

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No.: 77/17-15844

A & A AUTO BODY
IGNACIO ANDRADE, Owner
419 Mercey Springs Road
Los Banos, CA 93635

OAH No.: 2019040922

Automotive Repair Dealer No. ARD 248570

Respondent.

and

A & A ALL PRO AUTO REPAIR
IGNACIO ANDRADE, Owner
439 Mercey Springs Road
Los Banos, CA 93635

Automotive Repair Dealer Registration No.
ARD 227686
Smog Check Station License No. RC 227686
Lamp Station License, Class A, No. LS 227686
Brake Station License, Class C, No. BS 227686

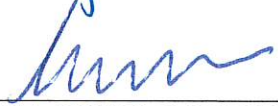
Affiliate.

DECISION

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

This Decision shall become effective at 5:00 p.m. on September 26, 2019.

DATED: Aug. 7, 2019



GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STANTON W. LEE
Deputy Attorney General
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8

9
10 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA
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14 In the Matter of the Accusation Against:
A & A AUTO BODY
15 **IGNACIO ANDRADE, OWNER**
419 Mercey Springs Road
16 Los Banos, CA 93635

17 **Automotive Repair Dealer No. ARD 248570**

18 Respondent

19 and

20 **A & A ALL PRO AUTO REPAIR;**
IGNACIO ANDRADE, OWNER
21 439 Mercey Springs Road
Los Banos, CA 93635
22

Automotive Repair Dealer Registration
23 **No. ARD 227686**
Smog Check Station License No. RC 227686
24 **Lamp Station License, Class A,**
No. LS 227686
25 **Brake Station License, Class C,**
No. BS 227686
26

27 Affiliate.
28

Case No. 77/17-15844

OAH No. 2019040922

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
5 (Bureau), Department of Consumer Affairs. He brought this action solely in his official capacity
6 and is represented in this matter by Xavier Becerra, Attorney General of the State of California,
7 by Stanton W. Lee, Deputy Attorney General.

8 2. A & A Auto Body, A & A All Pro Auto Repair, and Ignacio Andrade, Owner
9 (Respondents) are represented in this proceeding by attorney:

10 Edgardo Gonzalez, Esq.
11 Law Offices of Edgardo Gonzalez
12 1300 Clay Street, Suite 600
Oakland, CA 94612

13 **A & A Auto Body, ARD No. 248570**

14 3. In or around 2006, the Bureau issued Automotive Repair Dealer Number ARD
15 248570 to Ignacio Andrade, as owner of A & A Auto Body (Respondent A & A Auto Body).
16 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
17 charges brought herein and will expire on December 31, 2019, unless renewed.

18 **A & A All Pro Auto Repair, ARD No. 227686**

19 4. In or around 2003, the Bureau issued Automotive Repair Dealer Registration Number
20 ARD 227686 to Ignacio Andrade, as owner of A & A All Pro Auto Repair (Respondent A & A
21 All Pro). The Automotive Repair Dealer Registration was in full force and effect at all times
22 relevant to the charges brought herein and will expire on May 31, 2020, unless renewed.

23 5. On or about October 4, 2007, the Bureau issued Smog Check Station License Number
24 RC 227686 to Respondent A & A All Pro. The Smog Check Station License was in full force
25 and effect at all times relevant to the charges brought herein and will expire on May 31, 2020,
26 unless renewed.

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6. On or about September 7, 2010, the Bureau issued Lamp Station License Number LS 227686, Class A, to Respondent A & A All Pro. The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2020, unless renewed.

7. On or about September 7, 2010, the Bureau issued Brake Station License Number BS 227686, Class C, to Respondent A & A All Pro. The Brake Station License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2019, unless renewed.

JURISDICTION

8. Accusation No. 77/17-15844 was filed before the Bureau, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondents on April 8, 2019. Respondents timely filed their Notice of Defense contesting the Accusation.

9. A copy of Accusation No. 77/17-15844 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

10. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. 77/17-15844. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

11. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

12. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

1 CULPABILITY

2 13. Respondents admit the truth of each and every charge and allegation in Accusation
3 No. 77/17-15844.

