

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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. **77/15-45**

13 **DON'S BODY REPAIR INC.**
14 **MICHAEL E. SMITH, Pr.**
15 **DANIEL R. ADAMS, Sec.**
16 **SHELLEY MARIE SMITH, Tr.**
17 **1937 West Lane**
18 **Stockton, CA 95205**

ACCUSATION

19 **Automotive Repair Dealer No. ARD 269812**

20 Respondents.

21 Patrick Dorais ("Complainant") alleges:

22 **PARTIES**

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

25 2. On or about August 1, 2012, the Bureau issued Automotive Repair Dealer Number
26 ARD 269812 to Don's Body Repair Inc. ("Respondent") Michael E. Smith (Smith) President,
27 Daniel R. Adams Secretary, and Shelley Marie Smith, Treasurer. The registration expired on
28 August 31, 2013, and has not been renewed.

///

1 6. On or about June 13, 2013, the consumer's insurance company, State Farm
2 Insurance Company ("State Farm"), inspected the vehicle and prepared a written estimate of the
3 damage and cost to repair the vehicle that totaling \$8,593.73 (less a \$500 deductible).

4 7. On or about June 17, 2013, State Farm issued a check payable to Respondent in
5 the amount of \$8,593.73 for repairs to the consumer's vehicle.

6 8. Between June 13, 2013, and August 15, 2013, there were several unsuccessful
7 attempts by or on behalf of the consumer to contact Respondent by telephone and site visits to
8 inquire about the status of the consumer's vehicle.

9 9. On or about August 15, 2013, the consumer filed a complaint about Respondent
10 with the Bureau.

11 10. Between August 23, 2013, and September 3, 2013, a Bureau representative made
12 several unsuccessful attempts to contact Respondent regarding the consumer's complaint and
13 vehicle status.

14 11. On or about September 4, 2013 while on a site visit, a Bureau representative
15 finally made contact with Smith. Smith represented to the Bureau's representative that the
16 Internal Revenue Service had seized Respondent's business financial accounts, which prevented
17 or interfered with Respondent meeting their business obligations. Consequently, Respondent had
18 ceased operations and closed the business. Smith admitted depositing State Farm's check issued
19 for repairs to the consumer's vehicle and failing to perform the repairs or purchase parts described
20 in Respondent's estimate and State Farm's estimate.

21 12. On or about September 5, 2013, the consumer's vehicle was towed from
22 Respondent's facility to All Foreign and Domestic Body Shop ("All Foreign"). All Foreign
23 estimated the total cost of repairs to the consumer's vehicle would be \$9,093.73.

24 13. On or about November 7, 2013, JN paid All Foreign \$9,093.73 for the repairs to
25 JN's vehicle.

26 ///

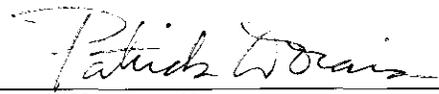
27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: April 6, 2015


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

SA2014115980
11787225.docx