REPAIR** 9882 Waterman Road Elk Grove, California 95624 **Automotive Repair Dealer Registration No. ARD 248055** Respondent.	Case No. 77/10-36 **FIRST AMENDED ACCUSATION**

Sherry Mehl ("Complainant") alleges:

PARTIES

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

2. On or about December 7, 2006, the Bureau issued Automotive Repair Dealer Registration Number ARD 248055 to Shaun Woodward ("Respondent"), doing business as Perfection Auto Parts & Repair. The registration was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

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STATUTORY PROVISIONS

3. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent part:

(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.

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

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

(4) Any other conduct that constitutes fraud.

(6) Failure in any material respect to comply with the provisions of this chapter [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or regulations adopted pursuant to it.

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

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair

dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

4. Section 9884.8 states:

All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer.

5. Section 9884.9 states, in pertinent part:

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

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

(2) Upon completion of the repairs, obtain the customer's signature or 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.

(b) The automotive repair dealer shall include with the written estimated price a statement of any automotive repair service that, if required to be done, will be done by someone other than the dealer or his or her employees. No service shall be done by other than the dealer or his or her employees without the consent of the customer, unless the customer cannot reasonably be notified. The dealer shall be responsible, in any case, for any service in the same manner as if the dealer or his or her employees had done the service.

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

6. Code section 9884.11 states:

> Each automotive repair dealer shall maintain any records that are required by regulations adopted to carry out this chapter [the Automotive Repair Act]. Those records shall be open for reasonable inspection by the chief or other law enforcement officials. All of those records shall be maintained for at least three years.

7. Section 9884.13 of the Code 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.

REGULATIONS

8. California Code of Regulations, title 16, section 3356(c) states:

Separate billing in an invoice for items generically noted as shop supplies, miscellaneous parts, or the like, is prohibited.

9. California Code of Regulations, title 16, section 3356.1 states:

An automotive repair dealer may charge a customer for costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California or federal law which directly relate to the servicing or repair of the customer's vehicle. Such charge must be disclosed to the customer by being separately itemized on the estimate prepared pursuant to Section 9884.9(a) of the Business and Professions Code and on the invoice prepared pursuant to Section 9884.8 of the Business and Professions Code. In order to assess this charge, the automotive repair dealer must note on the estimate and invoice the station's Environmental Protection Agency identification number required by Section 262.12 of Title 40 of the Code of Federal Regulations.

10. California Code of Regulations, title 16, section 3361.1, states, in pertinent part:

The following minimum requirements specifying accepted trade standards for good and workmanlike rebuilding of automatic transmissions are intended to define terms that have caused confusion to the public and unfair competition within the automotive repair industry. These minimum requirements shall not be used to promote the sale of "rebuilt" automatic transmissions when a less extensive and/or less costly repair is desired by the customer. Any automotive repair dealer who represents to customers that the following sections require the rebuilding of automatic transmissions is subject to the sanctions prescribed by the Automotive Repair Act. All automotive repair dealers engaged in the repair, sale, and installation of automatic transmissions in vehicles covered under the Act shall be subject to the following minimum requirements:

(a) Inspection. Before an automatic transmission is removed from a motor vehicle for purposes of repair or rebuilding, it shall be inspected. Such inspection shall determine whether or not the replacement or adjustment of any external part or parts will correct the specific malfunction of the automatic transmission. If minor service and/or replacement or adjustment of any external part or parts and/or of companion units can reasonably be expected to correct the specific malfunction of the automatic transmission, then prior to removal of the automatic transmission from the vehicle, the customer shall be informed of that fact as required by Section 3353 of these regulations.

(d) The torque converter is considered to be part of the automatic transmission and shall be examined, cleaned, and made serviceable before the rebuilt, remanufactured or overhauled transmission is installed. If the torque converter cannot be restored to a serviceable condition, then the customer shall be so informed. With the customer's authorization, the converter shall be replaced with a new, rebuilt, remanufactured, reconditioned, overhauled, or unimpaired used torque converter. A torque converter shall not be represented as rebuilt, remanufactured, reconditioned, or overhauled unless the torque converter shell has been opened, all components of the overrunning clutch assembly have been inspected and replaced as required, all friction materials have been replaced as required, all rotating parts have been examined and replaced as required, the shell has been resealed, and the unit has been pressure tested.

11. California Code of Regulations, title 16, section 3365(b) states:

The accepted trade standards for good and workmanlike auto body and frame repairs shall include, but not be limited to, the following:

(b) All corrosion protection shall be applied in accordance with manufacturers' specifications or nationally distributed and periodically updated service specifications that are generally accepted by the auto body repair industry.

COST RECOVERY

12. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

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

CONSUMER COMPLAINT NO. 1 – FRED OWENS

13. On or about November 23, 2007, Fred Owen ("consumer") took his 1969 Volkswagen Beetle convertible to Respondent's facility for repairs, including replacing the convertible top, headliner, and dash pad. The consumer spoke with shop manager, Danny Rippy ("Rippy") who quoted the consumer $400 to perform the repairs based on the consumer supplying the parts, including the rear window and frame, trim panels, and convertible top. The consumer did not receive a written estimate and did not sign any documents.

14. In January 2008, the consumer went to Respondent's facility to check on the status of the repairs. Respondent told the consumer that he supplied him with the wrong window parts, resulting in the convertible top being cut wrong, destroying it. Respondent asked the consumer to provide a second convertible top, which the consumer did.