4 14. Respondents agree that Automotive Repair Dealer Registrations ARD 248570 and
5 ARD 227686, and Smog Check Station License No. RC 227686, Lamp Station License, Class A
6 No. LS 227686, and Brake Station License, Class C No BS 227686 are subject to discipline and
7 agree to be bound by the Director of Consumer Affairs (Director) probationary terms as set forth
8 in the Disciplinary Order below.

9 CONTINGENCY

10 15. This stipulation shall be subject to approval by the Director or the Director's designee.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of
12 Automotive Repair may communicate directly with the Director and staff of the Department of
13 Consumer Affairs regarding this stipulation and settlement, without notice to or participation by
14 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
15 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director
16 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and
17 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
18 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director
19 shall not be disqualified from further action by having considered this matter.

20 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
22 signatures thereto, shall have the same force and effect as the originals.

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

1 18. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Director may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that:

6 1. Automotive Repair Dealer Registration No. ARD 248570 issued to A & A Auto
7 Body, Ignacio Andrade, Owner is REVOKED.

8 2. Automotive Repair Dealer Registration No. ARD 227686, Smog Check Station
9 License No. RC 227686, Lamp Station License, Class A No. LS 227686, and Brake Station
10 License, Class C No BS 227686 issued to A & A All Pro Auto Repair; Ignacio Andrade, Owner
11 are REVOKED. However, the revocation is stayed and Respondent A & A All Pro is placed on
12 probation for five (5) years on the following terms and conditions.

13 1. **Obey All Laws.** During the period of probation, Respondent shall comply with all
14 federal and state statutes, regulations and rules governing all BAR registrations and licenses held
15 by Respondent.

16 2. **Posting of Sign.** (Applicable only when actual suspension of a registration or station
17 license is ordered): During the period of suspension, Respondent shall prominently post a sign or
18 signs, provided by BAR, indicating the beginning and ending dates of the suspension and
19 indicating the reason for the suspension. The sign or signs shall be conspicuously displayed in a
20 location or locations open to and frequented by customers. The location(s) of the sign(s) shall be
21 approved by BAR and shall remain posted during the entire period of actual suspension.

22 3. **Quarterly Reporting.** During the period of probation, Respondent shall report either
23 by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no
24 more frequently than once each calendar quarter, on the methods used and success achieved in
25 maintaining compliance with the terms and conditions of probation.

26 4. **Report Financial Interests.** Respondent shall, within 30 days of the effective date
27 of the decision and within 30 days from the date of any request by BAR during the period of
28 probation, report any financial interest which any Respondent or any partners, officers, or owners

1 of any Respondent facility may have in any other business required to be registered pursuant to
2 Section 9884.6 of the Business and Professions Code.

3 **5. Access to Examine Vehicles and Records.** Respondent shall provide BAR
4 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
5 inspection, or repairs, up to and including the point of completion. Respondent shall also provide
6 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

7 **6. Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
8 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
9 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure
10 and return, and of the dates of cessation and resumption of business in California. All provisions
11 of probation other than cost reimbursement requirements, restitution requirements, training
12 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
13 time of 30 days or more in which Respondent is not residing or engaging in business within the
14 jurisdiction of California. All provisions of probation shall recommence on the effective date of
15 resumption of business in California. Any period of time of 30 days or more in which Respondent
16 is not residing or engaging in business within the jurisdiction of California shall not apply to the
17 reduction of this probationary period or to any period of actual suspension not previously
18 completed. Tolling is not available if business or work relevant to the probationary license or
19 registration is conducted or performed during the tolling period.

20 **7. Violation of Probation.** If Respondent violates or fails to comply with the terms and
21 conditions of probation in any respect, the Director, after giving notice and opportunity to be
22 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
23 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
24 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

25 **8. Maintain Valid License.** Respondent shall, at all times while on probation, maintain
26 a current and active registration and/or license(s) with BAR, including any period during which
27 suspension or probation is tolled. If Respondent's registration or license is expired at the time the
28 decision becomes effective, the registration or license must be renewed by Respondent within 30

1 days of that date. If Respondent's registration or license expires during a term of probation, by
2 operation of law or otherwise, then upon renewal Respondent's registration or license shall be
3 subject to any and all terms and conditions of probation not previously satisfied. Failure to
4 maintain a current and active registration and/or license during the period of probation shall also
5 constitute a violation of probation.

