

BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA

In the Matter of the First Amended Statement  
of Issues Against:

**AW COLLISION, INC.**  
**dba AW COLLISION OF CONCORD**  
2291 Via de Mercados  
Concord, CA 94520

Respondent.

Case No. 77/13-33

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Director of Consumer Affairs in the above-entitled matter.

This Decision shall become effective on 2/6/13.

IT IS SO ORDERED 2/4/13.



\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
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Deputy Attorney General  
4 State Bar No. 253959  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Statement  
12 of Issues Against:

Case No. 77/13-33

13 **AW Collision, Inc.**  
14 **dba AW Collision of Concord**  
15 **2291 Via de Mercados**  
16 **Concord, CA 94520**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He  
21 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
22 Harris, Attorney General of the State of California, and Nicholas Tsukamaki, Deputy Attorney  
23 General.

24 2. Respondent AW Collision, Inc., dba AW Collision of Concord is represented in this  
25 proceeding by attorney Christine Long, whose address is: Berliner Cohen, 10 Almaden Blvd  
26 #1100, San Jose, CA 95113-2233.

27 3. On or about January 23, 2013, the Bureau received an application for an automotive  
28

1 repair dealer registration from Syed Ali on behalf of AW Collision, Inc., doing business as AW  
2 Collision of Concord (Respondent). The Bureau denied the application on January 25, 2013.

3 JURISDICTION

4 4. First Amended Statement of Issues No. 77/13-33 was filed before the Director of  
5 Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently  
6 pending against Respondent. The First Amended Statement of Issues and all other statutorily  
7 required documents were properly served on Respondent on January 29, 2013.

8 5. A copy of First Amended Statement of Issues No. 77/13-33 is attached as exhibit A  
9 and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in First Amended Statement of Issues No. 77/13-33. Respondent has also  
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
14 Settlement and Disciplinary Order.

15 7. Respondent is fully aware of its legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the First Amended Statement of Issues; the right to be  
17 represented by counsel at its own expense; the right to confront and cross-examine the witnesses  
18 against them; the right to present evidence and to testify on its own behalf; the right to the  
19 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
20 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
21 by the California Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 9. Respondent understands and agrees that the charges and allegations in First Amended  
26 Statement of Issues No. 77/13-33, if proven at a hearing, constitute cause for denying its  
27 application for registration as an Automotive Repair Dealer.

28 10. Respondent disputes the First Amended Statement of Issues and asserts it has a good

1 defense. For the purpose of resolving the First Amended Statement of Issues without the expense  
2 and uncertainty of further proceedings, and without admitting the truth of any of the allegations in  
3 First Amended Statement of Issues No. 77/13-33, Respondent hereby gives up its right to contest  
4 those charges.

5 11. Respondent agrees that its application for registration as an Automotive Repair  
6 Dealer is subject to denial and agrees to be bound by the Director's probationary terms as set  
7 forth in the Disciplinary Order below.

8 12. On or about July 23, 2012, Syed Ali, on behalf of MB Bodyshop of San Francisco,  
9 Inc., entered into a Stipulated Revocation of Licenses and Order in case numbers 77/11-22,  
10 77/10-48, and 77/11-12. Syed Ali agrees that Automotive Repair Dealer registration numbers  
11 ARD 246931, 239316, and 239317, previously issued to MB Bodyshop of San Francisco, Inc.,  
12 were revoked pursuant to the Stipulated Revocation of Licenses and Order in case numbers  
13 77/11-22, 77/10-48, and 77/11-12.

14 13. On October 4, 2012, AUTOVEST COLLISION REPAIRS, INC. dba AUTOWEST  
15 COLLISION REPAIRS; SAN LEANDRO BODY SHOP dba CSC COLLISION OF  
16 OAKLAND; M1 COLLISION CARE CENTERS, INC. dba FREMONT COLLISION CARE  
17 and dba CONCORD COLLISION CARE CENTERS and dba SUNNYVALE COLLISION  
18 CARE CENTERS; MB AUTOBODY OF SAN FRANCISCO, INC., brought suit against the  
19 Department of Consumer Affairs, Bureau of Automotive Repair in Santa Clara County, Case No.  
20 112CV233588. That matter was set for trial which came on regularly for calendar on January 22,  
21 2013. The parties entered into a judicially supervised settlement that resulted in the First  
22 Amended Statement of Issues being entered.