15. On or about February 29, 2008, the consumer returned to the Respondent's facility to retrieve his vehicle. The consumer paid $717.54, and received a copy of Invoice No. 1222.

16. The consumer examined his vehicle and found that the convertible top, rear window, headliner, and dash pad were not installed correctly.

17. On or about February 22, 2008, the Bureau received a complaint from the consumer regarding the repairs.

18. On or about March 17, 2008, a Bureau representative inspected the consumer's vehicle and found the following: the rear window frame was not installed correctly; the headliner was loose at the left rear; the side trim panel had not been installed; the windshield header trim was installed with an uneven screw pattern; there was a cut in the fabric of the convertible top; the rear body panel mounting was incomplete and had a tear in the convertible top fabric; and there was a gap in the seal at the rear window.

19. On or about March 24, 2008, a Bureau representative went to Bugformance Motorsports of Sacramento, a specialty Volkswagen parts sales and repair facility, and where the consumer had purchased the parts supplied to the Respondent, including the convertible top, rear

window, and related parts. The Bureau representative spoke with Steve Hole who confirmed that the parts purchased by the consumer were in fact the correct parts for that vehicle.

20. On or about March 26, 2008, a Bureau representative went to Award Interiors and met with Dan Ballas regarding the installation of the consumer's vehicle's convertible top. The Bureau representative showed Dan Ballas photographs of the installation of the convertible top performed by Respondent. After reviewing the photographs, Dan Ballas stated that the rear window, trim panels, including the trim panel above the front windshield, were not installed properly, and the headliner was not secured properly.

FIRST CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

21. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that on or about February 29, 2008, Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9884.8:** Respondent failed to describe all services performed, including a second convertible top replacement, headliner, headliner padding, dash pad, windshield header trim panel, and the top to window seals on Invoice No. 1222.

SECOND CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

22. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that on or about February 29, 2008, Respondent failed to comply with California Code of Regulations, title 16, section 3356(c), in that Respondent recorded a separate billing on Invoice No. 1222 for shop supplies.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

23. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with California Code of Regulations, title 16, section 3356.1 by failing to set forth his Environmental Protection Agency ("EPA") number on Invoice No. 1222.

CONSUMER COMPLAINT NO. 2 – DONALD HOWARD

24. On or about January 25, 2008, Donald Howard ("consumer"), drove his 1995 Chrysler Lebaron convertible to Respondent's facility for auto body repairs. When the consumer arrived at Respondent's facility, he spoke with Rippy. Rippy told the consumer the repairs would cost $250.

25. On or about January 28, 2008, the consumer returned to the Respondent's facility to drop off the vehicle for the repairs. The consumer received Estimate No. 001871 for $262.54.

26. On or about January 30, 2008, the consumer returned to the Respondent's facility to check on the progress of the repairs. While at Respondent's facility, Rippy told the consumer that they also could paint the vehicle for $550. The consumer agreed. The consumer also asked Rippy to replace the driver door molding and right quarter panel molding. Rippy quoted the consumer $80 for that repair. The consumer agreed, and received a copy of Estimate No. 001397.

27. On or about February 5, 2008, the consumer returned to the Respondent's facility to retrieve the vehicle and found that the vehicle was not there. The consumer learned that Respondent had sublet the paint job to Miracle Auto Painting, and they were waiting for Miracle Auto Painting to return the vehicle. Later that same day, the consumer returned to Respondent's facility and retrieved the vehicle. The consumer noticed that when opening and closing the driver's door, the molding was hitting the front fender, and when leaving the Respondent's parking lot, the transmission was not shifting gears. The consumer returned to Respondent's facility. The consumer told Rippy what was happening. Rippy told him to bring the car back the following day.

28. On or about February 6, 2008, the consumer returned to the Respondent's facility and spoke with Rippy. The consumer told Rippy that the dents were not removed and the transmission began leaking fluid. Rippy told the consumer he would make the repairs.

29. On or about February 9, 2008, the consumer returned the vehicle to Respondent's facility to have the dents removed, moldings fixed, and transmission repaired.

30. On or about February 12, 2008, the consumer returned to Respondent's facility to check on the progress of the repairs and found that the vehicle was not there.

31. On or about February 14, 2008, the consumer was told that the vehicle was being sent to a Dodge dealership to have the transmission repaired.

32. On or about March 5, 2008, the Bureau received a complaint from the consumer.

33. On or about March 17, 2008, a Bureau representative went to the Chrysler dealership to inspect the consumer's vehicle. The Bureau representative found that the repaired areas did not match the body lines and contours, and the replaced moldings appeared to be consistent with the rest of the vehicle's moldings. In addition, the right rear quarter panel front molding was missing.

34. On or about March 27, 2008, Respondent met with a Bureau representative to discuss the consumer's complaint. The Bureau representative requested a complete copy of the repair records from Respondent regarding the consumer's vehicle. Respondent was unable to produce a complete copy of the repair records.

35. On or about April 4, 2008, a further inspection was conducted by Bureau representative Mark Guess at the Chrysler dealership. The inspection revealed that corrosion protection had not been restored to the repaired areas.

FOURTH CAUSE FOR DISCIPLINE

(Departure from Accepted Trade Standards)

36. Respondent's registration is subject to discipline under Code section 9884.7(a)(7), in that on or about January 28, 2008, Respondent willfully departed from or disregarded the accepted trade standards for good and workmanlike repair, in that he failed to restore corrosion protection to the repaired areas, as defined in California Rules and Regulations, title 16, section 3365(b).

FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

37. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that on or about January 28, 2008, Respondent failed to comply with provisions of that Code in the following material respects:

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a. **Section 9884.8:**

i. Respondent failed to separately itemize or include parts on Invoice No. 1397.

ii. Respondent failed to describe all service work performed on Invoice No. 1397.

iii. Respondent failed to document the consumer's authorization for additional repairs on Invoice No. 1397.

b. **Section 9884.9(a):**

i. Respondent exceeded the estimated amount without the consumer's authorization prior to proceeding with the repairs.

ii. Respondent failed to document the consumer's authorization for additional repairs on Estimate No. 002028.

iii. Respondent failed to record specific authorization prior to commencing repairs on Estimate No. 002028.

c. **Section 9884.9(b):** Respondent failed to disclose to the consumer that he was subletting the paint work on Repair Order No. 1397 dated January 30, 2008.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

38. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that he failed to comply with Code section 9884.11, when on or about March 27, 2008, Respondent was unable to produce a copy of all work orders, estimates, or invoices regarding the repairs to the consumer's vehicle when requested by a Bureau representative.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

39. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that on or about February 5, 2008, Respondent failed to comply with California Code of Regulations, title 16, section 3356(c), in that Respondent recorded a separate billing on Invoice No. 1397 for shop supplies.

CONSUMER COMPLAINT NO. 3– GEORGE HAYNIE

40. In or about August 2007, George Haynie ("consumer"), took his 1992 Ford Explorer to Respondent's facility for a diagnosis of the transmission and power steering leaks. Respondent recommended replacing the transmission and power steering pump. The consumer authorized the repairs. Respondent completed the repairs and the consumer retrieved his vehicle.

41. On or about July 14, 2008, the transmission stopped working. The consumer telephoned the Respondent and arranged with Rippy to have his vehicle towed to the facility.

42. On or about August 4, 2008, the vehicle was towed back to the Respondent's facility. Respondent inspected the vehicle and determined the front pump was damaged and needed to be repaired.

43. On or about August 29, 2008, the consumer returned to the Respondent's facility to retrieve the vehicle and claimed the stereo system in the vehicle had been stolen while at Respondent's facility. Respondent agreed to install another stereo system in the consumer's vehicle.

44. On or about September 1, 2008, the consumer returned to Respondent's facility because the vehicle would not go in reverse and the vehicle could not be started with the shift selector in the "park" position.

45. On or about October 7, 2008, the Bureau received a complaint from the consumer regarding the repairs to his vehicle by Respondent.

46. On or about January 13, 2009, a Bureau representative met with Respondent regarding the consumer's complaint. The Bureau representative requested copies of all repair records regarding the consumer's vehicle. Respondent was unable to provide a complete copy of the repair records.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

47. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that he failed to comply with Code section 9884.11, when on or about January 13, 2009, Respondent was unable to produce a copy of all repair records regarding the consumer's vehicle.

CONSUMER COMPLAINT NO. 4 – LAUREN WELCH

48. On or about December 6, 2008, Lauren Welch ("consumer"), took her 1998 Plymouth Voyager to Respondent's facility for a diagnosis of an oil leak. Respondent charged the consumer $45 for the diagnosis. Respondent told the consumer that the engine oil pan and oil sending unit needed to be replaced, totaling $208.65 (less $45 diagnosis fee). The consumer authorized the repairs. The consumer returned to the Respondent's facility to retrieve her vehicle, paid $208.65, and was provided a copy of Invoice No. 3114.

49. The following day the consumer discovered the vehicle was still leaking oil.

50. On or about December 8, 2008, the consumer telephoned Respondent's facility regarding the continued oil leak. Respondent told the consumer to return the vehicle to the facility.

51. On or about December 13, 2008, the consumer returned the vehicle to Respondent's facility for inspection. Respondent was unable to determine where the oil leak was coming from.

52. On or about December 16, 2008, Respondent's employee, Larry, inspected the consumer's vehicle and told the consumer that the head gasket was leaking coolant, and the repair would cost $800. The consumer contacted Respondent's facility and spoke with an employee, Cindy, who told her that the vehicle was leaking coolant from the cylinder head gasket. Cindy reduced the cost of the repair to $550. The consumer authorized the repair. Fifteen minutes after dropping off her vehicle for repair at Respondent's facility, she contacted Cindy and told her that she could only afford $400, and if the repair could not be performed for that amount, she would pick up the vehicle. Cindy told the consumer that she would get back to her. A couple of days passed before Cindy contacted the consumer and told her that the repairs had been completed.

53. On or about December 23, 2008, the consumer returned to the Respondent's facility to retrieve her vehicle. The consumer was presented with Invoice No. 005675 in the amount of $549.99. The consumer disagreed with the charges and paid $400. The consumer signed Invoice No. 005675, leaving a balance of $149.99.

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54. On or about December 18, 2008, the Bureau received a complaint from the consumer regarding Respondent's business practices.

55. On or about March 3, 2009, a Bureau representative met with Rippy regarding the repairs to the consumer's vehicle. The Bureau representative requested a complete copy of all repair records regarding the consumer's vehicle. Respondent was unable to produce a complete copy of the repair records.

NINTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

56. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9884.8:**

i. Respondent failed to describe what was done to identify the oil leaks, how the oil leaks were addressed, and all service work performed on Invoice No. 3114.

ii. Respondent failed to describe all service work performed, including inspection of the head and block surfaces prior to reinstalling the head gasket on Invoice No. 3735.

iii. Respondent failed to record the oil change or coolant replacement on Invoice No. 3735.

TENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

57. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that he failed to comply with Code section 9884.11, when on or about March 3, 2009, Respondent was unable to produce a complete copy of repair records regarding the consumer's vehicle when requested by a Bureau representative.

CONSUMER COMPLAINT NO. 5 – SUZANNE GLIMSTAD

58. On or about September 12, 2008, Suzanne Glimstad ("consumer"), took her 1992 Oldsmobile 98 to Respondent's facility for repair of the headliner and to tighten the roof mounted

grab handles. Respondent told the consumer it would cost $204.00. The consumer authorized the repairs.

59. Later that same day, the consumer returned to Respondent's facility to retrieve the vehicle. The consumer discovered that when she put the vehicle in reverse, the reading light located over the rear view mirror would come on, and when she put the vehicle in forward gear, it would go off. The consumer also discovered that and the grab handles had not been tightened. The following day, the consumer telephoned Respondent's facility and spoke with Cindy regarding the problems. Cindy told the consumer to bring the vehicle back to the facility for repairs. Over the next four months, the consumer took her vehicle back to Respondent's facility regarding the same problems without success. When the consumer retrieved her vehicle for the final time, the consumer discovered the grab handles had been attached with large screws that stuck out and ruined the appearance of the interior of the vehicle. Respondent advised the consumer that he did not do electrical repairs, and therefore, he could not repair the problem with the light.

60. On or about January 22, 2009, the Bureau received a complaint from the consumer regarding the repairs to her vehicle.

61. On or about April 7, 2009, a Bureau representative inspected the consumer's vehicle and found large screws in the grab handles, and the front courtesy light would come on when the shift selector was placed in reverse.

62. On or about April 20, 2009, a Bureau representative met with Respondent and requested a complete copy of the repair records regarding the consumer's vehicle.

63. On or about April 21, 2009, a Bureau representative returned to the Respondent's facility to retrieve the repair records. However, Respondent was unable to produce a complete copy of the repair records.

64. On or about May 20, 2009, a Bureau representative met with Rippy to discuss the repair problems regarding the consumer's vehicle. Rippy was provided with a copy of the Oldsmobile repair reference material, including the wiring diagrams, wiring routing, and grab handle attachments. A Bureau representative advised Respondent of the probable problem with

the electrical wiring relating to the rear view mirror light, and of the proper grab handle attachments.

ELEVENTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

65. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about September 12, 2008, Respondent made statements which he knew or which by exercise of reasonable care, he should have known were untrue or misleading, in that Respondent represented to the consumer that he found nothing wrong with the interior lights, in that they were designed to come on when the vehicle selector was placed in reverse when, in fact, they are not.

TWELFTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

66. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9884.8:**

i. Respondent failed to describe all service work performed on Invoice No. 2655, and itemize the parts required to reline the headliner.

ii. Respondent failed to itemize the parts needed for the repair of the grab handles on Invoice No. 2714.

THIRTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

67. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that he failed to comply with Code section 9884.11, when on or about April 20, 2009, Respondent was unable to produce a complete copy of the repair records regarding the consumer's vehicle when requested by a Bureau representative.

CONSUMER COMPLAINT NO. 6 – NEHANDY COCHRAN

68. On or about August 28, 2008, Nehandy Cochran ("consumer"), had his 1967 Cadillac Deville towed to Respondent's facility for replacement of the fuel pump and to do an

engine check for $120. Following the installation of the fuel pump, Respondent told the consumer that the engine needed to be either rebuilt or replaced. Respondent told the consumer that he would rebuild the engine for $3,200 and allow him to make payments. The consumer made payments until December 2008, totaling $3,200 when Respondent told the consumer that the vehicle needed additional repairs. The consumer declined the additional repairs. The consumer was presented with Estimate No. 004336 totaling $7,212.88. The consumer disputed the charges and left the facility.

69. In March 2009, the consumer returned to Respondent's facility to resolve the matter and retrieve his vehicle. Respondent told the consumer that the vehicle's engine had been sold and a lien was placed on the vehicle.

70. On or about March 27, 2009, the Bureau received a complaint from the consumer regarding the repairs made to his vehicle by Respondent.

71. On or about May 20, 2009, a Bureau representative met with Rippy to address the consumer's complaint. Rippy stated that he hired a company do a lien sale on the vehicle in order to pay for the machinery work performed on the engine. The Bureau representative requested a complete copy of the repair records regarding the consumer's vehicle. Respondent was unable to provide a complete copy of the repair records.

FOURTEENTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

72. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about August 28, 2008, Respondent made statements which he knew or which by exercise of reasonable care, he should have known were untrue or misleading, in that Respondent presented to the consumer numerous copies of estimates that contained various changes, which altered the documents and their interpretation.

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FIFTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

73. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9884.9(a):**

i. Respondent failed to obtain the consumer's authorization prior to commencing repairs.

ii. Respondent failed to provide the operator with a written estimated price for parts and labor for a specific job.

iii. Respondent failed to document/disclose that the engine machine work was sublet to another company.

SIXTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

74. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that he failed to comply with Code section 9884.11, when on or about May 20, 2009, Respondent was unable to produce a complete copy of repair records regarding the consumer's vehicle when requested by a Bureau representative.

CONSUMER COMPLAINT NO. 7 – VASHAWN JACKSON

75. On or about May 14, 2008, Vashawn Jackson ("consumer"), took his 1968 Buick GS to Respondent's facility for upholstery, body work, and paint work. Respondent told the consumer that he would perform the work at a reduced amount of $1,400. In turn, Respondent would receive advertising by the vehicle being a "billboard" of an example of his work for other potential clients. The consumer agreed.

