Neal A. Puckett, Esq. Lic: VA

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Haytham Faraj, Esq. Lic: IL, MI, DC



Eric S. Montalvo, Esq. Lic: NJ, PA, DC (Pending)

#### THE LAW FIRM OF PUCKETT AND FARAJ, PC

June 21, 2010

### <u>Via First Class U.S. Mail</u> Via Facsimile (517) 373-7419

Michigan Department of State Bureau of Information Security Regulatory Monitoring Division P.O. Box 30046 Lansing, MI 48909-7546

Re: Fraudulent misrepresentation of used car sale; fraudulent misrepresentation of odometer reading; failure to disclose salvage title; failure to provide vehicle sales documents; failure to provide registration information

#### Dear Sir of Madame:

Our firm has undertaken legal representation of Ms. Haifa Safieddine in a cause of action against:

Chase Auto Sales Lic# B5379 10371 Northlawn Detroit, MI 48204 Phone: 313-931-9999 Owner: Hussein Muzzanar

I am writing to inform you of violations by Chase Auto Sales, auto dealer license number B5379, of numerous Michigan motor vehicle laws applicable to automobile dealers including, but not limited to: MCL 257:217 (title and registration of sold vehicles); MCL 257:233a (odometer disclosure statement); MCL 257:248 (selling a salvaged vehicle without a license); MCL 257:253 (Failure to disclose salvaged vehicle information).

#### Facts:

On about March 20, 2010, Ms. Haifa Safieddine was approached by Nader Damouni [hereinafter "Damouni"], an agent of Chase Auto Sales after he learned that she was about to purchase a used Nissan Maxima automobile. Damouni told Ms. Safieddine that he could get her a better deal on a similar car. She agreed to consider his offer. A few days later Damouni returned to Ms. Safieddine's place of work and showed her a photograph of the car he would sell her on his phone. He explained that the car is at an auction and that he could get it for her for \$5400 plus about \$1000 in fees and shipping. Ms. Safieddine asked Damouni if the car is clean. He replied "it is very clean. It has never been in any major accidents or had any major

damage." He went to say that the car is 2006 model with only about \$70,000 miles on it. Based on Damouni's representation, Ms. Safieddine agreed and provided to Chase Auto Sales a cashier's check in the amount of \$4258, See enclosure A; a personal check in the amount of \$1217.00, and \$925 in cash for taxes, registration and shipping fees. The amount paid to Damouni Chase Auto Sales is \$6400.00. On March 30, 2010, the car arrived in Michigan. The car sold to her is a:

Nissan Maxima Model year 2006 VIN 1N4BA41E16C829082

The Nissan, Maxima sold to Ms. Safieddine has a salvage title and is believed to have had major parts replaced. Although Chase Auto Sales received full payment for the Nissan, they provided no Bill of Sales and no disclosure information as they are required to do pursuant to MCL 257:233a and 257:253. Ms. Safieddine is an unsophisticated consumer without any experience in vehicle sales transactions. She did not understand about required disclosures and believed what Chase Auto Sales' agents represented to her. Almost immediately after taking possession of the Nissan Automobile, the car began to have serious problems. It would fail to start despite numerous attempts. When it did start and move it would shake to the point of being difficult to control and created a safety hazard. On May 1, 2010, Ms. Safieddine took the Nissan to a mechanic. The Mechanic told her that the car had serious engine, transmission, and suspension problems. After the visit to the mechanic, Ms. Safieddine called Damouni at Chase Auto Sales. He insisted the car is <u>VERY CLEAN</u> and that any work it requires is very minor.

Believing Damouni of Chase Auto Sales, Ms Safieddine took the car to another mechanic on May 7, 2010, to get a second opinion. That mechanic confirmed what the first mechanic had told her. He explained that the car was dangerous to drive and told her that he is surprised that she is able to drive it. She paid \$1295.75 in repairs to keep the car running. See enclosure B. On May 17, 2010, Ms. Safieddine pulled the CARFAX report on the Nissan Maxima. See enclosure C. It disclosed that the car had been in a major accident on April 18, 2009. The car had been in a collision that caused it to roll, air bags to deploy, and suffer serious interior and exterior damage. Moreover, it disclosed that the car had a salvage title. Upon learning the history of the car. Ms. Safieddine called Chase Auto Sales and requested to get her money back and to return the car because Chase Auto knew the Salvage history of the car but deliberately withheld that information. She explained that she already had a car picked out from a reputable dealer and that Damouni solicited her to purchase the Nissan from Chase. She explained that she lives on a very limited budget and that it is unfair of Chase to lie about the history of the car. Her protests were of no avail. Chase Auto ignored her protestations and refused to take the car back. To make matters worse, they have also refused to provide her with proper vehicle registration documents. As of the writing of this letter, the temporary registration documents she was initially provided have expired and have been renewed three times. See enclosures D, E and F. Her temporary registration has now expired. Chase Auto Sales refuses to cooperate in providing registration documents.

