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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. 77/15-58

13 **T N T AUTO BODY**  
14 **TONY MACH, OWNER**  
3210 51st Avenue  
Sacramento, California 95822

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

15 **Automotive Repair Dealer Registration No.**  
16 **ARD 249127**

17 Respondent.

18  
19 Patrick Dorais ("Complainant") alleges:

20 **PARTIES**

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

23 2. On or about February 5, 2007, the Bureau issued Automotive Repair Dealer  
24 Registration Number ARD 249127 to Tony Mach ("Respondent"), as owner of T N T Auto Body.  
25 The automotive repair dealer registration expired on January 31, 2015.

26 **STATUTORY AND REGULATORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 9884.13 provides, in pertinent part,  
28 that the expiration of a valid registration shall not deprive the Director or chief of jurisdiction to

1 proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision  
2 invalidating a registration temporarily or permanently.

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

7 5. Code section 9884.7 states, in pertinent part:

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

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

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

21 (4) Any other conduct that constitutes fraud.

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

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

27 (b) Except as provided for in subdivision (c), if an automotive repair dealer  
28 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.

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1 (c) All work orders and/or contracts for repairs, parts and labor. All such records  
2 shall be open for reasonable inspection and/or reproduction by the bureau or other law  
enforcement officials during normal business hours.

3 9. Regulations, section 3365, states, in pertinent part:

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

6 (a) Repair procedures including but not limited to the sectioning of component parts,  
7 shall be performed in accordance with OEM service specifications or nationally distributed  
and periodically updated service specifications that are generally accepted by the autobody  
repair industry.

8 **COST RECOVERY**

9 10. Code section 125.3 provides, in pertinent part, that the Board may request the  
10 administrative law judge to direct a licentiate found to have committed a violation or violations of  
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
12 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
14 included in a stipulated settlement.

15 **VEHICLE INSPECTION #1**

16 11. On or about April 5, 2014, "S.L." took his 2002 Toyota Camry to Respondent's  
17 facility, T N T Auto Body, to repair the front end of his vehicle, which had been damaged in a  
18 collision. A claim was filed with State Farm Insurance Company ("State Farm").

19 12. On or about April 5, 2014, S.L. signed a blank estimate provided by Respondent. The  
20 vehicle's odometer reading was not recorded on it.

21 13. State Farm issued Estimate ID No. 55-4D-19-47701, dated April 8, 2014, totaling  
22 \$4,687.89 (the "insurance estimate").

23 14. On or about April 21, 2014, State Farm issued a check in the amount of \$4,687.89,  
24 payable to Respondent.

25 15. On or about May 5, 2014, a Bureau representative inspected S.L.'s 2002 Toyota  
26 Camry using the insurance estimate for comparison. That inspection revealed that Respondent did  
27 not repair the vehicle as specified in the insurance estimate as follows:

28 ///

- 1 a. Respondent replaced the front bumper cover with a non-OEM after-market part  
2 instead of a remanufactured original equipment manufacturer (“OEM”) part.
- 3 b. Respondent replaced the front bumper impact cushion with a non-OEM after-market  
4 part instead of a new OEM part.
- 5 c. Respondent did not replace the front bumper reinforcement bar.
- 6 d. Respondent replaced the front grille with a non-OEM aftermarket part instead of a  
7 new OEM part.
- 8 e. Respondent replaced the front left combination lamp assembly with a non-OEM  
9 aftermarket part instead of a recycled OEM part.
- 10 f. Respondent replaced the hood panel with a non-OEM aftermarket part instead of a  
11 recycled OEM part.
- 12 g. Respondent did not install a new OEM hood latch.
- 13 h. Respondent replaced the left fender panel with a non-OEM aftermarket part instead of  
14 a new OEM part.
- 15 i. Respondent replaced the left fender liner with a non-OEM aftermarket part instead of  
16 a new OEM part.
- 17 j. Respondent did not refinish the complete radiator support.
- 18 k. Respondent did not replace the left upper front body tie bar extension with a new  
19 OEM part.
- 20 l. Respondent did not replace the left front sub-frame brace with a new OEM part.
- 21 16. On or about June 5, 2014, Bureau representatives met with Respondent, who  
22 acknowledged that aftermarket parts were not as good as OEM parts and he put his business up  
23 for sale because he knew what he was doing was wrong. The total estimated value of the repairs  
24 the facility failed to perform on the vehicle is approximately \$3,861.78.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 17. Respondent is subject to disciplinary action pursuant to Code section 9884.7(a)(1), in  
28 that Respondent made statements which he knew or which by exercise of reasonable care he

1 should have known were untrue or misleading. Specifically, Respondent falsely represented to  
2 S.L., State Farm, and Bureau Representatives, that S.L.'s 2002 Toyota Camry was repaired  
3 pursuant to the insurance estimate, as set forth in paragraphs 11 through 16, above.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Fraudulent Acts)**

