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

12
13 In the Matter of the Accusation Against:

Case No. 77/13-60

14 **AFFAF AUTO MANAGEMENT, INC.,**
15 **DBA SUNDANCE AUTO SERVICE**
16 **MAZHAR IQBAL**
17 **9701 Folsom Boulevard**
18 **Sacramento, CA 95827**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 **Automotive Repair Dealer Registration No.**
18 **ARD 262929**

19 Respondent.

20 **FINDINGS OF FACT**

21 1. On or about May 6, 2013, Complainant John Wallauch, in his official capacity as the
22 Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation
23 No. 77/13-60 against Affaf Auto Management, Inc., dba Sundance Auto Service, Mazhar Iqbal
24 (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

25 2. On or about August 6, 2010, the Bureau of Automotive Repair (Bureau) issued
26 Automotive Repair Dealer Registration No. ARD 262929 to Respondent. The Automotive
27 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought
28 in Accusation No. 77/13-60 and expired on August 31, 2012. This lapse in licensure, however,

1 pursuant to Business and Professions Code section 118(b) does not deprive the Bureau of its
2 authority to institute or continue this disciplinary proceeding.

3 3. On or about May 10, 2013, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 77/13-60, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
7 required to be reported and maintained with the Bureau. Respondent's address of record was and
8 is: 9701 Folsom Boulevard, Sacramento, CA 95827.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about May 18, 2013, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Not Deliverable as Addressed." The address on the documents was the
14 same as the address on file with the Bureau. Respondent failed to maintain an updated address
15 with the Bureau and the Bureau has made attempts to serve the Respondent at the address on file.
16 Respondent has not made themselves available for service and therefore, has not availed themselves of
17 their right to file a notice of defense and appear at hearing.

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

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

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon them
25 of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No.
26 77/13-60.

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

28 (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.

9. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated May 10, 2013, signed by Tracy Cortez, and returned envelopes finds Respondent is in default. The Director will take action without further hearing and, based on Accusation, No. 77/13-60, proof of service and on the Affidavit of Bureau Representative Jeff Hammer, finds that the allegations in Accusation are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Affaf Auto Management, Inc., dba Sundance Auto Service, Mazhar Iqbal has subjected its Automotive Repair Dealer Registration No. ARD 262929 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 Jeff Hammer in this case.:

- a. Bus. & Prof. Code 9884.7(a)(7) – Departure from Accepted Trade Standards
- b. Bus. & Prof. Code 9884.7(a)(6) – Failure to Comply with Automobile Repair Act
- c. Bus. & Prof. Code 9884.7(a)(1) – Untrue or Misleading Statements
- d. Bus. & Prof. Code 9884.7(a)(4) – Fraudulent Acts

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1 ORDER

2 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 262929,
3 heretofore issued to Respondent Affaf Auto Management, Inc., dba Sundance Auto Service,
4 Mazhar Iqbal, is revoked.

5 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
6 written motion requesting that the Decision be vacated and stating the grounds relied on within
7 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
8 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho
9 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing
10 on a showing of good cause, as defined in the statute.

11 This Decision shall become effective on 9/13/13.

12 It is so ORDERED July 12, 2013

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14 
15 DONALD CHANG
16 Assistant Chief Counsel
17 Department of Consumer Affairs

18 default decision LIC.rtf
DOJ Matter ID:SA2012105505

19 Attachment:
20 Exhibit A: Accusation
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Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
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Deputy Attorney General
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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. 77/13-60

ACCUSATION

12 **AFFAF AUTO MANAGEMENT, INC.**
13 **dba SUNDANCE AUTO SERVICE**
14 **MAZHAR IQBAL, PR./SEC./TR.**
15 **9701 Folsom Boulevard**
Sacramento, CA 95827

16 **Automotive Repair Dealer Registration No.**
17 **ARD 262929**

18 **Respondent.**

19
20 John Wallauch ("Complainant") alleges:

21 **PARTIES**

- 22 1. Complainant brings this Accusation solely in his official capacity as the Chief of the
23 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
24 2. On or about August 6, 2010, the Bureau issued Automotive Repair Dealer
25 Registration Number ARD 262929 to Affaf Auto Management, Inc., doing business as Sundance
26 Auto Service ("Respondent"), with Mazhar Iqbal as the President, Secretary, and Treasurer. The
27 registration was in full force and effect at all times relevant to the charges brought herein. The
28 registration was cancelled on February 16, 2012.

