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

In the Matter of the Accusation Against:

**PHOENIX AUTOMOTIVE GROUP;  
MARK DWIGHT LAWRENCE;  
KIMBERLEY LYNN LAWRENCE  
4381 Gateway Park Boulevard, Unit 500  
Sacramento, CA 95834**

**Automotive Repair Dealer Registration No.  
ARD 255863**

Respondent.

Case No. 77/11-51

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 23, 2012, Complainant John Wallauch, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 77/11-51 against Phoenix Automotive Group; Mark Dwight Lawrence; Kimberley Lynn Lawrence (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about August 19, 2008, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 255863 to Respondent. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 77/11-51 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 April 19, 2012, Respondent was served by Certified and First Class Mail  
4 copies of the Accusation No. 77/11-51, 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:

9 4381 Gateway Park Boulevard, Unit 500  
10 Sacramento, CA 95834.

11 4. Service of the Accusation was effective as a matter of law under the provisions of  
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
13 124.

14 5. On or about May 3, 2012, the aforementioned documents were returned by the U.S.  
15 Postal Service marked "No longer here", "Refused" and "Dif. owner now." The address on the  
16 documents was the same as the address on file with the Bureau. Respondent failed to maintain an  
17 updated address with the Bureau and the Bureau has made attempts to serve the Respondent at the  
18 address on file. Respondent has not made itself available for service and therefore, has not  
19 availed itself of their right to file a notice of defense and appear at hearing.

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

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

26 7. Respondent failed to file a Notice of Defense within 15 days after service upon them  
27 of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No.  
28 77/11-51.

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

(a) If the respondent either fails to file a notice of defense or to appear at the

1 hearing, the agency may take action based upon the respondent's express admissions  
2 or upon other evidence and affidavits may be used as evidence without any notice to  
3 respondent.

4 9. Pursuant to its authority under Government Code section 11520, the Director after  
5 having reviewed the proof of service dated April 19, 2012, signed by Praveen K. Singh, and  
6 return envelopes finds Respondent is in default. The Director will take action without further  
7 hearing and, based on Accusation, No. 77/11-51, proof of service and on the Affidavit of Bureau  
8 Representative Mike Sacco, finds that the allegations in the Accusation are true.

#### 9 DETERMINATION OF ISSUES

10 1. Based on the foregoing findings of fact, Respondent Phoenix Automotive Group;  
11 Mark Dwight Lawrence; Kimberley Lynn Lawrence has subjected its Automotive Repair Dealer  
12 Registration No. ARD 255863 to discipline.

13 2. The agency has jurisdiction to adjudicate this case by default.

14 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive  
15 Repair Dealer Registration based upon the following violations alleged in the Accusation which  
16 are supported by the evidence contained in the affidavit of Bureau Representative Mike Sacco in  
17 this case.:

18 a. Respondent's registration is subject to discipline under Code section 9884.7(a)(7), in  
19 that Respondent willfully departed from accepted trade standards for good and workmanlike  
20 repair in a material respect without the consent of the owner by failing to follow the  
21 recommended diagnostic procedures when replacing the vehicle's computer, resulting in the  
22 replacement of unnecessary parts.

23 b. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in  
24 that on or about May 18, 2009, regarding a 2001 Volkswagen Beetle, Respondent failed to  
25 materially comply with the following provisions of that Code:

26 i. **Section 9884.8:**

27 A. Respondent failed to record all repairs performed to the vehicle on Invoice  
28 No. 1674.

///

1 B. Respondent failed to properly record diagnostic test and repair procedures  
2 for codes PO606 and PO605 on Invoice No. 1674.

3 ii. **Section 9884.9:** Respondent failed to properly record authorization for  
4 additional repairs on Invoice No. 1674.

5 c. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in  
6 that on or about November 12, 2009, regarding a 2002 Pontiac Grand Prix, Respondent failed to  
7 materially comply with the following provisions of that Code:

8 i. **Section 9884.8:** Respondent failed to document the diagnosis of a coolant  
9 leak on Invoice No. 3050.

10 ii. **Section 9884.9:** Respondent failed to provide the consumer with an  
11 estimate for additional repairs on or about November 17, 2009.

12 d. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in  
13 that in or about January 2010, regarding the 1993 Ford Ranger, Respondent failed to materially  
14 comply with the following provisions of that Code:

15 i. **Section 9884.8:** Respondent failed to document the findings of the  
16 warranty inspection on Invoice No. 3528, dated January 19, 2010, and on Invoice No. 3592, dated  
17 January 28, 2010.