6 18. Respondent is subject to disciplinary action pursuant to Code section 9884.7(a)(4), in  
7 that Respondent committed acts constituting fraud by receiving payment from State Farm to  
8 repair S.L.'s 2002 Toyota Camry pursuant to the insurance estimate, when in fact he did not  
9 repair the vehicle as specified, as set forth in paragraphs 11 through 17, above.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Departure from Trade Standards)**

12 19. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
13 subdivision (a)(7), in that Respondent willfully departed from or disregarded accepted trade  
14 standards for good and workmanlike repair without the consent of the owner or the owner's duly  
15 authorized representative in a material respect. Specifically, Respondent failed to replace the front  
16 bumper reinforcement bar on S.L.'s 2002 Toyota Camry.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Work Order Deficiencies)**

19 20. Respondent is subject to discipline under Code section 9884.7(a)(2), as regards  
20 consumer S.L.'s 2002 Toyota Camry, in that on or about April 5, 2014, Respondent did the  
21 following:

- 22 a. Respondent failed to note the odometer reading on the work order that S.L. signed.  
23 b. Respondent had S.L. sign a work order that did not state the repairs requested by  
24 S.L.

25 **FIFTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply With Code)**

27 21. Respondent is subject to discipline under Code section 9884.7(a)(6), in that  
28 Respondent failed to comply with Code Section 9884.11 by failing to maintain all records

1 pertaining to the repairs performed on S.L.'s 2002 Toyota Camry, or failing to make those  
2 records available for inspection by the Bureau.

3 **VEHICLE INSPECTION #2**

4 22. On or about January 14 or 15, 2014, "H.N." brought a 2012 Toyota Camry belonging  
5 to "L.T." to Respondent's facility, T N T Auto Body to repair the rear of the vehicle, which had  
6 been damaged in a collision. A claim was filed with CSAA Insurance Group ("CSAA").

7 23. On or about January 14 or 15, 2014, H.N. signed a blank estimate provided by  
8 Respondent. The blank estimate did not have the vehicle's odometer reading recorded on it.

9 24. CSAA issued Estimate ID No. 1000-31-9044.2, version 0, dated January 16, 2014, for  
10 \$7,399.04. A supplemental estimate for \$539.56, ID No. 1000-31-9044.2, version 1, dated  
11 February 5, 2014, was issued, bringing the estimate total to \$7,938.60 (the "insurance estimate").

12 25. In or around January and February 2014, CSAA issued two checks totaling  
13 \$7,938.60, payable to Respondent.

14 26. On or about May 14, 2014, a Bureau representative inspected L.T.'s 2012 Toyota  
15 Camry using the insurance estimate for comparison. That inspection revealed that Respondent did  
16 not repair the vehicle as specified in the insurance estimate as follows:

- 17 a. Respondent did not replace the right luggage lid hinge arm.  
18 b. Respondent did not refinish the right hinge.  
19 c. Respondent did not replace the left luggage lid hinge arm.  
20 d. Respondent did not refinish the left hinge.  
21 f. Respondent failed to replace the rear bumper energy absorber.

22 27. The total estimated value of the repairs the facility failed to perform on the vehicle is  
23 approximately \$376.09.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Untrue or Misleading Statements)**

26 28. Respondent is subject to disciplinary action pursuant to Code section 9884.7(a)(1), in  
27 that Respondent made statements which he knew or which by exercise of reasonable care he  
28 should have known were untrue or misleading. Specifically, Respondent falsely represented to

1 L.T. and CSAA that L.T.'s 2012 Toyota Camry was repaired pursuant to the insurance estimate,  
2 as set forth in paragraphs 22 through 27, above.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Fraudulent Acts)**

5 29. Respondent is subject to disciplinary action pursuant to Code section 9884.7(a)(4), in  
6 that Respondent committed acts constituting fraud by receiving payment from CSAA to repair  
7 L.T.'s 2012 Toyota Camry pursuant to the insurance estimate, when in fact he did not repair the  
8 vehicle as specified, as set forth in paragraphs 22 through 28, above.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Departure from Trade Standards)**

11 30. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
12 subdivision (a)(7), in that Respondent willfully departed from or disregarded accepted trade  
13 standards for good and workmanlike repair without the consent of the owner or the owner's duly  
14 authorized representative in a material respect. Specifically, Respondent failed to install a rear  
15 bumper energy absorber on L.T.'s 2012 Toyota Camry.