76. When the consumer retrieved the vehicle from Respondent's facility, he discovered many problems with the workmanship.

77. On or about June 2, 2009, the Bureau received a complaint from the consumer regarding the repairs performed by Respondent.

78. On or about August 19, 2009, a Bureau representative inspected the consumer's vehicle and found the paint work had dirt, runs, and areas dying back/drawing-in, hard tape lines in the jambs, orange-peel, compound, and overspray in numerous areas; the electric doors were not functioning properly, the sun visors and window crank handles were missing, the rear glass moldings were damaged, the hood scoop was not molded-in (a seam was present), the upholstery was seamed crooked in the rear seats, the dash pad was poorly installed, the glove box was misaligned, and the emblems were loose and coming off.

79. On or about August 26, 2009, a Bureau representative met with Respondent and Rippy regarding the consumer's complaint. Respondent agreed to re-work the vehicle at no charge.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

80. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9884.8:**

i. Respondent failed to describe all service work performed on Invoice No. 4020.

ii. Respondent failed to itemize all repairs performed on Invoice No. 4020.

b. **Section 9884.9(a):**

i. Respondent failed to document/disclose sublet work on Invoice No. 4020.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

81. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with California Code of Regulations, title 16, section 3356(c), by recording a separate billing on Invoice No. 4020 for shop supplies.

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CONSUMER COMPLAINT NO. 8 – RAY CUNNINGHAM

82. On or about March 28, 2009, Ray Cunningham ("consumer"), took a transmission to Respondent's facility for oil leak repairs. Respondent told the consumer he could repair the oil leaks for $383. The consumer authorized the repairs.

83. The consumer returned to Respondent's facility to retrieve the transmission. When the consumer arrived home, he discovered that the torque converter would not spin. The consumer took the transmission back to Respondent's facility and was told the torque converter needed to be repaired. The consumer provided Respondent with a second torque converter for parts.

84. The consumer retrieved the transmission from Respondent's facility and installed it in his vehicle. Shortly after the consumer installed the transmission, he discovered that the vehicle would not go into reverse. The consumer contacted Respondent about the problem and was told that he would arrange for his vehicle to be towed to the facility.

85. Respondent tore down the transmission and found a pin missing. Respondent charged the consumer $402.70. When the consumer retrieved the vehicle, the vehicle would not shift out of low properly. The consumer asked Respondent about a shift linkage cable missing. Respondent found the cable sitting on the work bench and gave it to the consumer. The consumer also discovered that the vehicle was still leaking oil.

86. On or about June 3, 2009, the Bureau received a complaint from the consumer regarding the repairs performed by Respondent.

87. On or about August 26, 2009, a Bureau representative requested a complete copy of repair records regarding the consumer's vehicle.

88. On or about September 24, 2009, a Bureau representative met with Rippy to discuss the consumer's complaint. The Bureau representative told Rippy that he failed to comply with the automatic transmission regulations governing the rebuilding of an automatic transmission. The Bureau representative also advised Respondent to refund the consumer $402.70 for the repairs to the transmission. Respondent agreed.

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NINETEENTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

89. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about April 14, 2009, Respondent made statements which he knew or which by exercise of reasonable care, he should have known were untrue or misleading, in that Respondent represented to the consumer on Invoice No. 4062 that the transmission was rebuilt when, in fact, it was repaired.

TWENTIETH CAUSE FOR DISCIPLINE

(Departure from Accepted Trade Standards)

90. Respondent's registration is subject to discipline under Code section 9884.7(a)(7), in that in or about April 2009, Respondent willfully departed from or disregarded accepted trade standards for good and workmanlike repair, in that Respondent failed to follow regulations pertaining to automatic transmission repair, rebuild, and replacement, in that a rebuilt transmission requires the replacement of clutches and band, a thorough inspection, disassembly and/or replacement of the torque converter, as more particularly set forth in California Code of Regulations, title 16, section 3361.1(d).

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

91. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that he failed to comply with Code section 9884.11, when on or about August 26, 2009, Respondent was unable to produce a complete copy of the repair records regarding the consumer's vehicle when requested by a Bureau representative.

CONSUMER COMPLAINT NO. 9 – HELEN WAGGONER

92. On or about July 6, 2009, Helen Waggoner ("consumer"), took her 2005 Mazda 3i to Respondent's facility for replacement of a headlamp bulb (supplied by the consumer), and to check out a noise coming from her vehicle. Respondent gave the consumer an estimate of $25.50 for the repair. The consumer agreed. Respondent inspected the vehicle and told the consumer that the motor mounts were broken, the right axle needed to be replaced, and the vehicle was not

safe to drive. The consumer declined the repairs. The consumer returned to Respondent's facility to retrieve the vehicle, paid $25.50 as invoiced, and left the facility. After leaving Respondent's facility, the consumer realized the headlamp bulb had not been replaced. The consumer returned to the Respondent's facility and received a refund.

93. The consumer had Mobile XO-Lutions inspect her vehicle. The consumer was told that nothing was wrong with the vehicle.

94. On or about July 14, 2009, the Bureau received a complaint from the consumer regarding Respondent's business practices.

95. On or about August 26, 2009, a Bureau representative requested a complete copy of repair records regarding the repairs to the consumer's vehicle.