6 9. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$20,000.00
7 for the reasonable costs of the investigation and enforcement of case No. 77/17-15844.
8 Respondent shall make payments as follows: Respondent shall make monthly payments over a
9 period of fifty-four (54) months. Respondent shall make fifty-three (53) monthly installments of
10 \$370.37 with a final payment (54th monthly installment) of \$370.39 due no later than six (6)
11 months prior to the termination of probation. Respondent shall make payment by check or money
12 order payable to the Bureau of Automotive Repair and shall indicate on the check or money order
13 that it is for cost recovery payment for case No. 77/17-15844. Any order for payment of cost
14 recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate
15 until full cost recovery payment has been made. BAR reserves the right to pursue any other
16 lawful measures in collecting on the costs ordered and past due, in addition to taking action based
17 upon the violation of probation.

18 10. **Completion of Probation.** Upon successful completion of probation, Respondent's
19 affected registration and/or license will be fully restored or issued without restriction, if
20 Respondent meets all current requirements for registration or licensure and has paid all
21 outstanding fees, monetary penalties, or cost recovery owed to BAR.

22 11. **License Surrender.** Following the effective date of a decision that orders a stay of
23 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to
24 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.
25 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
26 to evaluate the Respondent's request and to exercise discretion whether to grant the request or
27 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
28 granting of the request, the Director will vacate the stay order and carry out the disciplinary order

1 provided in the decision. Respondent may not petition the Director for reinstatement of the
2 surrendered registration and/or license, or apply for a new registration or license under the
3 jurisdiction of BAR at any time before the date of the originally scheduled completion of
4 probation. If Respondent applies to BAR for a registration or license at any time after that date,
5 Respondent must meet all current requirements for registration or licensure and pay all
6 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

7 **12. Actual Suspension.**

8 a. Automotive Repair Dealer Registration No. ARD 227686, issued to A & A All
9 Pro Auto Repair; Ignacio Andrade, Owner is suspended for 7 consecutive days beginning on the
10 effective date of the Decision and Order.

11 b. Smog Check Station License No. RC 227686, issued to A & A All Pro Auto
12 Repair; Ignacio Andrade, Owner is suspended for 7 consecutive days beginning on the effective
13 date of the Decision and Order.

14 c. Lamp Station License, Class A No. LS 227686, issued to A & A All Pro Auto
15 Repair; Ignacio Andrade, Owner is suspended for 7 consecutive days beginning on the effective
16 date of the Decision and Order.

17 d. Brake Station License, Class C No BS 227686 issued to A & A All Pro Auto
18 Repair; Ignacio Andrade, Owner is suspended for 7 consecutive days beginning on the effective
19 date of the Decision and Order.

20 **ACCEPTANCE**

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
22 discussed it with my attorney, Edgardo Gonzalez, Esq.. I understand the stipulation and the effect
23 it will have on my Automotive Repair Dealer Registrations, Smog Check Station License, Lamp
24 Station License, Class A, and Brake Station License, Class C. I enter into this Stipulated

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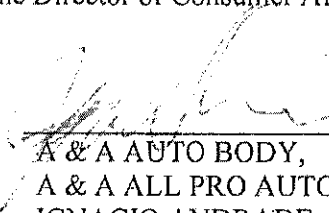
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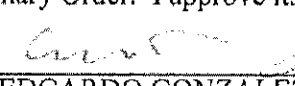
1 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
2 bound by the Decision and Order of the Director of Consumer Affairs.