16 **NINTH CAUSE FOR DISCIPLINE**

17 **(Work Order Deficiencies)**

18 31. Respondent is subject to discipline under Code section 9884.7(a)(2), as regards  
19 consumer L.T.'s 2012 Toyota Camry, in that on or about January 14 or 15, 2014, Respondent did  
20 the following:

21 ///

22 a. Respondent failed to note the odometer reading on the work order that H.N. signed  
23 on behalf of L.T.

24 b. Respondent had H.N. sign a work order that did not state the requested repairs.

25 **TENTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply With Code)**

27 32. Respondent is subject to discipline under Code section 9884.7(a)(6), in that  
28 Respondent failed to comply with Code Section 9884.11 by failing to maintain all records

1 pertaining to the repairs performed on L.T.'s 2012 Toyota Camry, or failing to make those  
2 records available for inspection by the Bureau.

### 3 VEHICLE INSPECTION #3

4 33. On or about March 27, 2014, "J.P." took a 2003 Chevrolet Pickup Silverado to  
5 Respondent's facility to repair the front end of the vehicle, which had been damaged in a  
6 collision. A claim was filed with State Farm Mutual Automobile Insurance Company ("State  
7 Farm").

8 34. On or about March 27, 2014, J.P. signed a blank estimate provided by Respondent.  
9 The blank estimate did not have the vehicle's odometer reading recorded on it.

10 35. State Farm issued Estimate ID No. 55-430X-91801, dated March 31, 2014, totaling  
11 \$1,683.94 (the "insurance estimate").

12 36. Respondent was paid \$2,183.94 total, \$500.00 by J.P. and \$1,683.94 by State Farm,  
13 for his repairs to J.P.'s vehicle.

14 37. In or around May and June 2014 a Bureau representative inspected J.P.'s 2003  
15 Chevrolet Pickup Silverado using the insurance estimate for comparison. That inspection revealed  
16 that Respondent did not repair the vehicle as specified in the insurance estimate as follows:

17 a. Respondent replaced the left fender panel with a non-OEM aftermarket part instead of  
18 a recycled OEM part.

19 b. Respondent did not refinish the left fender outside.

20 c. Respondent did not refinish the left add to edge fender.

21 38. On or about June 5, 2014, Bureau representatives met with Respondent, who stated  
22 that his facility replaced the left fender with a non-OEM aftermarket part. The total estimated  
23 value of the repairs the facility failed to perform on the vehicle is approximately \$808.75.

### 24 ELEVENTH CAUSE FOR DISCIPLINE

#### 25 (Untrue or Misleading Statements)

26 39. Respondent is subject to disciplinary action pursuant to Code section 9884.7(a)(1), in  
27 that Respondent made statements which he knew or which by exercise of reasonable care he  
28 should have known were untrue or misleading. Specifically, Respondent falsely represented to

1 J.P. and State Farm that J.P.'s 2003 Chevrolet Pickup Silverado was repaired pursuant to the  
2 insurance estimate, as set forth in paragraphs 33 through 38, above.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Fraudulent Acts)**

5 40. Respondent is subject to disciplinary action pursuant to Code section 9884.7(a)(4), in  
6 that Respondent committed acts constituting fraud by receiving payment from State Farm to  
7 repair J.P.'s 2003 Chevrolet Pickup Silverado pursuant to the insurance estimate, when in fact he  
8 did not repair the vehicle as specified, as set forth in paragraphs 33 through 39, above.

9 **THIRTEENTH CAUSE FOR DISCIPLINE**

10 **(Work Order Deficiencies)**

11 41. Respondent is subject to discipline under Code section 9884.7(a)(2), as regards  
12 consumer J.P.'s 2003 Chevrolet Pickup Silverado, in that on or about March 27, 2014,  
13 Respondent did the following:

- 14 a. Respondent failed to note the odometer reading on the work order that J.P. signed.  
15 b. Respondent had J.P. sign a work order that did not state the repairs requested by  
16 J.P.

17 **FOURTEENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply With Code)**

19 42. Respondent is subject to discipline under Code section 9884.7(a)(6), in that  
20 Respondent failed to comply with Code Section 9884.11 by failing to maintain all records  
21 pertaining to the repairs performed on J.P.'s 2003 Chevrolet Pickup Silverado, or failing to make  
22 those records available for inspection by the Bureau.

23 **OTHER MATTERS**

24 43. Pursuant to Code section 9884.7(c), the Director may suspend, revoke, or place on  
25 probation the registration for all places of business operated in this state by Respondent  
26 Tony Mach, owner of T N T Auto Body, upon a finding that Respondent has, or is, engaged in a  
27 course of repeated and willful violations of the laws and regulations pertaining to an automotive  
28 repair dealer.

**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 Number ARD 249127, issued to Tony Mach, as owner of T N T Auto Body;
2. Revoking or suspending any other automotive repair dealer registration issued to Tony Mach;
3. Ordering Tony Mach to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: May 15, 2015 

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

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