On May 26, 2010, our firm sent a letter to Chase Auto Sales demanding that they take the Nissan back and return the Ms. Safieddine's money, including all repair costs incurred. On May

28, 2010, Chase Auto represented through their attorneys that Ms. Safieddine had never purchased a car and that she was merely allowed to borrow it. They further stated that she cannot prove that she ever paid Chase Auto any funds. This incredible statement was preceded by the owner of Chase Auto -Hussein Muzannar- threatening Ms. Safieddine that if she took any further action he would call the police and report the car stolen because she could not prove that she paid him any money since the transaction was in cash and a cashier's check in the name of Mr. Ahmad Aoun. Mr. Aoun is a family friend of Ms. Safieddine. He obtained the Cashier's check for her because she does not have a bank account.

On June 2, 2010, Chase Auto reversed their position and offered to take the Nissan back and to give Ms. Safieddine \$5250.00 in exchange for the car. This offer was made because our firm explained that Mr. Aoun will give an affidavit consistent with the facts as represented herein.

Your immediate attention to this matter is requested. Chase Auto is committing consumer fraud and preying upon uninformed and unsophisticated buyers in a community largely made up of minorities who do not have the mobility to bargain shop and find legitimate businesses. Our firm will be filing a law suit against Chase Auto. I hope you will do your part in investigating his questionable, and perhaps criminal, business practices and revoking his license.

ham Faral, Esq. (P72581)

6200 Schaeffler Road

Suite 202

Dearborn, MI 48124 (313)457-1390 phone (202)280-1039 fax

Encl: A - Cashier's Check

B - Hachem Auto Service Center Repair Invoice

C - CARFAX

D - Temporary Registration 05/07/2010

E – Temporary Registration 05/18/2010

F – Temporary Registration 06/04/2010

Posting Date: 2010-03-30 Sequence #: 3480279801 Account #: 758661326 Routing Transit: 04400003 Amount #: \$4258.00

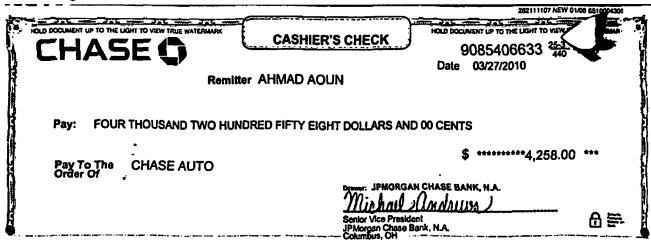
Check/Serial #: 009085406633 Bank #: 1

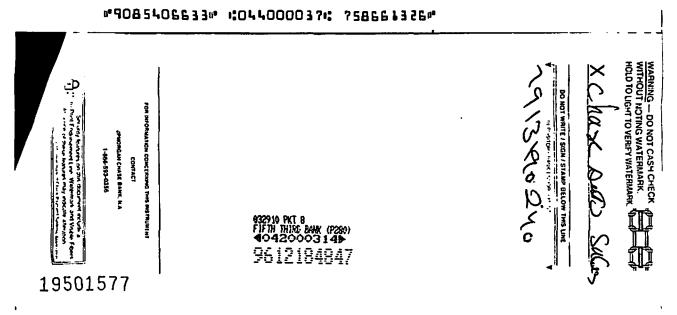
Tran Code: 000000

IRD: 0 ItemType: P

BOFD: 000000000

Cost Center: N/A
Teller Number: N/A
Teller Seq Number: N/A
Processing Date: N/A





#### hachem auto service center

8901 w.warren Dearborn, Ml. 48126 Phone - 313-704-4994

**INVOICE** 24 Org. Est. # 000381

Print Date: 06/16/2010

INVOICE

Haifaa Safieddine

Inkster, MI 48141

415 Tobin Dr Ap 206

2006 Nissan - Maxima SE

3.5L, V6, VIN (B)

Lic#:

Odometer In:

Unit#:

Vin #: 1N4BA41E16C829082

Home 313-525-1584 Cust ID :

D-4# .