23 CONTINGENCY

24 14. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
25 his designee. Respondent understands and agrees that counsel for Complainant and the staff of  
26 the Bureau of Automotive Repair may communicate directly with the Director and staff of the  
27 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or  
28 participation by Respondent or its counsel. By signing the stipulation, Respondent understands

1 and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the  
2 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the  
3 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
4 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
5 and the Director shall not be disqualified from further action by having considered this matter.

6 15. The parties understand and agree that facsimile copies of this Stipulated Settlement  
7 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
8 effect as the originals.

9 16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
10 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
11 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
12 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
13 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
14 writing executed by an authorized representative of each of the parties.

15 This Stipulated Settlement and Disciplinary Order also incorporates by reference the  
16 settlement of the terms reached during the judicially supervised settlement on January 22, 2013,  
17 and the terms of the General Release signed by Syed Ali in Santa Clara County Superior Court  
18 Case No. 112CV233588.

19 17. In consideration of the foregoing admissions and stipulations, the parties agree that  
20 the Director may, without further notice or formal proceeding, issue and enter the following  
21 Disciplinary Order:

22 **DISCIPLINARY ORDER**

23 IT IS HEREBY ORDERED that Respondent AW Collision, Inc., dba AW Collision of  
24 Concord will be issued an automotive repair dealer registration and that that registration will be  
25 immediately revoked. The revocation will be stayed and the Respondent placed on three (3)  
26 years probation on the following terms and conditions.

27 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing repair of  
28 automotive vehicles, including but not limited to the Automotive Repair Act.

1           2.    **Reporting.** Respondent or Respondent's authorized representative must report in  
2 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
3 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
4 maintaining compliance with the terms and conditions of probation.

5           3.    **Report Financial Interest.** Within 30 days of the effective date of this action, report  
6 any financial interest which any partners, officers, or owners of the Respondent facility may have  
7 in any other business required to be registered pursuant to Section 9884.6 of the Business and  
8 Professions Code.

9           4.    **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
10 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

11           5.    **Notifications to the Bureau.** Respondent shall notify the Bureau 30 days in advance  
12 of adding any officer, director, investor, stockholder, or manager.

13           6.    **Restrictions and Employment.** Restrictions and Employment Prohibition.  
14 Respondent shall not employ Jake Astts or Keri Christie, in any capacity, for the duration of  
15 Respondent's probation at any AW Collision, Inc., location. Neither Jake Astts nor Keri Christie  
16 are to have any financial, ownership, or management interest in any AW Collision, Inc.

17           7.    **Cooperation with the Bureau of Automotive Repairs.** The corporation Secretary  
18 shall cooperate with the Bureau of Automotive Repair for any request for corporate stakeholder  
19 records.

20           8.    **Jurisdiction.** If an accusation is filed against Respondent during the term of  
21 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
22 until the final decision on the accusation, and the period of probation shall be extended until such  
23 decision.

24           9.    **Violation of Probation.** Should the Director of Consumer Affairs determine that  
25 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
26 after giving notice and opportunity to be heard temporarily or permanently invalidate the  
27 registration.

28           10. **New Applications.** Any new application for licensure submitted by AW Collision,

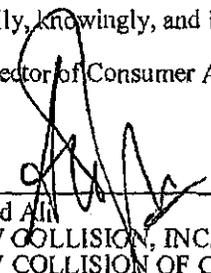
1 Inc., or Syed Ali or any entity in which Syed Ali has any financial interest during the  
2 probationary term will be reviewed and, if approved, issued subject to the same terms and  
3 conditions of probation.

4 This Stipulated Settlement and Disciplinary Order will not affect or impact the ARDs  
5 issued to M1 Collision Care Centers, Inc., dba Autobahn Collision Center located at 500 Harbor  
6 Blvd., Belmont, CA 94002, or M1 Auto Collision Center, dba AW Collision of Serramonte  
7 located at 435 Serramonte Blvd., Colma, CA 94014.

8  
9 ACCEPTANCE

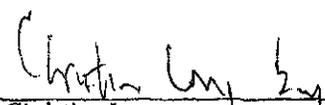
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
11 discussed it with my attorney, Christine Long. I understand the stipulation and the effect it will  
12 have on my Automotive Repair Dealer registration application. I enter into this Stipulated  
13 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
14 bound by the Decision and Order of the Director of Consumer Affairs.

