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

12 In the Matter of the Accusation Against:

Case No. 77/11-45

13 **G COLLISION – VALLEJO, INC., DBA**
14 **G COLLISION**
15 **850 Redwood Street, Unit D**
16 **Vallejo, CA 94590**
17 **SANTIAGO SERRANO, PRESIDENT**
18 **ARMAND EULANO, CFS**
19 **Automotive Repair Dealer Registration No.**
20 **ARD 259607,**

A C C U S A T I O N

Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Sherry Mehl (“Complainant”) brings this Accusation solely in her official capacity as
24 the Chief of the Bureau of Automotive Repair (“Bureau”), Department of Consumer Affairs.

25 **Automotive Repair Dealer Registration**

26 2. On or about October 7, 2009, the Bureau issued Automotive Repair Dealer
27 Registration Number ARD 259607 (“registration”) to G Collision – Vallejo, Inc., (“Respondent”),
28 doing business as G. Collision, with Santiago Serrano as President and Armand Eulano as CFS.
The registration was in full force and effect at all times relevant to the charges brought herein and
will expire on September 30, 2012, unless renewed.

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

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

15 6. Code section 9884.17 states:

16 The bureau shall design and approve of a sign which shall be placed in all
17 automotive repair dealer locations in a place and manner conspicuous to the public.
18 That sign shall give notice that inquiries concerning service may be made to the
19 bureau and shall contain the telephone number and Internet Web site address of the
20 bureau. The sign shall also give notice that the customer is entitled to a return of
21 replaced parts upon his or her request therefor at the time the work order is taken.

22 7. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
23 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
24 proceeding against an automotive repair dealer or to render a decision invalidating a registration
25 temporarily or permanently.

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

COST RECOVERY

9. Section 125.3 of the Code 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.

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1 **CONSUMER COMPLAINT - TENORIO**

2 10. On or about March 15, 2010, Michael Tenorio ("consumer") had his 2007 Ford
3 Mustang towed to Respondent's facility for collision repairs to the front, rear, and sides of the
4 vehicle. On or about March 23, 2010, Specialty Products Claims ("SPC") inspected the vehicle
5 and prepared an estimate of repairs in the amount of \$6,316.39, less the consumer's deductible of
6 \$1,000. Respondent did not provide the consumer with a written estimated price for parts and
7 labor for the specific job. The consumer asked Respondent if he could paint the entire vehicle
8 since insurance usually only covers painting the damaged parts. Further, the consumer asked
9 Respondent to replace the wing on the back of the vehicle. Respondent informed the consumer
10 that the additional paint and replacement of the wing would cost \$2,000. Respondent also told
11 the consumer he would absorb the \$1,000 deductible. The consumer requested that all parts be
12 replaced with new original manufacturer equipment ("OEM"). On or about April 25, 2010, SPC
13 prepared a Supplement of Record 2 in the amount of \$9,067.68, less the consumer's \$1,000
14 deductible, for additional repairs to the vehicle. SPC paid Respondent \$8,067.68 for the repairs.

15 11. On or about May 21, 2010, the consumer returned to Respondent's facility to retrieve
16 his vehicle. The consumer paid Respondent \$800 toward the additional repairs, with the balance
17 due by the end of that month. Respondent failed to provide the consumer with a final invoice for
18 the repairs performed to the vehicle. On the drive home, the consumer could hear wind noise.
19 Once the consumer had the vehicle home, he inspected the repairs and found that one lug nut was
20 missing, an emblem was missing, there were mismatched fasteners, some small dents had not
21 been repaired, and the trunk lid and roof had not been painted. The consumer telephoned
22 Respondent and returned the vehicle to Respondent's facility for repair. The consumer retrieved
23 the vehicle; however, the wind noise was still present. The consumer returned the vehicle to
24 Respondent's facility and contacted his insurance estimator, who reinspected the vehicle and
25 suggested that the consumer take the vehicle to Solano Collision for inspection. The Bureau also
26 made arrangements with Solano Collision to photograph and inspect the vehicle, using
27 Supplement of Record 2, With Summary as a reference. That inspection revealed that the
28 following repairs had not been performed or were performed incorrectly totaling \$1,905.21:

1 a. The right upper rail had been replaced; however, the rail had not been welded in
2 completely. Additionally, Respondent failed to apply corrosion protection on the welds that had
3 been done.

4 b. The right inner hinge pillar and right hinge pillar reinforcement had not been
5 replaced. Filler material was improperly used to fill severe damage to the hinge pillar area. In
6 addition, the right door was not in alignment with the body. Washers were used on the door
7 hinges for spacers, which indicated the hinge pillar was not in alignment.

8 c. The right front wheel had not been replaced with an OEM part; instead, the
9 replacement wheel was a reconditioned part.

10 d. The floor pan had not been replaced; instead, it had been repaired. Filler material was
11 sanded out and revealed structural damage to the pan that had not been repaired.

