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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:

**JERAMY C. MOORE
SIERRA AUTO BODY
4510 Missouri Flat Rd.
Placerville, CA 95667**

**Automotive Repair Dealer Registration No.
ARD 253271**

Respondent.

Case No. 77/14-29

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 22, 2013, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 77/14-29 against Jeramy C. Moore, Sierra Auto Body (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about December 20, 2007, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 253271 to Respondent. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 77/14-29 and will expire on December 31, 2014, unless renewed.

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1 disregarded accepted trade standards for good and workmanlike repair without consent, by failing
2 to complete repairs to a 2009 Nissan Versa.

3 e. Respondent is subject to disciplinary action pursuant to Business and Professions
4 Code section 9884.7, subdivision (a)(4), in that in 2012, Respondent committed acts constituting
5 fraud with respect to a 2006 Honda Civic by obtaining payment for replacing a part that had not
6 been replaced.

7 f. Respondent is subject to disciplinary action pursuant to Business and Professions
8 Code section 9884.7, subdivision (a)(7), in that in 2011, Respondent willfully departed from or
9 disregarded accepted trade standards for good and workmanlike repair without consent, in a
10 material respect, with respect to a 2006 Honda Civic by failing to apply corrosion protection to
11 the spot welds at the front body radiator support in violation of Regulation 3365, subdivision (b),
12 resulting in the development of rust at that location of the vehicle.

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Exhibit A

Accusation

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Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
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Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 77/14-29

12 **SIERRA AUTO BODY**
13 **JERAMY C. MOORE, OWNER**
4510 Missouri Flat Road
14 **Placerville, CA 95667**
Mailing Address:
15 **P.O. Box 1861**
Placerville, CA 95667

ACCUSATION

16 **Automotive Repair Dealer Reg. No. ARD 253271**

17 Respondent:

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity
22 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
23 2. On or about December 20, 2007, the Director of Consumer Affairs ("Director")
24 issued Automotive Repair Dealer Registration Number ARD 253271 to Jeramy C. Moore
25 ("Respondent"), owner of Sierra Auto Body. Respondent's automotive repair dealer registration
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 December 31, 2013, unless renewed.

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1 JURISDICTION

2 3. Business and Professions Code ("Code") section 9884.7 provides that the Director
3 may revoke an automotive repair dealer registration,

4 4. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
5 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
6 against an automotive repair dealer or to render a decision temporarily or permanently
7 invalidating (suspending or revoking) a registration.

8 STATUTORY AND REGULATORY PROVISIONS

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

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

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

19 (4) Any other conduct that constitutes fraud.

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

23 6. Code section 9884.7, subdivision (c), states, in pertinent part, that the Director may
24 suspend, revoke, or place on probation the registration for all places of business operated in this
25 state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
26 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
27 automotive repair dealer.

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1 7. Code section 22, subdivision (a), states:

2 "Board" as used in any provision of this Code, refers to the board in
3 which the administration of the provision is vested, and unless otherwise expressly
4 provided, shall include "bureau," "commission," "committee," "department,"
5 "division," "examining committee," "program," and "agency."

6 8: Code section 477, subdivision (b), states, in pertinent part, that a "license" includes
7 "registration" and "certificate."

8 9. California Code of Regulations, title 16, section ("Regulation") 3303 states, in
9 pertinent part:

10 (n) "Corrosion protection" means a coating applied to the vehicle to create
11 a corrosion resistant barrier that protects the structure or component from the
12 elements to which it is exposed . . .

13 10. Regulation 3365 states:

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

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

19 11. Regulation 3373 states:

20 No automotive repair dealer or individual in charge shall, in filling out an
21 estimate, invoice, or work order, or record required to be maintained by section
22 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or
23 information which will cause any such document to be false or misleading, or where
24 the tendency or effect thereby would be to mislead or deceive customers, prospective
25 customers, or the public.

26 COST RECOVERY

27 12. Code section 125.3 provides, in pertinent part, that a Board may request the
28 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.

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1 c. Respondent obtained payment from 21st Century for painting the complete radiator
2 support on Petersen's 2005 Chrysler Pacifica. In fact, only the upper portion of the radiator
3 support was painted.

