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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. 77/16-2082

12 **CARLOS L. ALVAREZ-MEMBER,**
13 **LAURA ALVAREZ-MEMBER,**
14 **ALL STATE AUTO BODY, LLC. DBA**
15 **ALL STATE AUTO BODY, LLC.**
1335-1337 Truman St.
San Fernando, CA 91340

A C C U S A T I O N

16 **Automotive Repair Dealer Registration No.**
17 **ARD 254831**

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about May 13, 2008, the Bureau issued Automotive Repair Dealer Registration
25 Number ARD 254831 ("registration") to Carlos L. Alvarez-Member, Laura Alvarez-Member, All
26 State Auto Body, LLC. dba All State Auto Body, LLC. (Respondent). The Automotive Repair
27 Dealer Registration was in full force and effect at all times relevant to the charges brought herein
28 and will expire on April 30, 2018, unless renewed.

JURISDICTION

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2 3. This Accusation is brought before the Director of Consumer Affairs (“Director”) for
3 the Bureau, under the authority of the following laws. All section references are to the Business
4 and Professions Code unless otherwise indicated.

5 4. Section 9884.7 provides that the director may revoke an automotive repair dealer
6 registration.

7 5. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
8 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
9 proceeding against an automotive repair dealer or to render a decision invalidating a registration
10 temporarily or permanently.

STATUTORY AND REGULATORY PROVISIONS

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12 6. Section 9884.7 of the Code states:

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

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

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22 “(4) Any other conduct which constitutes fraud.

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

25 7. California Code of Regulations, title 16, section 3373, states:

26 " No automotive repair dealer or individual in charge shall, in filling out an estimate,
27 invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter,
28 withhold therefrom or insert therein any statement or information which will cause any such

1 document to be false or misleading, or where the tendency or effect thereby would be to mislead
2 or deceive customers, prospective customers, or the public.”

3 **COST RECOVERY**

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

10 **INVESTIGATION NO. 1: 2011 CROWN VICTORIA PATROL VEHICLE**

11 9. A Lieutenant from the California Highway Patrol (CHP) requested an inspection of a
12 2011 Crown Victoria patrol vehicle, CA Exempt Plate No. 1352424 that was fraudulently
13 repaired. The matter came to CHP attention due to a rattle in the right front door. The vehicle
14 was sent to Ed Butts Ford. Upon inspection Ed Butts Technician found a ballistic plate loose
15 inside the door causing the ballistic plate to detach from the door. On or about February 2, 2016,
16 Bureau Representatives initiated a formal investigation into the business practices of All State
17 Auto Body, LLC. The investigation revealed that Respondent replaced both right side doors with
18 used doors when the CHP paid for new factory doors. Respondent also improperly matched the
19 front door ballistic panel to the used door causing it to detach. Respondent received
20 compensation of \$9,326.18 for repairs on the 2011 Crown Victoria patrol vehicle. Respondent
21 failed to repair the 2011 Crown Victoria patrol vehicle as paid.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Untrue or Misleading Statement)**

24 10. Respondent has subjected its registration to discipline under Code section 9884.7,
25 subdivision (a)(1) and California Code of Regulation, title 16, sections 3373, in that Respondent
26 made or authorized a statement which it knew or which by exercise of reasonable care it should
27 have known was untrue or misleading, in that Respondent generated and submitted an estimate as
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1 part of a bid then deviated from the estimate of record by installing used parts in place of new
2 parts. Complainant hereby incorporates paragraph 9, above, as though set forth fully.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 11. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
6 subdivision(a)(4), in that Respondent committed an act constituting fraud, in that Respondent
7 presented Invoice No. 4089 for payment that specifically states "REPAIR DAMAGE PER
8 ESTIMATE" when in fact the repairs were not performed as per the estimate. Complainant
9 hereby incorporates paragraphs 9 and 10, above, as though set forth fully.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Violation of the Code)**

12 12. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
13 subdivision (a)(6), in that Respondent failed to comply with provisions of the Code.
14 Complainant hereby incorporates paragraphs 10 and 11, above, as though set forth fully.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violation of Regulation)**

17 13. Respondent is subject to discipline pursuant to Code section 9884.7, subdivision
18 (a)(6), in that Respondent failed to comply with provisions of California Code of Regulations,
19 Complainant hereby incorporates paragraph 10, above, as though set forth fully.