12 12. On or about July 22, 2010, the consumer filed a complaint with the Bureau.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Untrue or Misleading Statements)**

15 13. Respondent has subjected its registration to discipline pursuant to Code section
16 9884.7, subdivision (a)(1), in that between March 23, 2010, and July 22, 2010, Respondent made
17 statements which it knew or which by exercise of reasonable care it should have known were
18 untrue or misleading by representing to SPC and the consumer that the vehicle would be repaired
19 pursuant to the estimate of record and supplements of record prepared by SPC. In fact,
20 Respondent failed to repair the vehicle, as more particularly set forth in paragraph 11,
21 subparagraphs a through d, above.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 14. Respondent has subjected its registration to discipline pursuant to Code section
25 9884.7, subdivision (a)(4), in that between March 23, 2010, and July 22, 2010, Respondent
26 committed acts which constitute fraud by accepting payment in the amount of \$8,067.68 from
27 SPC for the replacement of parts and performance of labor, when, in fact, Respondent failed to

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1 perform repairs and labor in the amount of \$1,905.21, as more particularly set forth in paragraph
2 11, subparagraphs a through d, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Accepted Trade Standards)**

5 15. Respondent has subjected its registration to discipline pursuant to Code section
6 9884.7, subdivision (a)(7), in that Respondent willfully departed from or disregarded accepted
7 trade standards for good and workmanlike repair without the consent of the owner or the owner's
8 duly authorized representative in the following material respects:

9 a. Respondent failed to properly weld the upper rail that had been replaced and did not
10 apply corrosion protection to those welds.

11 b. Respondent failed to properly repair the vehicle's damaged floor pan.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Code)**

14 16. Respondent has subjected its registration to discipline pursuant to Code section
15 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in
16 the following material respects:

17 a. **Section 9884.8:** Respondent failed to provide the consumer with a final invoice.

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

20 b. **Section 9884.17:** Respondent failed to display an official automotive repair dealer's
21 sign at its premises.

22 **POST REPAIR INSPECTION NO. 1 - MOLINA**

23 17. On or about March 5, 2010, Eduardo Molina ("consumer") took his 2005 Mazda 3 to
24 Respondent's facility for collision repairs to the front and rear of the vehicle. On or about March
25 11, 2010, California State Automobile Association ("CSAA") inspected the vehicle and prepared
26 an estimate of repairs totaling \$5,134.79. Respondent did not provide the consumer with a
27 written estimated price for parts and labor for the specific job.

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1 replacement of parts and performance of labor, when, in fact, Respondent failed to perform
2 repairs, including labor in the amount of \$669.97, as more particularly set forth in paragraph 19,
3 subparagraph a, above.

4 **SEVENTH CAUSE FOR DISCIPLINE**

5 **(Violations of the Code)**

6 22. Respondent has subjected its registration to discipline pursuant to Code section
7 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in
8 the following material respects:

9 a. **Section 9884.8:** Respondent failed to provide the consumer with a final invoice.

10 a. **Section 9884.9, subdivision (c):** Respondent failed to provide the consumer with a
11 written estimate price for all parts and labor for a specific job.

12 b. **Section 9884.17:** Respondent failed to display an official automotive repair dealer's
13 sign at its premises.

14 **POST REPAIR INSPECTION NO. 2 - BAENA**

15 23. On or about June 27, 2010, Dante Baena ("consumer") took his 2006 Nissan Armada
16 to Respondent's facility for collision repairs. On or about July 8, 2010, Mid-Century Insurance
17 Company, a division of Farmers Insurance Company, inspected the vehicle and prepared an
18 estimate of repairs totaling \$7,758.46. Respondent did not provide the consumer with a written
19 estimated price for parts and labor for the specific job. Mid-Century Insurance Company paid
20 Respondent \$7,758.46 for the repairs.

21 24. In or about August 2010, the consumer returned to Respondent's facility to retrieve
22 his vehicle. Respondent failed to provide the consumer with a final invoice for the repairs
23 performed to the vehicle. The consumer did not sign the check issued by Mid-Century Insurance
24 Company to the consumer and Respondent.

25 25. On or about January 18, 2011, the Bureau inspected the consumer's vehicle at his
26 residence, using the Mid-Century Insurance Company estimate and photographs. That inspection
27 revealed that the following repairs had not been performed totaling \$1,001.46.

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1 a. The right side running board had not been replaced with a new OEM part. The
2 running board had black and grey colored finishes that were peeling from the running board
3 surfaces.

