

## COMPLAINT INVESTIGATION PROCESS (CASE STUDY)

DISCLAIMER NOTICE: The following is an accessible outline of the Complaint Investigation Process (Case Study) presentation provided at the BAR Advisory Group meeting on October 21, 2021. A webcast recording of the presentation is also available on the BAR Advisory Group page at [www.bar.ca.gov](http://www.bar.ca.gov).

### Slide 1: Complaint Investigation Process (Case Study)

Presented by Rob Wright and Derek Bryant, Field Operations Branch at the BAR Advisory Group Meeting October 21, 2021.

### Slide 2: Complaint Expectations

(Screenshot of BAR's online complaint form)

- BAR complaint investigation steps:
  - Consumer files complaint
  - Contact consumer, collect supporting documents
  - Contact repair dealer, interview, collect records
  - Automotive Repair Act compliance analysis
  - Recommend resolution
  - Create report

### Slide 3: Documentation Workflow

(Graphic demonstrating the documentation workflow)

- Estimate
- Authorization
- Diagnosis or work
- Revision/Additional
- Revised Estimate
- Additional Authorization
- Diagnosis or Work
- Invoice

### Slide 4: Estimate and Authorization

(Image of a pyramid showing the progression of estimates from the first estimate, second estimate, and so on until the invoice can be generated)

“The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job...No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer” B&P section 9984.9(a).”

### Slide 5: Setting and Meeting Customer Expectations

- Setting
  - Repairer intentions should match customer expectations
  - Repairer sets customer expectations through initial estimate and revisions
  - Specific job
  - Specific price
  - Customer authorization
- Meeting
  - Don't exceed estimated and authorized work without customer authorization
  - Do only estimated and authorized repairs
  - Explain repairs on invoice

### Slide 6: Recording Additional Authorization

(Graphic detailing documenting additional authorization)

- Written (Example: In-person)
  - Customer Signature
  - Date
- Oral (Example: Phone Calls)
  - Customer Name
  - Date
  - Phone Number Called
  - Reason
  - Additional Cost
  - Total Revised Cost
- Electronic (Examples: Text Message, Email, Fax)
  - Customer Name
  - Date
  - Time
  - Phone Number/Email
  - Reason
  - Additional Cost
  - Total Revised Cost

### Slide 7: Unusual Circumstances Authorization

(Graphic detailing unusual circumstances authorization)

- Oral
  - Customer Name
  - Date
  - Time
  - Phone Number
- Electronic
  - Customer Name
  - Date
  - Time
  - Phone Number/Email

#### Slide 8: Teardown Estimate Elements

- Odometer
- Customer-requested repairs
- Specific job [area/component(s) to be torn down]
- Specific price
  - Includes reassembly price
  - Includes new gaskets, seals, O-rings, clips, etc. destroyed during disassembly
- Statement if you cannot reassemble (if applicable)
- Number of days to reassemble (if customer declines)
- Unique identifier
- Sublet Disclosure (if applicable)

#### Slide 9: Complaint Case Study (1 of 8)

- Vehicle
  - 2012 Jeep Wrangler, leaking differential pinion seal
- Consumer allegations
  - Repair facility performed unauthorized repairs
  - Invoice exceeded estimate by \$400.00

#### Slide 10: Complaint Case Study (2 of 8)

- Repair dealer response
  - Repair work authorized by “Early Bird” drop-off sheet
  - Additional repairs necessary to complete job
  - Consumer implied authorization by paying invoice

#### Slide 11: Complaint Case Study (3 of 8)

##### BAR Findings and Observations

- No unusual circumstances authorization - B&P §9884.9, CCR §3353.2
- No specific job - B&P §9884.9, CCR §3353(a)
- Incomplete teardown estimate - B&P §9884.9, CCR §3353(c)(1)
- Incomplete additional authorization - B&P §9884.9, CCR §3354(a)(1)
- Parts receipts not provided - B&P §9884.11, CCR §3358

#### Slide 12: Complaint Case Study (4 of 8)

(Image depicting a sample “Early Bird” drop off notice)

- Early Bird notices do not comply with estimate/authorization requirements.

#### Slide 13: Complaint Case Study (5 of 8)

(Two images depicting missing information on an estimate)

- Document represented as estimate provided by repair facility.
  - No specific job to be performed.
  - Missing customer phone authorization details for unusual circumstances.

#### Slide 14. Complaint Case Study (6 of 8)

(Two images depicting additional missing documentation on invoice)

- Document represented as invoice provided by repair facility.
  - Both authorizations missing increased dollar amount.
  - Dates and times created a misleading record. “Original Approval” was actually the last additional authorization.
  - Indications of teardown estimate but missing required elements.

#### Slide 15: Complaint Case Study (7 of 8)

- BAR Conclusion
  - Consumer allegations were substantiated
  - Repair facility failed to properly record authorization
- BAR Recommendation
  - Based on the failure to comply with B&P §9884.9 and CCR §3353.2, repair dealer not entitled to \$2,002.52.
- B&P §9882.5 (BAR authority)
  - The director shall on his or her own initiative or in response to complaints, investigate on a continuous basis and gather evidence of violations of this chapter... The director may suggest measure that, in the director’s judgement, would compensate for any damages suffered as a result of an alleged violation.

#### Slide 16: Complaint Case Study (8 of 8)

- Repair Dealer Response
  - Offered to refund consumer \$400.00
  - Promised to correct their estimate and authorization practices
- Outcome
  - Consumer accepted the refund offer
  - Repair facility educated by BAR on estimate and authorization requirements

#### Slide 17: Questions and Comments

Submit future questions and/or comments to:

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