96. On or about September 24, 2009, a Bureau representative met with Rippy regarding the consumer's complaint.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

97. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about July 6, 2009, Respondent made statements which he knew or which by exercise of reasonable care, he should have known were untrue or misleading, in that Respondent represented on Invoice No. 009295 that the left headlight bulb had been replaced when, in fact, it was not.

CONSUMER COMPLAINT NO. 10 – LARNELL GILL

98. On or about July 9, 2008, Larnell Gill ("consumer"), took his 1966 Pontiac GTO to Respondent's facility for restoration work, including a complete paint job, upholstery replacement, and dent repairs. Respondent estimated the repairs at $4,243.27. The consumer authorized the repairs. The consumer was provided Estimate No. 003666 in the amount of $4,243.27.

99. On or about October 19, 2009, the Bureau received a complaint from the consumer regarding the repairs to his vehicle by Respondent.

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100. On or about December 29, 2009, a Bureau representative met with Respondent and requested a complete copy of the repair records regarding the consumer's vehicle.

101. On or about January 14, 2010, a Bureau representative inspected the consumer's vehicle and found the following: paint work had runs; chips had been painted over; moldings and emblems were not installed; body lines were misaligned at the hood, doors, decklid, and quarter panel; extra long bolts were used to secure the hood; carpet underneath the gas pedal had not been completed; overspray was on various areas on the vehicle's moldings; rust was on the undercarriage; used mufflers had been installed; welds were poor and rusting; and the muffler pipe was the wrong size.

102. On or about January 20, 2010, a Bureau representative met with Respondent and Rippy regarding the consumer's complaint. Respondent and Rippy agreed to rework the consumer's vehicle at no charge.

103. On or about March 3, 2010, and March 16, 2010, a Bureau representative requested a copy of the no charge documents from Respondent. Respondent could only provide the second rework document.

104. On or about March 3, 2010, a Bureau representative went to Respondent's facility after receiving a telephone call from the consumer that Respondent failed to perform all the items contained on the rework list. Rippy stated that they were not responsible for the rework.

105. On or about March 8, 2010, a Bureau representative inspected the consumer's vehicle and found the following items contained on the rework list had not been performed: the molding and emblems were not installed; the upholstery was not corrected; the paintwork had a run in the left front fender; the chips were painted over again; the body lines were misaligned at the hood, doors, decklid, and quarter panels, the extra long bolts used to secure the hood were still in place; the carpet underneath the gas pedal was not completed; overspray on various areas of the vehicle moldings were not addressed; and the vehicle still had rust on the undercarriage.

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TWENTY-THIRD CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

106. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about July 9, 2008, Respondent made statements which he knew or which by exercise of reasonable care, he should have known were untrue or misleading, in that Respondent represented on Invoice No. 003666 that new mufflers were installed when, in fact, they were not.

TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Fraud)

107. Respondent's registration is subject to discipline under Code section 9884.7(a)(4), in that on or about July 9, 2008, Respondent committed acts which constitute fraud by receiving payment for parts and/or repairs that had not been performed, in that Respondent failed to install new mufflers as invoiced.

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

108. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with Code section 9884.9(a), by failing to obtain the consumer's authorization when removing repairs (wire wheeling and bead blasting) from Estimate No. 003666, totaling $550.

CONSUMER COMPLAINT NO. 11 – EDWARD BREWER

109. On or about November 30, 2009, Edward Brewer ("consumer"), had his 1965 Jaguar MK2 towed to Respondent's facility to get the motor running and to have the carburetors repaired and adjusted. The consumer had removed the carburetors from the vehicle prior to arriving at the Respondent's facility. When the consumer arrived at Respondent's facility, the consumer handed Rippy the carburetors. Rippy told the consumer that he would contact him in a couple of days with an estimate for the work. On or about December 2, 2009, Rippy contacted the consumer and gave him an estimate of $325. The consumer authorized the repairs.

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110. On or about December 14, 2009, the consumer contacted Rippy to get a status on the vehicle repairs. Rippy told the consumer that he was waiting for a 5/16 standard fine thread stud so they could properly mount the carburetors on the motor so they could get the motor running and adjust the carburetors.

111. On or about December 30, 2009, the consumer contacted Rippy again to find out the status of the repairs. The consumer was told that they were still waiting for the stud.

112. On or about January 5, 2010, the consumer removed the vehicle from Respondent's facility because it was taking too long for the repair. When the consumer was removing the vehicle from Respondent's facility, he noticed scratches on the right rear quarter panel and left front fender. Respondent admitted scratching the vehicle and agreed to repair the scratches at no charge. The consumer paid $325 as invoiced. The vehicle was not running when the consumer retrieved it from the Respondent's facility, but had to pay the amount invoiced in order to remove the vehicle from Respondent's facility. The consumer stopped payment on his check to Respondent in the amount of $325.

113. On or about January 11, 2010, the Bureau received a complaint from the consumer regarding the repairs.

114. On or about January 14, 2010, a Bureau representative requested that Respondent produce a complete copy of all repair records regarding the consumer's vehicle. On that same day, the Bureau representative inspected the consumer's vehicle and found that the fuel line was not connected, the right upper stud for the front carburetor was missing, there were no nuts on the lower studs for either of the carburetors, all signs indicating that Respondent failed to repair the vehicle as invoiced. The Bureau representative also found screws holding the vacuum chamber to the carburetor body appeared not to have been moved, the base where the vacuum chamber meets the carburetor was rusted, there were open vacuum ports and miscellaneous cut hoses, and the upper radiator hose and radiator were not in the vehicle. Without these items in the vehicle, running the vehicle to adjust the carburetors would cause the vehicle to overheat and would be detrimental to the motor.