3
4 DATED: 7-25-19


A & A AUTO BODY,
A & A ALL PRO AUTO REPAIR,
IGNACIO ANDRADE, OWNER
Respondent

8 I have read and fully discussed with Respondents A & A Auto Body and A & A All Pro
9 Auto Repair; Ignacio Andrade, Owner the terms and conditions and other matters contained in the
10 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

11 DATED: 7/25/19


EDGARDO GONZALEZ, ESQ.
Attorney for Respondents

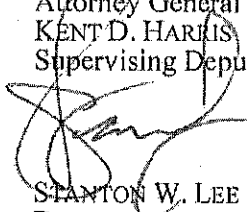
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14 **ENDORSEMENT**

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

17
18 DATED: 7/25/19

Respectfully submitted,

19 XAVIER BECERRA
Attorney General of California
20 KENT D. HARRIS
Supervising Deputy Attorney General

21 
22 STANTON W. LEE
23 Deputy Attorney General
24 Attorneys for Complainant

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8
9 **BEFORE THE**
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. 77/17-15844

14 **A & A AUTO BODY**
15 **IGNACIO ANDRADE, OWNER**
16 419 Mercey Springs Road
Los Banos, CA 93635
17 **Automotive Repair Dealer No. ARD 248570**

ACCUSATION

18 Respondent

19 and

20 **A & A ALL PRO AUTO REPAIR;**
IGNACIO ANDRADE, OWNER
21 439 Mercey Springs Road
Los Banos, CA 93635
22 **Automotive Repair Dealer Registration**
No. ARD 227686
23 **Smog Check Station License No. RC 227686**
Lamp Station License, Class A,
24 **No. LS 227686**
Brake Station License, Class C,
25 **No. BS 227686**

26 **Affiliate.**

27 Patrick Dorais (Complainant) alleges:

28 ///

1 PARTIES

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

4 A & A Auto Body, ARD No. 248570

5 2. In or around 2006, the Bureau issued Automotive Repair Dealer Number ARD
6 248570 to Ignacio Andrade, as owner of A & A Auto Body (Respondent A & A Auto Body).
7 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
8 charges brought herein and will expire on December 31, 2019, unless renewed.

9 A & A All Pro Auto Repair, ARD No. 227686

10 3. In or around 2003, the Bureau issued Automotive Repair Dealer Registration Number
11 ARD 227686 to Ignacio Andrade, as owner of A & A All Pro Auto Repair (A & A All Pro). The
12 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
13 charges brought herein and will expire on May 31, 2019, unless renewed.

14 4. On or about October 4, 2007, the Bureau issued Smog Check Station License Number
15 RC 227686 to A & A All Pro. The Smog Check Station License was in full force and effect at all
16 times relevant to the charges brought herein and will expire on May 31, 2019, unless renewed.

17 5. On or about September 7, 2010, the Bureau issued Lamp Station License Number
18 LS 227686, Class A, to A & A All Pro. The Lamp Station License was in full force and effect at
19 all times relevant to the charges brought herein and will expire on May 31, 2019, unless renewed.

20 6. On or about September 7, 2010, the Bureau issued Brake Station License Number
21 BS 227686, Class C, to A & A All Pro. The Brake Station License was in full force and effect at
22 all times relevant to the charges brought herein and will expire on May 31, 2019, unless renewed.

23 JURISDICTION

24 7. This Accusation is brought before the Bureau under the authority of the following
25 laws. All section references are to the Business and Professions Code (Code) unless otherwise
26 indicated.

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1 8. Code section 118(b), states:

2 The suspension, expiration, or forfeiture by operation of law of a license
3 issued by a board in the department, or its suspension, forfeiture, or
4 cancellation by order of the board or by order of a court of law, or its surrender
5 without the written consent of the board, shall not, during any period in which
6 it may be renewed, restored, reissued, or reinstated, deprive the board of its
7 authority to institute or continue a disciplinary proceeding against the licensee
8 upon any ground provided by law or to enter an order suspending or revoking
9 the license or otherwise taking disciplinary action against the licensee on any
10 such ground.

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

15 10. Health and Safety Code section 44002 provides, in pertinent part, that the Director
16 has all the powers and authority granted under the Automotive Repair Act for enforcing the
17 Motor Vehicle Inspection Program.

18 11. Health & Safety. Code section 44072.6 provides, in pertinent part, that the expiration
19 or suspension of a license by operation of law, or by order or decision of the Director of
20 Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the
21 Director of jurisdiction to proceed with disciplinary action.