4 b. The sunroof glass had not been replaced. This was evidenced by three long scratches
5 as well as several minor scratches.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements)**

8 26. Respondent has subjected its registration to discipline pursuant to Code section
9 9884.7, subdivision (a)(1), in that in or about July 2010, Respondent made statements which it
10 knew or which by exercise of reasonable care it should have known were untrue or misleading by
11 representing to the consumer and Mid-Century Insurance Company that the vehicle would be
12 repaired pursuant to the estimate of record prepared by Mid-Century Insurance Company. In fact,
13 Respondent failed to perform repairs, including labor, as more particularly set forth in paragraph
14 25, subparagraphs a and b, above.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 27. Respondent has subjected its registration to discipline pursuant to Code section
18 9884.7, subdivision (a)(4), in that in or about July 2010, Respondent committed acts which
19 constitute fraud by accepting payment in the amount of \$7,758.46 from Mid-Century Insurance
20 Company for the replacement of parts and performance of labor, when, in fact, Respondent failed
21 to perform repairs and labor in the amount of \$1,001.46, as more particularly set forth in
22 paragraph 25, subparagraphs a and b, above.

23 **TENTH CAUSE FOR DISCIPLINE**

24 **(Violations of the Code)**

25 28. Respondent has subjected its registration to discipline pursuant to Code section
26 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in
27 the following material respects:

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- 1 a. **Section 9884.8:** Respondent failed to provide the consumer with a final invoice.
2 a. **Section 9884.9, subdivision (c):** Respondent failed to provide the consumer with a
3 written estimate price for all parts and labor for a specific job.

4 **POST REPAIR INSPECTION NO. 3 - DAGOHOY**

5 29. On or about August 2, 2010, Elsa Dagahoy ("consumer") took her 2008 Mazda 6 to
6 Respondent's facility for collision repairs. On or about August 3, 2010, Mid-Century Insurance
7 Company inspected the vehicle and prepared an estimate for the repairs totaling \$4,152.63, less
8 the consumer's \$500 deductible. Respondent did not provide the consumer with a written
9 estimated price for parts and labor for the specific job. Mid-Century Insurance Company paid
10 Respondent \$3,652.63 for the repairs.

11 30. In or about September 2010, the consumer returned to Respondent's facility to
12 retrieve her vehicle. Respondent failed to provide the consumer with a final invoice for the
13 repairs performed to the vehicle. The consumer did not sign the check issued by Mid-Century
14 Insurance Company to the consumer and Respondent. The consumer paid Respondent the \$500
15 deductible.

16 31. On or about January 25, 2011, the Bureau inspected the consumer's vehicle, at her
17 residence, using the Mid-Century Insurance Company's estimate and photographs as a reference.
18 That inspection revealed that the following repairs, including labor had not been performed
19 totaling \$1,828.88:

- 20 a. The left quarter panel had not been replaced. Filler material was used to repair the
21 quarter panel. Filler material was visible behind the gas door and on the quarter panel.

22 **ELEVENTH CAUSE FOR DISCIPLINE**

23 **(Untrue or Misleading Statements)**

24 32. Respondent has subjected its registration to discipline pursuant to Code section
25 9884.7, subdivision (a)(1), in that in or about August 2010, Respondent made statements which it
26 knew or which by exercise of reasonable care it should have known were untrue or misleading by
27 representing to the consumer and Mid-Century Insurance Company that the vehicle would be
28 repaired pursuant to the estimate of record prepared by Mid-Century Insurance. In fact,

1 Respondent failed to repair the vehicle, as more particularly set forth in paragraph 31,
2 subparagraph a, above.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 33. Respondent has subjected its registration to discipline pursuant to Code section
6 9884.7, subdivision (a)(4), in that in or about August 2010, Respondent committed acts which
7 constitute fraud by accepting payment in the amount of \$3,652.63 from Mid-Century Insurance
8 Company for the replacment of parts and performanc of labor, when, in fact, Respondent failed
9 to perform repairs and labor in the amount of \$1,828.88, as more particularly set forth in
10 paragraph 31, subparagraph a, above.

11 **THIRTEENTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Code)**

13 34. Respondent has subjected its registration to discipline pursuant to Code section
14 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in
15 the following material respects:

- 16 a. **Section 9884.8:** Respondent failed to provide the consumer with a final invoice.
17 a. **Section 9884.9, subdivision (c):** Respondent failed to provide the consumer with a
18 written estimate price for all parts and labor for a specific job.

19 **OTHER MATTERS**

20 35. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
21 or place on probation the registration for all places of business operated in this state by
22 Respondent G Collision – Vallejo, Inc., upon a finding that Respondent has, or is, engaged in a
23 course of repeated and willful violations of the laws and regulations pertaining to an automotive
24 repair dealer.

25 **PRAYER**

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

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1. Revoking, suspending, or placing on probation, Automotive Repair Dealer Registration Number ARD 259607, issued to G Collision – Vallejo, Inc., doing business as G Collision;
2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to G Collision – Vallejo, Inc.;
3. Ordering G Collision – Vallejo, Inc., 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: 2/9/12

sherry mehl by Jung B
SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant
DUG BALATH
Assist. Chief

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