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115. On or about January 20, 2010, a Bureau representative met with Respondent and Rippy regarding the consumer's complaint.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

116. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about November 30, 2009, Respondent made statements which he knew or which by exercise of reasonable care, he should have known were untrue or misleading, in that Respondent represented on Invoice No. 6007 that he removed, cleaned, and resealed the carburetors when, in fact, the carburetors had been removed prior to arriving at Respondent's facility, and the carburetors had not been cleaned or resealed.

TWENTY-SEVENTH CAUSE FOR DISCIPLINE

(Departure from Accepted Trade Standards)

117. Respondent's registration is subject to discipline under Code section 9884.7(a)(7), in that on or about November 30, 2009, Respondent willfully departed from or disregarded accepted trade standards for good and workmanlike repair, in that Respondent failed to properly overhaul, clean, and adjust the carburetors.

CONSUMER COMPLAINT NO. 12 – DAVE LALICH

118. On or about December 27, 2007, Dave Lalich ("consumer"), took his 1955 Ford Fairlane to Respondent's facility for a complete paint job, upholstery replacement, and dent repairs. Respondent provided the consumer with an estimate of $7,071.54. The consumer authorized the repairs.

119. When the consumer retrieved the vehicle from Respondent's facility, he discovered numerous problems with the repairs, in that Respondent failed to reinstall all the vehicle's parts, caused damage to the vehicle's door handles, allowed water to leak inside the vehicle causing upholstery damage, installed the wrong interior material, and caused the vehicle to rust.

120. On or about January 14, 2010, the Bureau received a complaint from the consumer regarding the repairs performed at Respondent's facility.

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121. On or about January 25, 2010, a Bureau representative inspected the consumer's vehicle and found that the body of the vehicle was rusting at the rocker panels, decklid, floor pans, and body pillars; the headliner was stained and sagging due to water damage; the upholstery appeared faded and weather beaten; the backing on the trim panels were of poor quality; there was paint overspray on numerous components of the vehicle, including the engine compartment wires, cables, and components; and the front turn lamps had condensation in them from not being sealed properly. In addition, Respondent failed to completely refinish the inside of the vehicle; the inner trunk, rear floor pan, front floor pan, and door jambs were not completely refinished, and the pressure washing in the engine compartment was not completed.

122. On or about February 8, 2010, a Bureau representative met with Respondent and Rippy regarding the consumer's complaint and requested a complete copy of all repair records regarding the consumer's vehicle. The consumer requested that the Respondent refund his money or purchase the vehicle.

123. On or about March 25, 2010, Respondent agreed to purchase the consumer's vehicle.

TWENTY-EIGHTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

124. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about January 3, 2008, Respondent made statements which he knew or which by exercise of reasonable care, he should have known were untrue or misleading, in that Respondent represented on Invoice No. 001663 that he had refinished the vehicle inside and out when, in fact, it was not, and the engine compartment had been power washed and refinished when, in fact, it had not.

TWENTY-NINTH CAUSE FOR DISCIPLINE

(Failure to Record the Vehicle's Current Odometer Reading on Repair Order)

125. Respondent's registration is subject to discipline under Code section 9884.7(a)(2), in that on or about January 26, 2008, Respondent provided the consumer with a copy of Estimate No. 006211, that did not contain the vehicle's current odometer reading.

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THIRTIETH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

126. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with California Code of Regulations, title 16, section 3356(c), by recording a separate billing on Invoice No. 001663 for shop supplies.

THIRTY-FIRST CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

127. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that on or about January 26, 2008, Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9884.9(b):** Respondent failed to document/disclose on Estimate No. 006211 that the rear window, glass work, and windshield were sublet to another company.

b. **Section 9884.9(c):** Respondent failed to identify each part on Estimate No. 006211 as new, used, reconditioned, or rebuilt.

CALIFORNIA STATE AUTO ASSOCIATION - 2004 NISSAN MURANO

COMPLAINT NO. 13

128. On or about September 10, 2009, the Bureau received a fraudulent claim referral from the California Department of Insurance, Fraud Division, on behalf of California State Auto Association ("CSAA"), wherein CSAA alleged that Respondent failed to perform repairs on their insured, Georgene Craven's ("consumer") 2004 Nissan Murano SL, according to CSAA's estimate dated September 1, 2009, and for which Respondent received payment.

129. On or about January 28, 2010, and February 24, 2010, a Bureau representative inspected the consumer's vehicle using CSAA's Estimate ID No. P28K48594801, dated September 1, 2009, as a reference. The inspection revealed that Respondent failed to replace the following parts or provide labor totaling $1,251.04:

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Replace front bumper cover	$336.82
Replace left front bumper guard	$ 72.82
Replace left front bumper extension	$ 76.37
Replace front bumper impact absorber	$ 64.53
Replace left front bumper stay	$ 70.58
Replace grille	$188.45
Replace left upper grille garnish	$ 57.22
Replace left front comb housing	$244.22
Replace left front comb lamp wiring	$ 25.58
Replace and install left lower fender molding	$ 15.00 (labor)
Tax	$ 99.45

THIRTY-SECOND CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

130. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about August 27, 2009, Respondent made statements which he knew or which by exercise of reasonable care he should have known to be untrue or misleading by falsely representing to CSAA and the consumer that the vehicle had been repaired pursuant to CSAA's ID No. P28K48594801, dated September 1, 2009, when, in fact, he failed to perform the repairs, as more particularly set forth in paragraph 129 above.