22 12. Code section 9884.7 states:

23 (a) The director, where the automotive repair dealer cannot show there
24 was a bona fide error, may deny, suspend, revoke, or place on probation the
25 registration of an automotive repair dealer for any of the following acts or
26 omissions related to the conduct of the business of the automotive repair
27 dealer, which are done by the automotive repair dealer or any automotive
28 technician, employee, partner, officer, or member of the automotive repair
29 dealer.

30 (b) Except as provided for in subdivision (c), if an automotive repair
31 dealer operates more than one place of business in this state, the director
32 pursuant to subdivision (a) shall only suspend, revoke, or place on probation
33 the registration of the specific place of business which has violated any of the
34 provisions of this chapter. This violation, or action by the director, shall not
35 affect in any manner the right of the automotive repair dealer to operate his or
36 her other places of business.

37 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or
38 place on probation the registration for all places of business operated in this state by
39 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,

engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

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

14. Code section 9889.1 provides, in pertinent part, that any license issued pursuant to Article 5 and 6 [the Automotive Repair Act] may be suspended or revoked by the director.

STATUTORY AND REGULATORY PROVISIONS

15. Code section 9884.7 states, in pertinent part:

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

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

(4) Any other conduct that constitutes fraud.

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

16. Code section 9884.8 states:

All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer.

17. California Code of Regulations, title 16 ("CCR"), section 3356, states, in pertinent part:

1 (a) All invoices for service and repair work performed, and parts
2 supplied, as provided for in Section 9884.8 of the Business and Professions
3 Code, shall comply with this section.

4 (b) The invoice shall show the automotive repair dealer's registration
5 number and the corresponding business name and address as shown in the
6 Bureau's records.

7 18. CCR section 3366 states, in pertinent part:

8 (a) Except as provided in subsection (b) of this section, any automotive
9 repair dealer that advertises or performs, directly or through a sublet contractor,
10 automotive air conditioning work and uses the words service, inspection,

11 diagnosis, top off, performance check or any expression or term of like
12 meaning in any form of advertising or on a written estimate or invoice shall
13 include and perform all of the following procedures as part of that air
14 conditioning work:

15 (15) High and low side system operating pressures, as applicable, have
16 been measured and recorded on the final invoice; and,

17 (16) The center air distribution outlet temperature has been measured and
18 recorded on the final invoice.

19 COST RECOVERY

20 19. Code section 125.3 provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
24 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
25 included in a stipulated settlement.

26 BUREAU VEHICLE INSPECTION

27 20. On or about September 8, 2017, Bureau representative "J.G." requested from "E.N.",
28 Respondent A & A Auto Body's employee, records pertaining to the last 20 insurance claims/files
at or in excess of \$3,000 for repairs performed by Respondent A & A Auto Body. The files were
to be produced by September 14, 2017. On or about September 15, 2017, records for 22 vehicles
were provided and E.N. signed an acknowledgement that the records were a complete and
accurate representation of vehicle repairs performed by Respondent A & A Auto Body. A review
of the records revealed that Respondent A & A Auto Body's repair invoices had the address and

1 automotive repair dealer registration number for A & A All Pro. E.N. was instructed to use the
2 name and address in accord with Respondent A & A Auto Body's automotive dealer registration
3 and to cease using invoices or repair orders with information for A & A All Pro. It was also
4 noted that the files provided by Respondent A & A Auto Body did not contain invoices for all
5 parts listed on its repair estimates.

6 21. Two vehicles for which records were received were subsequently inspected by a
7 Bureau representative. It was found that Respondent A & A Auto Body failed to repair the
8 vehicles in accord with insurance estimates authorizing work for which Respondent A & A Auto
9 Body was paid, as set forth below.

10 2016 JEEP

11 22. On or about June 27, 2017, "J.H." (Customer 1) took his 2016 Jeep Patriot (Jeep),
12 which was damaged in a collision, to Respondent A & A Auto Body's facility for repairs.