18 ii. **Section 9884.9:** Respondent failed to provide the consumer with a written  
19 estimate for the replacement of the throw out bearing.

20 e. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in  
21 that in or about April 2010, regarding the 2005 Dodge Neon, Respondent failed to materially  
22 comply with Code section 9884.9, by failing to document the consumer's authorization to install  
23 the radiator on Invoice No. 4148.

24 f. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in  
25 that in or about January 2011, regarding the 1995 Nissan Maxima GLE, Respondent failed to  
26 materially comply with the following provisions of that Code:

27 ///

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1           i.       **Section 9884.8:** Respondent failed to describe on Invoice No. 6447 all  
2 service work performed and parts supplied, including the diagnostic routine for a misfire  
3 condition, or the steps used to determine that the vehicle's ignition coil was faulty.

4           ii.       **Section 9884.9:** Respondent failed to document the consumer's  
5 authorization for the repair of the ignition coil and fuel injector.

6           g.       Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in  
7 that on or about December 30, 2010, regarding the 2000 Nissan Maxima, Respondent made  
8 statements which it knew or which by exercise of reasonable care it should have known to be  
9 untrue or misleading as follows:

10           i.       Respondent falsely represented to Delos Insurance Company and the  
11 consumer that the vehicle had been repaired pursuant to Capital City Appraisal Service's estimate  
12 dated January 31, 2011, when, in fact, it was not.

13           ii.       Respondent falsely represented on Invoice No. 6659, that the engine wiring  
14 harness had been replaced with a new engine wiring harness when, in fact, it was not.

15           h.       Respondent's registration is subject to discipline under Code section 9884.7(a)(4), in  
16 that on or about December 30, 2010, regarding the 2000 Nissan Maxima, Respondent committed  
17 fraud when it charged for and received payment from Delos Insurance Company for the  
18 installation of a new engine wiring harness when, in fact, Respondent installed a used engine  
19 wiring harness.

20           i.       Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in  
21 that on or about December 30, 2010, regarding the 2000 Nissan Maxima, Respondent failed to  
22 materially comply with Code section 9884.9(a) by failing to obtain the consumer's authorization  
23 to change the method of repair, in that Respondent installed a used engine wiring harness instead  
24 of a new engine wiring harness.

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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 LORRIE M. YOST  
Deputy Attorney General  
4 State Bar No. 119088  
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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:  
13 **PHOENIX AUTOMOTIVE GROUP**  
14 **MARK DWIGHT LAWRENCE, Partner**  
15 **KIMBERLEY LYNN LAWRENCE, Partner**  
4381 Gateway Park Boulevard, Unit 500  
Sacramento, CA 95834  
16 **Automotive Repair Dealer Registration No. ARD**  
17 **255863**  
18 Respondents.

Case No. 77/11-51  
**ACCUSATION**

19 John Wallauch ("Complainant") alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in his official capacity as the Chief of the  
22 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.  
23 2. On or about August 19, 2008, the Bureau issued Automotive Repair Dealer  
24 Registration Number ARD 255863 to Phoenix Automotive Group ("Respondent") with Mark  
25 Dwight Lawrence and Kimberley Lynn Lawrence as Partners. The registration was in full force  
26 and effect at all times relevant to the charges brought herein and will expire on August 31, 2012,  
27 unless renewed.

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1 5. Code section 9884.9 states, in pertinent part:

2 (a) The automotive repair dealer shall give to the customer a written estimated  
3 price for labor and parts necessary for a specific job. No work shall be done and no  
4 charges shall accrue before authorization to proceed is obtained from the customer.  
5 No charge shall be made for work done or parts supplied in excess of the estimated  
6 price without the oral or written consent of the customer that shall be obtained at  
7 some time after it is determined that the estimated price is insufficient and before the  
8 work not estimated is done or the parts not estimated are supplied. Written consent or  
9 authorization for an increase in the original estimated price may be provided by  
10 electronic mail or facsimile transmission from the customer. The bureau may specify  
11 in regulation the procedures to be followed by an automotive repair dealer if an  
12 authorization or consent for an increase in the original estimated price is provided by  
13 electronic mail or facsimile transmission. If that consent is oral, the dealer shall make  
14 a notation on the work order of the date, time, name of person authorizing the  
15 additional repairs, and telephone number called, if any, together with a specification  
16 of the additional parts and labor and the total additional cost, and shall do either of the  
17 following:

18 (1) Make a notation on the invoice of the same facts set forth in the notation on  
19 the work order.