4 d. Respondent obtained payment from 21st Century for replacing the hood on Petersen's
5 2005 Chrysler Pacifica with a new CAPA hood. In fact, the hood was replaced with a used part.

6 e. Respondent obtained payment from 21st Century for replacing the right and left hood
7 hinges on Petersen's 2005 Chrysler Pacifica. In fact, those parts were not replaced on the vehicle.

8 **VEHICLE INSPECTION: 2009 NISSAN VERSA**

9 16. On or about May 23, 2011, Louis Hammond's ("Hammond") 2009 Nissan Versa was
10 damaged in a rear-end collision. Hammond took the vehicle to Respondent's facility for repair.

11 17. On or about July 6, 2011, the facility prepared an itemized written estimate in the
12 amount of \$3,660.42. Respondent's facility then performed repairs on the vehicle.

13 18. On or about July 21, 2011, CSAA (California State Automobile Association) issued a
14 check in the amount of \$3,660.42 to the facility in payment for the collision repairs.

15 19. On May 31, 2012, the Bureau inspected the vehicle using the above estimate for
16 comparison. The Bureau found that Respondent failed to repair the vehicle as specified on the
17 estimate and that the repairs were not performed to accepted trade standards. The total value of
18 the repairs Respondent failed to perform on the vehicle is approximately \$219.91.

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20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Untrue or Misleading Statements)**

22 20. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
23 subdivision (a)(1), in that Respondent made or authorized statements which he knew or in the
24 exercise of reasonable care should have known to be untrue or misleading, as follows:

25 a. Respondent represented on the written estimate that the rear (trunk) floor pan
26 assembly on Hammond's 2009 Nissan Versa was painted. In fact, that part was not completely
27 painted on the vehicle.

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1 b. Respondent represented on the written estimate that the rear floor pan assembly on
2 Hammond's 2009 Nissan Versa was clear coated. In fact, that part was not completely clear
3 coated on the vehicle.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 21. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
7 subdivision (a)(4), in that Respondent committed acts constituting fraud, as follows:

8 a. Respondent obtained payment from CSAA for painting the rear floor pan assembly
9 on Hammond's 2009 Nissan Versa. In fact, that part was not completely painted on the vehicle.

10 b. Respondent obtained payment from CSAA for clear coating the rear floor pan
11 assembly on Hammond's 2009 Nissan Versa. In fact, that part was not completely clear coated
12 on the vehicle.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Departure from Trade Standards)**

15 22. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
16 subdivision (a)(7), in that Respondent willfully departed from or disregarded accepted trade
17 standards for good and workmanlike repair without the consent of the owner or the owner's duly
18 authorized representative, in the following material respects:

19 a. Respondent failed to completely repair the rear (trunk) floor pan on Hammond's
20 2009 Nissan Versa, leaving the part damaged.

21 b. Respondent failed to completely seal the trunk floor pan to the rear body panel.

22 c. Respondent failed to install all of the rear bumper retainer bolts.

23 **CONSUMER COMPLAINT (SCHERCK): 2006 HONDA CIVIC**

24 23. On or about June 19, 2012, the Bureau received a complaint from Carly Scherck
25 ("Scherck"), alleging that Respondent failed to properly repair her 2006 Honda Civic. Scherck
26 had taken the vehicle to Respondent's facility for collision repairs following an accident which
27 occurred in 2011, and a second accident which occurred in January 2012 (the vehicle had

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1 sustained front body damage in both accidents). Scherck had made claims for the collision
2 damage with her insurance company, Anchor General.

3 24. On June 26, 2012, a representative of the Bureau inspected the vehicle and found that
4 the check engine light and ABS light would illuminate when the engine was running. The
5 representative determined that further inspection was needed on the vehicle.

6 25. On August 7, 2012, two representatives of the Bureau met with Scherck at Kneisels
7 Collision Center ("Kneisels") located in Shingle Springs. Kneisels removed the front bumper
8 cover and both front inner wheel liners from the vehicle. The representatives then inspected the
9 vehicle, and compared the repairs performed by Respondent with a written estimate dated January
10 5, 2012, in the gross amount of \$5,969.62 that had been prepared by P&C Appraisal Services, on
11 behalf of Anchor General ("insurance estimate"). The representatives found that Respondent had
12 failed to repair the vehicle as specified on the insurance estimate. The total value of the repairs
13 Respondent failed to perform on the vehicle is approximately \$1,384.57.

