

Department of Consumer Affairs  
Bureau of Automotive Repair

# Consumer Complaint Process

*Bill Thomas, Enforcement Operations Branch*

BAR Advisory Group Meeting

*July 21, 2016*

# Complaint Overview

- Primary goals:
  - Address consumer concerns
  - Mediate a fair and appropriate resolution
  - Check industry compliance with Automotive Repair Act
- BAR's role = neutral third party

# Complaint Submittal

- Online complaint form at [www.bar.ca.gov](http://www.bar.ca.gov)
- Complaint Intake Unit – (855) 837-7985
- DCA Consumer Information Center – (800) 952-5210
- Download, print, and mail complaint form
- Submittal in person at BAR Field Office

# Jurisdiction Determination

- Complaint Intake Unit makes initial determination of jurisdiction
  - If automotive related, the matter is referred to the appropriate Field Office
- Field Office makes final determination as to whether complaint is jurisdictional
- If jurisdictional, complaint is assigned to Field Representative
  - Goal = 7 days from receipt to assignment
  - Current BAR average = 3 days

# Complaint Process

- Field Rep reviews complaint for preliminary evaluation
- Contacts consumer
  - Documents consumer's statements of events
  - Requests all available documents, photos, etc.
  - May inspect vehicle if appropriate
  - What is consumer's desired resolution
- Contacts repair facility
  - Documents shop's statements of events
  - Requests copies of estimate and invoice
  - Requests copies of parts receipts, if applicable

# Complaint Process

- Communicates consumer's desired resolution to repair facility
- Field Rep evaluates evidence and suggests appropriate resolution
- Attempts to mediate an appropriate resolution to the complaint based upon the circumstances of the transaction

# Complaint Process

- All parties are routinely contacted throughout the process
- Both complainant and ARD are advised of resolution and closure of the complaint
- If unable to reach resolution, complaint is still closed
  - Consumer provided Small Claims Court information
  - Complaint report may only be subpoenaed directly to Small Claims Court

# Complaint Process

- Closure letter sent to consumer
- Survey card sent to both parties
- Consumer advised to contact Field Rep if agreed upon resolution is not provided in a timely manner

# Enforcement Considerations

- If violations identified, additional enforcement action may be appropriate in addition to mediation of the complaint
  - Educational Conference
  - Office Conference
  - Administrative Filing with Attorney General
  - Referral to Local District/City Attorney

# Enforcement Considerations

- Egregious Violations
  - Fraud
  - Actions threatening safety of consumer or others
- Field Rep will confer with Supervisor
- May close complaint without mediation and move straight to investigation

# Mediation Statistics

- Approximately 15,000 complaints mediated annually
- Approximately \$5 million returned to consumers annually
  - **\$2,696,878** Refunded
  - **\$1,395,621** Rework at No Charge
  - **\$949,667** Adjustments to Final Invoice

*(Fiscal Year 2014-15)*

# Questions and Comments

Submit additional questions and/or comments to:

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