13 23. On or about July 28, 2017, Esurance issued an estimate on Workfile ID No.
14 43884423, for Claim No. ESU-0247760-01 (the "Estimate") in the amount of \$5,472.72, for
15 repairs to the Jeep. In or around July 2017, Respondent A & A Auto Body received payment of
16 \$2,428.86 from Esurance for collision repairs on the Jeep. In or around July 2017, Respondent
17 A & A Auto Body issued to Customer 1 an invoice from A & A All Pro Auto Repair (the
18 "Invoice") for \$5,108.86 for repairs to the Jeep pursuant to the Estimate. Respondent A & A
19 Auto Body recorded on the Invoice receipt of \$2,000.00 cash from Customer 1 and that
20 Respondent A & A Auto Body had received \$2,428.86 from Esurance.

21 24. In or around November and December 2017, J.G inspected the Jeep and found that
22 Respondent A & A Auto Body failed to repair the vehicle according to the Estimate.

23 FIRST CAUSE FOR DISCIPLINE

24 (Untrue or Misleading Statements)

25 25. Respondent A & A Auto Body is subject to discipline under Code section
26 9884.7(a)(1), in that in or around July 2017, Respondent A & A Auto Body made or authorized
27 statements which he knew or which by exercise of reasonable care he should have known to be
28 untrue or misleading by falsely representing to Esurance and Customer 1 that Customer 1's Jeep

1 had been repaired pursuant to Esurance's Estimate. In fact, Respondent A & A Auto Body failed
2 to perform services and/or repairs specified therein, as follows:

- 3 a. The left side rail extension was not replaced.
- 4 b. The A/C option for replacement of the left side rail extension was not performed.
- 5 c. The left apron assembly was not replaced.

6 **SECOND CAUSE FOR DISCIPLINE**

7 (Fraud)

8 26. Respondent A & A Auto Body is subject to discipline under Code section
9 9884.7(a)(4), in that as regards Customer 1's Jeep, Respondent A & A Auto Body committed acts
10 constituting fraud in or around July 2017 by charging and receiving payment for work that was
11 not performed or for parts that were not supplied, as more particularly set forth in paragraphs 22-
12 24, above.

13 **THIRD CAUSE FOR DISCIPLINE**

14 (Failure to Comply with Regulations Adopted Pursuant to the Automotive Repair Act)

15 27. Respondent A & A Auto Body's Registration is subject to discipline pursuant to Code
16 section 9884.7(a)(6), in that as regards Customer 1's Jeep, Respondent A & A Auto Body failed
17 to materially comply with Regulation 3356(a) and (b). Specifically, Respondent A & A Auto
18 Body failed to show on the Invoice Respondent A & A Auto Body's automotive repair dealer
19 registration number and the corresponding business name and address as shown in the Bureau's
20 records.

21 **2007 CHEVROLET TAHOE**

22 28. In or around February 2018, "M.R." took a 2007 Chevrolet Tahoe that had been
23 damaged in a collision (the "Chevy"), which belonged to "S.A." and M.R. (collectively,
24 Customer 2), to Respondent A & A Auto Body's facility for repairs.

25 29. On or about March 13, 2018, the California State Automobile Association (CSAA)
26 caused Estimate No. 984484 to be issued for Claim No. 1002-54-9163.1 (the "Estimate") in the
27 amount of \$7,312.27 for repairs to the Chevy. On or about March 14, 2018, CSAA issued a
28 check in the amount of \$7,312.27 payable to "A and A Auto Body and S.A." for collision repairs

1 to the Chevy. In or around March 2018, Respondent A & A Auto Body recorded on an invoice
2 (the "Invoice") receipt of CSAA's check for \$7,312.27 for repairs to the Chevy. Respondent
3 A & A Auto Body did not itemize parts and labor on the Invoice.