15  
16 DATED: 2-1-2013

  
\_\_\_\_\_  
Syed Ali  
AW COLLISION, INC, dba  
AW COLLISION OF CONCORD  
Respondent

17  
18  
19  
20 I have read and fully discussed with Respondent AW Collision Inc., dba AW Collision of  
21 Concord and its officers the terms and conditions and other matters contained in the above  
22 Stipulated Settlement and Disciplinary Order. I approve its form and content.

23  
24 DATED: 2/1/13

  
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Christine Long  
Attorney for Respondent

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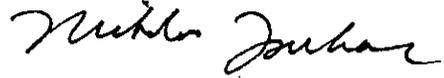
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: February 1, 2013

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General



NICHOLAS TSUKAMAKI  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**First Amended Statement of Issues No. 77/13-33**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 NICHOLAS TSUKAMAKI  
Deputy Attorney General  
4 State Bar No. 253959  
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5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1188  
6 Facsimile: (415) 703-5480  
E-mail: Nicholas.Tsukamaki@doj.ca.gov  
7 *Attorneys for Complainant*

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10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

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12 of Issues Against:

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14 **dba AW Collision of Concord**  
15 **2291 Via de Mercados**  
16 **Concord, CA 94520**

**STATEMENT OF ISSUES**

Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. John Wallauch (Complainant) brings this First Amended Statement of Issues solely in  
21 his official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of  
22 Consumer Affairs.

23 2. On or about January 23, 2013, the Bureau of Automotive Repair received an  
24 application for an Automotive Repair Dealer Registration from AW Collision, Inc., dba AW  
25 Collision of Concord, Bobby Ali, CEO, CFO, and Secretary (Respondent). On or about January  
26 22, 2013, Bobby Ali certified under penalty of perjury to the truthfulness of all statements,  
27 answers, and representations in the application. The Bureau denied the application on January 25,  
28 2013.



1 a. On or about July 9, 2012, the Bureau canceled Automotive Repair Dealer  
2 registrations previously issued to MB Bodyshop of San Francisco, Inc., dba Concord Collision  
3 Care Centers (ARD 239318); MB Bodyshop of San Francisco, Inc., dba Auto West Collision  
4 Repairs (ARD 246931); MB Bodyshop of San Francisco, Inc., dba Fremont Collision Care  
5 Centers (ARD 239316); and MB Bodyshop of San Francisco, Inc., dba CSC of Oakland (ARD  
6 245630). After July 9, 2012, none of these four facilities were registered as Automotive Repair  
7 Dealers. Syed Ali was listed as the president, secretary, and treasurer on the Automotive Repair  
8 Dealer registrations for these four facilities.

9 b. Between July 9, 2012, and October 16, 2012, Bobby (Syed) Ali maintained the  
10 Concord, Auto West, Fremont, and CSC facilities in operation as Automotive Repair Dealers in  
11 violation of section 9884.6, subdivision (a) of the Code.

#### 12 OTHER MATTERS

13 8. On or about July 23, 2012, Bobby (Syed) Ali, on behalf of MB Bodyshop of San  
14 Francisco, Inc., entered into a Stipulated Revocation of Licenses and Order in case numbers  
15 77/11-22, 77/10-48, and 77/11-12. Automotive Repair Dealer registration numbers ARD 246931,  
16 239316, and 239317, previously issued to MB Bodyshop of San Francisco, Inc., were revoked  
17 pursuant to the Stipulated Revocation of Licenses and Order in case numbers 77/11-22, 77/10-48,  
18 and 77/11-12.

19 9. On October 4, 2012, AUTOVEST COLLISION REPAIRS, INC. dba AUTOWEST  
20 COLLISION REPAIRS; SAN LEANDRO BODY SHOP dba CSC COLLISION OF  
21 OAKLAND; M1 COLLISION CARE CENTERS, INC. dba FREMONT COLLISION CARE  
22 and dba CONCORD COLLISION CARE CENTERS and dba SUNNYVALE COLLISION  
23 CARE CENTERS; MB AUTOBODY OF SAN FRANCISCO, INC., brought suit against the  
24 Department of Consumer Affairs, Bureau of Automotive Repair in Santa Clara County, Case No.  
25 112CV233588. That matter was set for trial which came on regularly for calendar on January 22,  
26 2013. The parties entered into a judicially supervised settlement that resulted in this First  
27 Amended Statement of Issues being entered.

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PRAYER

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

1. Denying the application of AW Collision, Inc., dba AW Collision of Concord for an Automotive Repair Dealer registration.
2. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

*John Wallauch by [Signature]*  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*  
*DEUS BALAH*