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1 (2) The invoice shall separately list, describe and identify all of the
2 following:

3 (A) All service and repair work performed, including all diagnostic and
4 warranty work, and the price for each described service and repair.

5 **COST RECOVERY**

6 8. Code section 125.3 provides, in pertinent part, that a Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **CONSUMER COMPLAINT NO. 1 – 1996 FORD F350**

11 9. On or about October 15, 2011, Jeffrey Faulks ("Faulks") drove his 1996 Ford F350
12 pickup truck to Respondent's facility to have the front tires replaced and then have the tires that
13 were removed from the front, installed on the rear outer rims of the vehicle (the truck has dual
14 rear wheels). During that process, Respondent damaged the rear outer rims with the tire machine
15 and damaged the right front rim by dropping it on the ground. Faulks paid Respondent \$249.94
16 and received Invoice No. 13811. Respondent acknowledged the damage done to Faulks rims.
17 Faulks obtained several estimates to repair the damaged rims and presented the estimates to
18 Respondent but Respondent refused to pay for the damages pursuant to those estimates, stating
19 the estimates were too high.

20 10. On or about November 8, 2011, a Bureau representative inspected the vehicle and
21 found that the two outer rear rims have clamp marks on the outer surface that are consistent with
22 the use of a tire machine. Also, the right front rim was scratched on the hub part of the rim.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Departure from Accepted Trade Standards)**

25 11. Respondent's registration is subject to discipline under Code section 9884.7(a)(7),
26 in that on or about October 15, 2011, regarding the 1996 Ford F350, Respondent willfully
27 departed from or disregarded accepted trade standards for good and workmanlike repair without
28 the consent of the owner or the owner's duly authorized representative in a material respect, in

1 that Respondent failed to properly operate the tire machine when changing/replacing the tires on
2 Faulks vehicle, as more particularly set forth above in paragraphs 9 and 10.

3 SECOND CAUSE FOR DISCIPLINE

4 (Failure to Comply with Provisions of the Automotive Repair Act)

5 12. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
6 in that on or about October 15, 2011, regarding the 1996 Ford F350, Respondent failed to
7 materially comply with Code section 9884.8, in that it failed to describe all service work
8 performed on Invoice No. 13811.

9 CONSUMER COMPLAINT NO. 2 - 2001 TOYOTA COROLLA

10 13. On or about October 4, 2011, Tomiyo Nojiri ("Nojiri") drove her 2001 Toyota
11 Corolla to Respondent's facility to have the oil and filter changed and a safety check. Respondent
12 performed the safety check. Nojiri paid Respondent \$85 and received Invoice No. 13743.

13 THIRD CAUSE FOR DISCIPLINE

14 (Failure to Comply with Provisions of the Automotive Repair Act)

15 14. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
16 in that on or about October 4, 2011, regarding the 2001 Toyota Corolla, Respondent failed to
17 materially comply with Code section 9884.8, in that it failed to describe what was included in the
18 "bumper to bumper safety check" inspection on Invoice No. 13743.

19 CONSUMER COMPLAINT NO. 3 - 1991 HONDA CIVIC

20 15. On or about November 22, 2011, Peggy Fayyaz ("Fayyaz") drove her 1991 Honda
21 Civic to Respondent's facility and requested replacement of the spark plugs and an oil and filter
22 change. Respondent recommended that Fayyaz also have the distributor cap, rotor, spark plug
23 wires, and two drive belts replaced. Fayyaz paid Respondent \$240. Following the repairs, the
24 vehicle continued to run poorly and died. Fayyaz had the vehicle towed back to Respondent's
25 facility for an inspection. Respondent told Fayyaz that the ignition coil ("coil") and the ignition
26 module ("igniter")¹ were the original parts that came on the vehicle and needed to be replaced.

27 ¹ The igniter had been replaced on February 24, 2011, at Folsom Lake Honda under a
28 recall.