THIRTY-THIRD CAUSE FOR DISCIPLINE

(Fraudulent Acts)

131. Respondent's registration is subject to discipline under Code section 9884.7(a)(4), in that on or about August 27, 2009, Respondent committed fraud when he charged for and received payment from CSAA for repairs to the consumer's vehicle that were not performed or for parts he failed to supply, as more particularly set forth in paragraph 129 above.

CONSUMER COMPLAINT NO. 14 – MATTHEW VITAL

132. In or about November 2008, Matthew Vital ("consumer"), towed his 1972 Dodge Charger SE to Respondent's facility for a complete paint job, upholstery replacement, wiring replacement/repairs, engine repairs, suspension repairs, and dent repairs.

133. When the consumer retrieved his vehicle from Respondent's facility, he discovered the engine was knocking, the dash instruments did not work and two of the front engine pulleys

were rubbing. In addition Respondent performed poor workmanship on the headliner, he failed to reinstall all the vehicle's parts, and failed to complete the repairs as requested. The consumer took his vehicle back to Respondent's facility numerous times for a rework without success.

134. On or about March 26, 2010, the Bureau received a complaint from the consumer regarding the repairs performed by Respondent.

135. On or about April 22, 2010, a Bureau representative inspected the vehicle and found that Respondent failed to replace the following parts/repairs totaling $4,264.69:

Replace front brake rotors (2)	$143.96	
Replace air shocks	$180.00	($100 labor)
Replace front shocks/struts (2)	$131.96	
Replace rear shocks/struts (2)	$ 70.56	
Replace right idler arm	$150.99	($262.50 labor)
Replace left and right brake hoses	$ 31.92	
Replace left leaf spring bushings (2)	$ 22.36	
Replace lower control arm bushings (2)	$ 42.78	
Painless wiring set	$298.00	($225 labor)
Used 8 3/4 positraction rear end	$1,895.00	($450 labor)
Tax	$259.66	

THIRTY-FOURTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

136. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in that in or about November 2008, Respondent made statements which he knew or which by exercise of reasonable care he should have known to be untrue or misleading by falsely representing to the consumer that the vehicle had been repaired pursuant to Estimate No. 005106 when, in fact, he failed to perform those repairs, as more particularly set forth in paragraph 135 above.

THIRTY-FIFTH CAUSE FOR DISCIPLINE

(Fraudulent Acts)

137. Respondent's registration is subject to discipline under Code section 9884.7(a)(4), in that in or about November 2008, Respondent committed fraud when he charged for and received

payment from the consumer for repairs that were not performed or for parts he failed to supply, as more particularly set forth in paragraph 135 above.

THIRTY-SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

138. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that in or about November 2008, Respondent failed to comply with Code section 9884.9(a), in that Respondent failed to document the consumer's authorization when the repair costs increased from $10,586.27 to $20,623.30, and changes were not documented including the final charges of $19,812.39.

CONSUMER COMPLAINT NO. 15 – JOEY TOMKO

139. On or about January 5, 2010, Joey Tomko ("consumer"), took his 2000 Nissan Maxima GLE to Respondent's facility because the vehicle was running rough and the engine light was on. Respondent quoted the consumer a $45 diagnosis fee. The consumer authorized the diagnosis. Respondent told the consumer that both front catalytic converters were bad. The consumer asked Respondent to show him the bad catalytic converters. When Respondent inspected the catalytic converters, he found that they were not in need of replacement. The consumer then asked Respondent to find the code that was causing the engine light to come on. Respondent told the consumer that the mass airflow sensor needed to be replaced, which the consumer supplied to Respondent. Respondent charged the consumer $180 for the installation of the mass airflow sensor and diagnosis. Respondent had increased the diagnostic fee from $45 to $90 without the consumer's knowledge.

140. On or about January 9, 2010, the consumer returned to the Respondent's facility to retrieve his vehicle. The consumer paid $180. When the consumer left Respondent's facility, the engine light came back on. The consumer took the vehicle to Nissan of Elk Grove for diagnosis. Nissan of Elk Grove checked the engine light code and determined that the vehicle needed a #4 cylinder engine coil, and that there was a broken wire in the main engine harness.

141. On or about April 14, 2010, the Bureau received a complaint from the consumer regarding Respondent's business practices.

142. On or about May 12, 2010, a Bureau representative met with Respondent and Rippy and requested a complete copy of the repair records regarding the consumer's vehicle.

143. On or about May 18, 2010, a Bureau representative met with Respondent and Rippy to discuss the consumer's complaint.

THIRTY-SEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act)

144. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in that Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9884.8:**

i. Respondent failed to record the findings regarding the diagnostics performed on Invoice No. 6047.

b. **Section 9884.9(a):**

ii. Respondent failed to document the consumer's authorization for the additional diagnostic charge of $45 on Invoice No. 6047.

OTHER MATTERS

145. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on probation the registrations for all places of business operated in this state by Shaun Woodward, doing business as Perfection Auto Parts & Repair, upon a finding that he has, or is, engaged in a course of repeated and willful violation of the laws and regulations pertaining to an automotive repair dealer.

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PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration No. ARD 248055, issued to Shaun Woodward, doing business as Perfection Auto Parts & Repair;

2. Revoking or suspending any other automotive repair dealer registration issued to Shaun Woodward;

3. Ordering Shaun Woodward to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 3/21/11

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

SA2010102806