20 (2) Upon completion of the repairs, obtain the customer's signature or initials to  
21 an acknowledgment of notice and consent, if there is an oral consent of the customer  
22 to additional repairs, in the following language:

23 "I acknowledge notice and oral approval of an increase in the original  
24 estimated price.

25 \_\_\_\_\_  
26 (signature or initials)"

27 Nothing in this section shall be construed as requiring an automotive repair  
28 dealer to give a written estimated price if the dealer does not agree to perform the  
requested repair.

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

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

1 **COST RECOVERY**

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

6 **CONSUMER COMPLAINT NO. 1 – 2001 VOLKSWAGEN BEETLE**

7 8. On or about June 11, 2009, the Bureau received a consumer complaint from Ramona  
8 Gonzalez ("consumer") regarding repairs to her 2001 Volkswagen Beetle performed by  
9 Respondent's facility. On or about May 18, 2009, the consumer had her vehicle towed to  
10 Respondent's facility for a diagnosis because the vehicle would die out when it was put in gear.  
11 On or about May 20, 2009, the consumer spoke with Service Manager, Phil ("Phil"), who told her  
12 that the vehicle's oxygen sensor and main computer needed to be replaced and would cost \$1,286.  
13 The consumer told Phil that she only wanted to replace the oxygen sensor. Phil told the consumer  
14 that she had to replace both parts in order for the vehicle to run. The consumer authorized the  
15 repairs.

16 9. On or about May 28, 2009, Phil contacted the consumer and told her that it would be  
17 an extra \$80 for the main computer.

18 10. On or about June 1, 2009, the consumer returned to Respondent's facility to retrieve  
19 the vehicle. The consumer paid \$1,200. When the consumer left Respondent's facility, the  
20 vehicle would only go 5 miles per hour. The consumer turned around and went back to  
21 Respondent's facility and spoke to Phil. Phil told the consumer that the vehicle needed additional  
22 repairs and to return the vehicle as soon as possible.

23 11. On or about June 2, 2009, the consumer drove her vehicle to Roseville Volkswagen  
24 for a diagnosis. Roseville Volkswagen told the consumer that the vehicle's fuel pump and  
25 manifold absolute pressure (MAP) sensor needed to be replaccd, and that the repairs performed  
26 by Respondent were unnecessary. The consumer paid Roseville Volkswagen \$1,306.86 for the  
27 repairs.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Departure from Trade Standards)**

3 12. Respondent's registration is subject to discipline under Code section 9884.7(a)(7),  
4 in that Respondent willfully departed from or disregarded accepted trade standards for good and  
5 workmanlike repair in a material respect without the consent of the owner or the owner's duly  
6 authorized representative, by failing to follow the recommended diagnostic procedures when  
7 replacing the vehicle's computer, resulting in the replacement of unnecessary parts.

8 **SECOND CAUSE FOR DISCIPLINE**

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

10 13. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),  
11 in that on or about May 18, 2009, regarding the 2001 Volkswagen Beetle, Respondent failed to  
12 materially comply with the following provisions of that Code:

13 a. **Section 9884.8:**

14 i. Respondent failed to record all repairs performed to the vehicle on Invoice  
15 No. 1674.

16 ii. Respondent failed to properly record diagnostic test and repair procedures  
17 for codes PO606 and PO605 on Invoice No. 1674.

18 b. **Section 9884.9:** Respondent failed to properly record authorization for additional  
19 repairs on Invoice No. 1674.

20 **CONSUMER COMPLAINT NO. 2 – 2002 PONTIAC GRAND PRIX**

21 14. On or about December 2, 2009, the Bureau received a consumer complaint from Eric  
22 Warfield ("consumer") regarding repairs to his 2002 Pontiac Grand Prix performed by  
23 Respondent's facility. On or about November 12, 2009, the consumer drove his vehicle to  
24 Respondent's facility to have an overheating problem diagnosed. Respondent inspected the  
25 vehicle and found that the intake manifold appeared to be leaking water. Later, the consumer  
26 received a telephone call from Phil, who told him that the intake manifold needed to be replaced  
27 and would cost \$850. The consumer authorized the repairs. On the same day, the consumer  
28 returned to Respondent's facility to pay for the repairs. The consumer paid Respondent \$849.96.