20 **INVESTIGATION NO. 2: 2011 CROWN VICTORIA PATROL VEHICLE**

21 14. On or about February 2, 2016, Bureau Representatives inspected a 2011 Ford Crown
22 Victoria, CA Plate No. 1364753 using Invoice and Estimate No. 5312 as a reference. Estimate
23 5312 showed All State Auto Body, LLC. was paid to replace the "Frnt Bumper Cover" with
24 "6W7Z 17D957 APTM", which is an Original Equipment Manufacturer (OEM) replacement
25 Ford bumper cover. Estimate 5312 showed on line 12 that All State Auto Body, LLC. was paid
26 to replace the "Grille Header Panel" with 6w7z8190A, an OEM header panel. The front bumper
27 was replaced with a less expensive aftermarket part instead of an OEM part.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statement)**

3 15. Respondent has subjected its registration to discipline under Code section 9884.7,
4 subdivision (a)(1), in that Respondent made or authorized a statement which it knew or which by
5 exercise of reasonable care it should have known was untrue or misleading, in that Respondent
6 generated and submitted an estimate as part of a bid then deviated from the estimate of record by
7 installing cheaper aftermarket parts in place of new original equipment parts. Complainant
8 hereby incorporates paragraph 14, above, as though set forth fully.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 16. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
12 subdivision(a)(4), in that Respondent committed an act constituting fraud. Complainant hereby
13 incorporates paragraphs 14 and 15, above, as though set forth fully.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Violation of the Code)**

16 17. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
17 subdivision (a)(6), in that Respondent failed to comply with provisions of the Code.
18 Complainant hereby incorporates paragraphs 15 and 16, above, as though set forth fully.

19 **INVESTIGATION NO. 3: 2011 CROWN VICTORIA PATROL VEHICLE**

20 18. On or about February 2, 2016, Bureau Representatives inspected a 2011 Ford Crown
21 Victoria, CA Plate No. 1364759 using Invoice and Estimate No. 5852 as a reference. Estimate
22 5852 showed All State Auto Body, LLC. was paid to replace the "Frnt Bumper Cover" with
23 with "6W7Z 17D957 APTM", which is an OEM replacement Ford bumper cover. The front
24 bumper was replaced with a less expensive aftermarket part instead of an OEM part.

25 **EIGHTH CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statement)**

27 19. Respondent has subjected its registration to discipline under Code section 9884.7,
28 subdivision (a)(1), in that Respondent made or authorized a statement which it knew or which by

1 exercise of reasonable care it should have known was untrue or misleading, in that Respondent
2 generated and submitted an estimate as part of a bid then deviated from the estimate of record by
3 installing cheaper aftermarket parts in place of new original equipment parts. Complainant
4 hereby incorporates paragraph 18, above, as though set forth fully.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 20. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
8 subdivision(a)(4), in that Respondent committed an act constituting fraud. Complainant hereby
9 incorporates paragraphs 18 and 19, above, as though set forth fully.

10 **TENTH CAUSE FOR DISCIPLINE**

11 **(Violation of the Code)**

12 21. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
13 subdivision (a)(6), in that Respondent failed to comply with provisions of the Code.
14 Complainant hereby incorporates paragraphs 19 and 20, above, as though set forth fully.

15 **OTHER MATTERS**

16 22. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
17 or place on probation the registration for all places of business operated in this state by Carlos L.
18 Alvarez-Member, Laura Alvarez- Member, All State Auto Body, LLC., upon a finding that said
19 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and
20 regulations pertaining to an automotive repair dealer.

21 **PRAYER**

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

24 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
25 254831, issued to Carlos L. Alvarez-Member, Laura Alvarez- Member, All State Auto Body,
26 LLC. dba All State Auto Body, LLC.;

27 2. Revoking, suspending or placing on probation any other automotive repair dealer
28 registration issued in the name of All State Auto Body, LLC;

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3. Ordering Carlos L. Alvarez-Member, Laura Alvarez- Member, All State Auto Body, LLC. dba All State Auto Body, LLC. to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: November 9, 2017 

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

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