1 Respondent charged Fayyaz \$125.96 for the repairs. Fayyaz asked Respondent for the old parts
2 (coil and igniter) that it replaced, and Respondent complied. While leaving Respondent's facility,
3 Fayyaz noticed the vehicle was running rough. Fayyaz contacted Respondent and was asked to
4 bring the vehicle back in because they failed to reset the timing. Fayyaz refused to return the
5 vehicle to Respondent's facility.

6 16. On or about December 8, 2011, a Bureau representative met with Fayyaz and
7 inspected the vehicle. The Bureau representative found that the lower screw that secures the
8 distributor cap was loose and the distributor was rotated all the way back, indicating the ignition
9 timing may not be in specification. The Bureau representative also obtained the old parts (coil
10 and igniter) Fayyaz received from Respondent for inspection.

11 17. On or about December 15, 2011, Fayyaz drove her vehicle to Service Outlet for an
12 inspection. Service Outlet found that the vehicle's distributor bolts were loose and the timing
13 needed to be adjusted.

14 18. On or about December 20, 2011, a Bureau representative tested the coil and igniter
15 and found that the coil failed, but the igniter operated without any defect.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Untrue or Misleading Statements)**

18 19. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),
19 in that on or about November 22, 2011, regarding the 1991 Honda Civic, Respondent made
20 statements which it knew or which by exercise of reasonable care should have known were untrue
21 or misleading, in that Respondent falsely represented to Fayyaz that the igniter was the original
22 part that came on the car and had 273,790 miles on it and that it needed to be replaced when, in
23 fact, it had been replaced on February 24, 2011, and did not need to be replaced.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Fraudulent Acts)**

26 20. Respondent's registration is subject to discipline under Code section 9884.7(a)(4),
27 in that on or about November 22, 2011, regarding the 1991 Honda Civic, Respondent committed
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1 fraud when it charged for and received payment from Payyaz for replacing the vehicle's igniter
2 when, in fact, that repair was not necessary.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

5 21. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
6 in that on or about November 22, 2011, regarding the 1991 Honda Civic, Respondent failed to
7 comply with the California Code of Regulations, title 16, section 3356(a)(2)(A), by failing to
8 describe all diagnostic work performed on Invoice No. 10080.

9 **CONSUMER COMPLAINT NO. 4 - 1991 SAAB 900**

10 22. On or about November 5, 2011, Aneatra Harvey ("Harvey") had her 1991 Saab
11 900 towed to Respondent's facility because the vehicle's engine would stall/die out. Respondent
12 told Harvey that her vehicle needed a new catalytic converter, spark plugs, spark plug wires, and
13 a distributor cap and rotor to correct the problem. Respondent charged Harvey \$450. Following
14 the repairs, Harvey's vehicle continued to stall/die and she had it towed back to Respondent's
15 facility for an inspection. Respondent told Harvey that the vehicle needed a new Electronic
16 Control Module (ECM) and possibly a fuel pump. Harvey declined the additional repairs.

17 **SEVENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Provisions of the Automotive Repair Act)**

19 23. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
20 in that on or about November 5, 2011, regarding the 1991 Saab 900, Respondent failed to
21 materially comply with Code section 9884.9, in that Respondent failed to document Harvey's
22 authorization for an inspection on work order number 10086.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

25 24. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
26 in that on or about November 5, 2011, regarding the 1991 Saab 900, Respondent failed to comply
27 with the California Code of Regulations, title 16, section 3356(a)(2)(A), by failing to describe all
28 diagnostic work performed on Invoice No. 10086.

1 OTHER MATTERS

2 25. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on
3 probation the registrations for all places of business operated in this state by Affaf Auto
4 Management, Inc., doing business as Sundance Auto Service, upon a finding that it has, or is,
5 engaged in a course of repeated and willful violation of the laws and regulations pertaining to an
6 automotive repair dealer.

7 PRAYER

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

10 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
11 Registration No. ARD 262929, issued to Affaf Auto Management, Inc., doing business as
12 Sundance Auto Service;

13 2. Revoking, suspending, or placing on probation any other automotive repair dealer
14 registration issued to Affaf Auto Management, Inc., doing business as Sundance Auto Service;

15 3. Ordering Affaf Auto Management, Inc., doing business as Sundance Auto Service,
16 to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement
17 of this case, pursuant to Code section 125.3; and,

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

19 DATED: 5/6/13

John Wallauch
JOHN WALLAUCH

Chief

Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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