1 18. On or about January 28, 2010, while the consumer was driving the vehicle, he found  
2 that the clutch pedal became harder and harder to depress. Ultimately, the clutch pedal went all  
3 the way down to the floor and the vehicle would not shift. The consumer had the vehicle towed  
4 to Respondent's facility for repairs.

5 19. On or about February 11, 2010, the consumer returned to Respondent's facility to  
6 retrieve the vehicle. While driving the vehicle, the consumer found that the clutch was not  
7 working properly.

8 20. On or about February 18, 2010, the consumer took his vehicle to another repair  
9 facility where it was determined that Respondent failed to properly bleed the clutch hydraulic  
10 system. The consumer paid \$95 for the repair.

11 **FOURTH CAUSE FOR DISCIPLINE**

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

13 21. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),  
14 in that in or about January 2010, regarding the 1993 Ford Ranger, Respondent failed to materially  
15 comply with the following provisions of that Code:

16 a. **Section 9884.8:** Respondent failed to document the findings of the warranty  
17 inspection on Invoice No. 3528, dated January 19, 2010, and on Invoice No. 3592, dated  
18 January 28, 2010.

19 b. **Section 9884.9:** Respondent failed to provide the consumer with a written  
20 estimate for the replacement of the throw out bearing.

21 **CONSUMER COMPLAINT NO. 4 – 2005 DODGE NEON**

22 22. On or about April 5, 2010, the Bureau received a consumer complaint from Jessica  
23 Conley ("consumer") regarding repairs to her 2005 Dodge Neon performed by Respondent's  
24 facility. On or about April 2, 2010, the consumer took her vehicle to Respondent's facility to  
25 have the timing belt replaced in her vehicle. Prior to completion of the repairs, Respondent told  
26 the consumer that her radiator had a leak and needed to be replaced. The consumer purchased a  
27 radiator and had Respondent install it for \$80.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 23. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),  
4 in that in or about April 2010, regarding the 2005 Dodge Neon, Respondent failed to materially  
5 comply with Code section 9884.9, by failing to document the consumer's authorization to install  
6 the radiator on Invoice No. 4148.

7 **CONSUMER COMPLAINT NO. 5 – 1995 NISSAN MAXIMA GLE**

8 24. On or about February 3, 2011, the Bureau received a consumer complaint from Amy  
9 Craft ("consumer") regarding repairs to her 1995 Nissan Maxima GLE performed by  
10 Respondent's facility. On or about January 5, 2011, the consumer drove her vehicle to  
11 Respondent's facility to have the vehicle diagnosed because the vehicle would die at stops and  
12 buck when driving on the freeway. Respondent inspected the vehicle and found that the  
13 ignition coil and the number three cylinder fuel injector needed to be replaced. On or about  
14 January 7, 2011, the consumer returned to Respondent's facility to retrieve the vehicle. The  
15 consumer paid \$153.26, but was told that the vehicle was still idling rough and needed more  
16 work, including replacing the #3 cylinder fuel injector and would cost an additional \$450. On or  
17 about January 21, 2011, the consumer spoke with Phil, who told her that the vehicle's engine had  
18 seized up, the timing chain broke, and the clutch was bad. The total cost of the repairs would be  
19 approximately \$7,500. On or about January 26, 2011, the consumer returned to the Respondent's  
20 facility to retrieve the vehicle. The consumer paid \$246.63.

21 **SIXTH CAUSE FOR DISCIPLINE**

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

23 25. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),  
24 in that in or about January 2011, regarding the 1995 Nissan Maxima GLE, Respondent failed to  
25 materially comply with the following provisions of that Code:

26 a. **Section 9884.8:** Respondent failed to describe on Invoice No. 6447 all service  
27 work performed and parts supplied, including the diagnostic routine for a misfire condition, or the  
28 steps used to determine that the vehicle's ignition coil was faulty.

1           b.       **Section 9884.9:** Respondent failed to document the consumer's authorization for  
2 the repair of the ignition coil and fuel injector.