4 30. In or around August 2018 and September 2018, J.G. inspected the Chevy and found
5 that Respondent A & A Auto Body failed to repair the vehicle according to the Estimate.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 (Untrue or Misleading Statements)

8 31. Respondent A & A Auto Body is subject to discipline under Code section
9 9884.7(a)(1), in that in or around March 2018, Respondent A & A Auto Body made or authorized
10 statements which he knew or which by exercise of reasonable care he should have known to be
11 untrue or misleading by falsely representing to CSAA and Customer 2 that Customer 2's Chevy
12 had been repaired pursuant to CSAA's Estimate. In fact, Respondent A & A Auto Body failed to
13 perform services and/or repairs specified therein, as follows:

- 14 a. The hood latch was not replaced.
- 15 b. The cooling upper tie bar was not replaced.
- 16 c. The center cooling support was not replaced.
- 17 d. The right cooling radiator baffle was not replaced.
- 18 e. The left cooling radiator baffle was not replaced.
- 19 f. The left front door adhesive nameplate was not replaced.
- 20 g. The left front door adhesive emblem was not replaced.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 (Fraud)

23 32. Respondent A & A Auto Body is subject to discipline under Code section
24 9884.7(a)(4), in that as regards Customer 2's Chevy, Respondent A & A Auto Body committed
25 acts constituting fraud in or around March 2018, by charging and receiving payment for work that
26 was not performed or for parts that were not supplied, as more particularly set forth in paragraphs
27 28-30, above.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 (Failure to Comply with the Automotive Repair Act)

3 33. Respondent A & A Auto Body's registration is subject to discipline pursuant to
4 Code section 9884.7(a)(6), in that Respondent A & A Auto Body failed to itemize parts and labor
5 on the Invoice issued to Customer 2 for work performed on the Chevy in March 2018, as required
6 pursuant to Code section 9884.8.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 (Failure to Comply with Regulations Adopted Pursuant to the Automotive Repair Act)

9 34. Respondent A & A Auto Body's Registration is subject to discipline pursuant to Code
10 section 9884.7(a)(6), in that in or around March 2018, as regards Customer 2's Chevy,
11 Respondent A & A Auto Body failed to materially comply with regulations, as follows:

12 a. Respondent A & A Auto Body failed to show on the Invoice issued to Customer 2,
13 the automotive repair dealer registration number and the corresponding business name and
14 address as shown in the Bureau's records for work performed by Respondent A & A Auto Body,
15 in violation of CCR 3356(a) and (b).

16 b. Respondent failed to record on his Invoice the high and low side system operating
17 pressures, in violation of CCR section 3366(a)(15).

18 c. Respondent failed to record on his Invoice the center air distribution outlet
19 temperature, in violation of CCR section 3366(a)(16).

20 **MATTERS IN AGGRAVATION**

21 35. To determine the degree of discipline, if any, to be imposed, Complainant alleges that
22 on or about September 15, 2017, in the course of a field inspection, a Bureau representative
23 informed Respondent A & A Auto Body's manager, E.N., that Respondent A & A Auto Body
24 could not use invoices that had the name, address, and automotive repair dealer registration
25 number for Respondent A & A Auto Body's affiliated business, A & A All Pro Auto Repair,
26 Automotive Dealer Registration Number ARD 227686.

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28 ///

1 OTHER MATTERS

2 36. Pursuant to Code section 9884.7(c), the Director may suspend, revoke, or place on
3 probation the registration for all places of business operated in this state by Respondent Ignacio
4 Andrade, doing business as A & A Auto Body, issued to Andrade Ignacio, upon a finding that
5 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and
6 regulations pertaining to an automotive repair dealer.

7 PRAYER

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

10 1. Revoking or suspending Automotive Repair Dealer Registration Number
11 ARD 248570, issued to Ignacio Andrade, doing business as A & A Auto Body;

12 2. Revoking or suspending Smog Check Station License Number RC 227686, issued to
13 Ignacio Andrade, owner of A & A All Pro Auto Repair;

14 3. Revoking or suspending Lamp Station License Number LS 227686, issued to Ignacio
15 Andrade;

16 4. Revoking or suspending Brake Station License Number BS 227686, issued to Ignacio
17 Andrade;

18 5. Revoking or suspending any other automotive repair dealer registration or license
19 issued to Ignacio Andrade;

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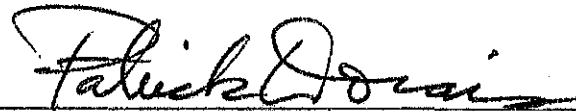
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1 6. Ordering Ignacio Andrade to pay the Bureau of Automotive Repair the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3; and,

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

5
6 DATED:

April 2, 2019



PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

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