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Attorney General Balderas to Ask for Arrest of Fraudulent Auto Shop Owner & Release of Consumers' Vehicles; Issues Risk Advisory to Consumers

Albuquerque, NM – Today, **Attorney General Hector Balderas** released an update in the Office of the Attorney General's lawsuit against A Reliable Engine Rebuilder. Earlier this month, **Second Judicial District Judge Nan Nash** ordered the business closed after the owner, Robert "Bobby" Mitchell, failed to appear at a hearing where he was set to explain how he would comply with a 2013 court order requiring Mr. Mitchell to pay restitution to consumers he scammed, imposing civil penalties, and prohibiting his unlawful business practices. **Judge Nash's** order requires the business to remain locked until Mr. Mitchell presents himself to the court. The Office of the Attorney General is working with consumers affected by the order closing the business so they can get their vehicles and engines back.

"In light of Bobby Mitchell's past contempt for the judicial system and evident lack of concern for the consumers harmed by his fraudulent business practices, I am going to ask **Judge Nash** to issue a bench warrant if he once again fails to appear in court," said **Attorney General Hector Balderas**. "My Office will provide whatever resources are required to assist local law enforcement in apprehending Mr. Mitchell. I'm also asking those consumers who do not have access to their vehicles and engines as a result of the court's order to contact my office. I intend to ask the judge to order all impounded vehicles and engines returned to their rightful owners immediately."

The Office of the Attorney General will make these requests at a hearing in **Judge Nash's** courtroom tomorrow in District Court in Albuquerque. The current lawsuit involves nine consumers who were victimized by Mr. Mitchell. In April 2013, the Office of the Attorney General obtained a court order requiring Mitchell to pay those consumers a total of \$21,000 in restitution and imposing \$42,000 in civil penalties. The court also ordered Mr. Mitchell to complete repairs to the engines or, if not repaired, to return the engines and refund the full amount the consumers paid for the repairs. To date, Mr. Mitchell has failed to comply with the court's order in any meaningful respect.

"I am outraged that so many New Mexicans were taken advantage of by Bobby Mitchell, and I want to ensure that all consumers understand that they have rights which can be enforced under the UPA," said **Attorney General Balderas**. **The Attorney General advises consumers who seek any type of repair services at an automotive repair shop that the New Mexico Unfair Trade Practices Act (UPA) requires the shop to post provisions of the shop's warranty policy and its method of charging labor in a prominent and conspicuous location on site. UPA also requires a repair facility to provide a written estimate of repairs that will exceed**

\$100, and if repairs exceed the estimate by the greater of ten percent or \$50, the repair shop must obtain authorization from the consumer for the repairs. Additionally, the shop must provide the consumer an invoice detailing all repairs completed, all parts and materials used in the repair or service, and whether any such parts were used, rebuilt or aftermarket crash parts. In most cases, consumers are entitled to retain the old parts if they so desire.

If they have not already done so, customers of A Reliable Engine Rebuilder and Mr. Mitchell whose vehicles or engines are located at the premises closed by the court should contact the Office of the Attorney General right away at 1-800-678-1508 so the Office can present their names at the hearing tomorrow and seek the return of their property.

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