3                               **CONSUMER COMPLAINT NO. 6 – 2000 NISSAN MAXIMA**

4           26.    On or about March 9, 2011, the Bureau received a consumer complaint from Damon  
5 Finch ("consumer") regarding repairs to his 2000 Nissan Maxima performed by Respondent's  
6 facility. On or about December 30, 2010, the consumer took his vehicle to Respondent's facility  
7 to have the vehicle diagnosed because the vehicle was running rough and the engine wiring  
8 harness had been damaged by rodents. On or after December 30, 2010, Respondent told the  
9 consumer that the engine wiring harness needed to be replaced. The consumer filed a claim with  
10 his insurance company, Delos Insurance Company ("Delos") for the repairs. Delos sent out  
11 Capital City Appraisal Service to inspect the vehicle. Delos approved the claim and issued a  
12 check in the amount of \$1,885.74 to the consumer and Respondent for the replacement of an  
13 engine wiring harness. The consumer returned to Respondent's facility to retrieve the vehicle.  
14 While driving the vehicle, the consumer found that the vehicle continued to run rough.

15           27.    On or about March 17, 2011, a Bureau representative inspected the consumer's  
16 vehicle and found that the engine wiring harness Respondent installed was used. On that same  
17 day, a Bureau representative went to Respondent's facility and requested a copy of the invoice for  
18 the purchase of the engine wiring harness. Respondent provided the Bureau representative with a  
19 copy of Invoice No. 18864 from Hanlees Nissan dated January 17, 2011, in the amount of  
20 \$1,331.27; however, the invoice had been altered, in that the word "VOID" that had been stamped  
21 on the invoice was covered up.

22           28.    On or about March 18, 2011, a Bureau representative went to Hanlees Nissan and  
23 spoke with the parts manager, Tom Nguyen ("Nguyen"), who told the Bureau representative that  
24 Respondent returned the engine wiring harness on March 4, 2011. On that same day, a Bureau  
25 representative went to Now Venturcs Inc. (auto dismantler) and learned that Respondent  
26 purchased an engine wiring harness for a 2000 Nissan Maxima on February 9, 2011. New  
27 Ventures Inc. provided the Bureau representative with a copy of the invoice.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 29. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in  
4 that on or about December 30, 2010, regarding the 2000 Nissan Maxima, Respondent made  
5 statements which it knew or which by exercise of reasonable care it should have known to be  
6 untrue or misleading as follows:

7 a. Respondent falsely represented to Delos Insurance Company and the consumer  
8 that the vehicle had been repaired pursuant to Capital City Appraisal Service's estimate dated  
9 January 31, 2011, when, in fact, it was not.

10 b. Respondent falsely represented on Invoice No. 6659, that the engine wiring  
11 harness had been replaced with a new engine wiring harness when, in fact, it was not.

12 **EIGHTH CAUSE FOR DISCIPLINE**

13 **(Fraudulent Acts)**

14 30. Respondent's registration is subject to discipline under Code section 9884.7(a)(4), in  
15 that on or about December 30, 2010, regarding the 2000 Nissan Maxima, Respondent committed  
16 fraud when it charged for and received payment from Delos Insurance Company for the  
17 installation of a new engine wiring harness when, in fact, Respondent installed a used engine  
18 wiring harness.

19 **NINTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Provisions of the Code)**

21 31. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in  
22 that on or about December 30, 2010, regarding the 2000 Nissan Maxima, Respondent failed to  
23 materially comply with Code section 9884.9(a) by failing to obtain the consumer's authorization  
24 to change the method of repair, in that Respondent installed a used engine wiring harness instead  
25 of a new engine wiring harness.

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1 **OTHER MATTERS**

2 32. 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 Phoenix Automotive  
4 Group, and Mark Dwight Lawrence and Kimberley Lynn Lawrence, Partners, upon a finding that  
5 it has, or is, engaged in a course of repeated and willful violation of the laws and regulations  
6 pertaining to an 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 or suspending Automotive Repair Dealer Registration No. ARD  
11 255863, issued to Phoenix Automotive Group, and Mark Dwight Lawrence and Kimberley Lynn  
12 Lawrence, Partners;

13 2. Revoking or suspending any other automotive repair dealer registration issued to  
14 Phoenix Automotive Group, and Mark Dwight Lawrence and Kimberley Lynn Lawrence,  
15 Partners;

16 3. Ordering Phoenix Automotive Group, and Mark Dwight Lawrence and Kimberley  
17 Lynn Lawrence, Partners to pay the Bureau of Automotive Repair the reasonable costs of the  
18 investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

20 DATED: 2/23/12

21 John Wallauch by [Signature]  
22 JOHN WALLAUCH  
23 Chief  
24 Bureau of Automotive Repair  
25 Department of Consumer Affairs  
26 State of California  
27 Doug BALAH  
28 Assist. Chief  
*Complainant*

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