Cust ID:	23	F	Ref#:		Hat # :	
Part Description /	Number	Qty	Sale	Extended	Labor Description	Extended
right trans mount					Inspect transmission poor shifting	225.00
64414		1.00	97.50	97.50	Symptom: Manual transmission is difficult to get into	
trans fluid nissan k					a different gear	
nissan k		7.50	4.00	30.00	performed trans diagnosis found broken rigt trans	
intake manifold gas	sket				mount and trans borned trans fluid performed	
565.00		1.00	19.50	19.50	replaced trans mount performed trans flush. NOTE:	
spark plugs					trans clutchs going bad	
1549		6.00	16.19	97.14	Diagnose cause of hestitation, stumble or sag	202.50
spark plug boots					Symptom: Engine hesitates, stumbles or sags when	
4186		6.00	7.15	42.90	accelerating	
c/v axles					performed computer scan found lots of codes and	
154696		2.00	75.00	150.00	found a copl network code, preferm tune ups for	
tensioner					moter and replacedspark plugs and uper intake	
3541		1.00	60.00	60.00	manifold gasket and spark plug boots	
idler					Inspect belts and determine cause of squeal	90.00
15896		1.00	43.73	43.73	Symptom: Drive belt(s) are squealing	
belts					found verry dryed tensioner and idler	
15695		2.00	24.96	49.92	bearing,replaced bolth belts	
Shop Supplies			2.00	2.00	exasive clunkin noise as driving	150.00
					Symptom: Transmission is shifting poorly (hard shift,	
					late shift, early shift)	
					found bad c/v axle.replaced 2 front c/v axle	

Org. Estimate \$1,295.75	Revisions \$0.00	Current Estimate \$ 1,295.75	Additional Cost	Revised Estimate	Labor:	667.50
					Parts:	592.69
					Sublet:	0.00
				!	Sub:	1,260.19
					Tax:	35.56
					Total:	1,295.75
[ Payments - ]					Bal Due:	\$1,295.75

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck herein described on street, highways or elsewhere for the purpose to testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto. Warranty on parts and labor is one years or 12,000 miles whichever comes first. Warranty work has to be performed in our shop & cannot exceed the original cost of repair.

SIGNATURE.....

[ Technicians : Please Select, Technician ]

Date...... Time.....

01.17.07 Copyright Mitchell 1 Invoic1

Enclosure (B)

TERROL (EGENTA), COME PARESE -POLITARE COME NOTE: SECURITION OF SE

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# Vehicle History Report

Vehicle Information: 2006 NISSAN MAXIMA SE/SL VIN: 1N4BA41E16C829082 **SEDAN 4 DR** 

3.5L V6 SFI DOHC 24V FRONT WHEEL DRIVE

Standard Equipment | Safety Options

Vehicle Location: **Quattro Motors** 23341 Plymouth Rd Redford, MI 48239 www.quattromotors.com



**Branded Title: Salvage** 



Airbag deployed



Previous owners



Service record available



65,455 Last reported odometer reading



\$1,820 CARFAX History Impact



This CARFAX Vehicle History Report is based only on information supplied to CARFAX and available as of 5/17/10 at 5:09 PM (EDT). Other information about this vehicle, including problems, may not have been reported to CARFAX. Use this report as one important tool, along with a vehicle inspection and test drive, to make a better decision about your next used car.

## Price Calculator

Enter retail book value here

Adjust the value of this 2006 NISSAN MAXIMA SE/SL based on the information available in this report

1) Retail Book Value

2) CARFAX History Impact

3) Adjusted Retail Value



- \$1,820

1N4BA41E16C829082

Begin by entering the retail book value

Ownership History The number of owners is estimated

Owner 1 Owner 2

Year purchased Type of owner

2006 2010 Personal

Estimated length of ownership

3 yrs. 2 mo. Pennsylvania

2 months

Owned in the following states/provinces Estimated miles driven per year

24,090/уг

Pennsylvania

Last reported odometer reading

65,455

Owner 1

Owner 2

Title History

CARFAX guarantees the information in this section

Enclosure (C)

5/17/2010



nk | Rebuilt | Fire | Flood | Hail | Lemon ALERT!

Not Actual Mileage | Exceeds Mechanical Limits

 $L(G) = \{ (1, 1, \dots, 1, 1, \dots, 1, \dots,$ 



Alert! Problem Found Alert! Problem Found

No Problem

Reported

No Problem

Alart! Severe problems were reported by a state Department of Motor Vehicles (DMV). This vehicle does not qualify for the CARFAX Buyback Guarantee.