14 26. On August 23, 2012, the representatives met with Respondent and informed him of
15 their findings. Respondent admitted that he had not performed all of the work listed on the
16 insurance estimate, and that he had received payment from Anchor General for the repairs¹, but
17 had not returned any money to the insurance company for the work he failed to perform on the
18 vehicle. Respondent also told the representatives that he kept the money for the repairs because
19 his business had been experiencing financial difficulties. The representatives asked Respondent if
20 he had failed to repair other vehicles as invoiced. Respondent stated that "there might be five",
21 but he could not recall the names of the consumers or the make or model of the vehicles.

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25 ¹ The Bureau obtained documentation showing that Anchor General had received Notices
26 of Levy from the Internal Revenue Service and State Board of Equalization for the collection of
27 money owed by Respondent, and had issued checks totaling \$5,502.66 to the agencies to satisfy
28 the liens on Respondent's behalf. Anchor General had also issued a check in the amount of
\$1,659.80 made payable to Scherck and Respondent's facility in payment for the repairs on the
vehicle. Further, Scherck had paid a \$500 insurance deductible for each of her claims, for a total
of \$1,000.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 27. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
4 subdivision (a)(4), in that Respondent committed acts constituting fraud, as follows:

5 a. Respondent obtained payment from Anchor General and Scherck for replacing the
6 front bumper impact absorber on Scherck's 2006 Honda Civic. In fact, that part was not replaced
7 on the vehicle.

8 b. Respondent obtained payment from Anchor General and Scherck for replacing the
9 front bumper reinforcement bar on Scherck's 2006 Honda Civic. In fact, that part was not
10 replaced on the vehicle.

11 c. Respondent obtained payment from Anchor General and Scherck for replacing the
12 hood on Scherck's 2006 Honda Civic with a new original equipment manufacturer part. In fact,
13 the hood was replaced with an aftermarket part.

14 d. Respondent obtained payment from Anchor General and Scherck for replacing the air
15 conditioning condenser on Scherck's 2006 Honda Civic. In fact, that part was not replaced on the
16 vehicle.

17 e. Respondent obtained payment from Anchor General and Scherck for evacuating and
18 recharging the air conditioning system on Scherck's 2006 Honda Civic. In fact, that repair was
19 not performed on the vehicle.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Departure from Trade Standards)**

22 28. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
23 subdivision (a)(7), in that Respondent willfully departed from or disregarded accepted trade
24 standards for good and workmanlike repair without the consent of the owner or the owner's duly
25 authorized representative, in a material respect, as follows: Respondent failed to apply corrosion
26 protection to the spot welds at the front body radiator support on Scherck's 2006 Honda Civic, in
27 violation of Regulation 3365, subdivision (b), resulting in the development of rust at that location
28 of the vehicle.

1 OTHER MATTERS

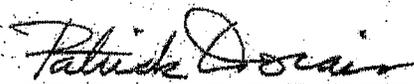
2 29. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
3 or place on probation the registration for all places of business operated in this state by
4 Respondent Jeremy C. Moore, owner of Sierra Auto Body, upon a finding that said Respondent
5 has, or is, engaged in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

7 PRAYER

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

- 10 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
11 253271, issued to Jeremy C. Moore, owner of Sierra Auto Body;
- 12 2. Revoking or suspending any other automotive repair dealer registration issued to
13 Jeremy C. Moore;
- 14 3. Ordering Jeremy C. Moore, owner of Sierra Auto Body, to pay the Director of
15 Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant
16 to Business and Professions Code section 125.3;
- 17 4. Taking such other and further action as deemed necessary and proper.

18
19 DATED: November 22, 2013


20 PATRICK DORAIS
21 Chief
22 Bureau of Automotive Repair
23 Department of Consumer Affairs
24 State of California
25 Complainant

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28 SA2013109275