CONTINUES AND ALTERNATIONS AND	the factor of the progression of the first of the second community of the ex-	the contract property and report to the contract property
CARFAX Additional History	Owner 1	Owner 2
Not all accidents / issues are reported to CARFAX	City The City of t	2 1111 01 0
Total Loss Total loss reported on 05/13/2009.	Total Loss Reported	No New Issues Reported
Structural / Frame Damage No structural / frame damage reported to CARFAX.	No Issues Reported	No Issues Reported
Airbag Deployment Airbag deployment reported on 04/18/2009.	Airbag Deployment	No New Issues Reported
Odometer Rollback No indication of an odometer rollback.	No Issues Indicated	No Issues Indicated
Accident / Damage DMV title problems reported. Accident reported on 04/18/2009.	Severe Damage	Severe Damage
Manufacturer Recall	No Recalls	No Recalls

# CARFAX Detailed History

Check with an authorized Nissan dealer for any open recalls.

Glassery

Reported

9						
	Owner		Date:	Mileage:	Source:	Comments:
NECONOMICS .	Purchased: Type: Where:	2006 Personal Pennsylvania	12/01/2005		NICB	Vehicle manufactured and shipped to original dealer
1	Est. miles/year:	24,090/yr	02/15/2006	54	Pennsylvania Motor Vehicle Dept.	Vehicle purchase reported
7.0	Est. length owned:	2/15/06 - 5/13/09			Media, PA Title #62949871KE01	
No. 1		(3 yrs. 2 mo.)	02/27/2006		Pennsylvania Motor Vehicle Dept. Media, PA Title #62949871KE01	Title issued or updated First owner reported Registered as personal vehicle
			02/14/2008		Pennsylvania Motor Vehicle Dept. Media, PA Title #62949871KE01	Title issued or updated
A SECTION OF THE PROPERTY OF			10/27/2008	65,455	Secane Auto and Truck Works Secane. PA 610-328-9183	Four wheel alignment performed Windshield washer checked Oil and filter changed chassis lubricated
Control of the same of the sam			02/26/2009		Pennsylvania Motor Vehicle Dept. Media, PA Title #62949871KE01	Title issued or updated Registration issued or renewed

04/18/2009	Pennsylvania Police Report Crash #2009045974	Accident reported in Delaware County Involving right side impact It hit a pole It hit a motor vehicle Vehicle overturned Vehicle disabled Vehicle towed Airbag deployed
		CARFAX Airbag Tips
05/13/2009	Pennsylvania Motor Vehicle Dept.	TOTAL LOSS VEHICLE Title or registration issued to insurance company
05/13/2009	Pennsylvania Motor Vehicle Dept. Titusville, PA Title #62949871PR01	SALVAGE TITLE/CERTIFICATE ISSUED

	Owner 2 Purchased:	2010	Date:	Mileage:	Source:	Comments:
	Where:	Pennsylvania	03/03/2010		Pennsylvania Motor Vehicle Dept.	New owner reported SALVAGE TITLE/CERTIFICATE ISSUED
The state of the state of	miles/year: Est. length owned:	3/3/10 - present (2 months)		-	Pottstown, PA Title #62949871KW01	

Have Questions? Consumers, please visit our Help Center at www.carfax.com. Dealers or Subscribers, please visit our Help Center at www.carfaxonline.com.



View Full Glossary

#### Accident / Damage Indicator

CARFAX receives information about accidents in all 50 states, the District of Columbia and Canada. Different information in a vehicle's history can indicate an accident or damage, such as: salvage auction, fire damage, police-reported accident, crash test vehicle, damage disclosure, collision repair facility and automotive recycler records. Not every accident or damage event is reported and not all reported are provided to CARFAX. Details about the accident or damage event when reported to CARFAX (e.g. severity, impact location, airbag deployment) are included on the Vehicle History Report. CARFAX recommends you obtain a vehicle inspection from your dealer or an independent mechanic.

- According to the National Safety Council, Injury Facts, 2007 edition, 7% of the 245 million registered vehicles in the U.S. were involved in an accident in 2005. Over 75% of these were considered minor or moderate.
- CARFAX depends on many sources for its accident / damage data. CARFAX can only report what is in our database on 17.May.2010 16:09:46. New data will result in a change to this report.

#### Pennsylvania Police Reports:

- Provide an estimate of the extent of damage in its accident reports for the following:
  - DISABLED: The vehicle cannot be driven from the accident scene due to severe damage or an injury.
  - FUNCTIONAL: The accident damage is moderate and may affect the operation of the vehicle and/or its parts. Examples include broken windows, trunk lids, doors, bumpers and tires.
  - MINOR: The accident damage does not affect the operation of the vehicle. Examples include dented bumpers, fenders, grills and body panels. This level of accident should not compromise vehicle safety.
  - NO DAMAGE: The vehicle was not damaged.

- Are required if the vehicle is towed from the scene or if an individual is injured
- Are released to CARFAX approximately 45 days after the accident date

#### **Airbag Deployment**

Occurs when the driver, passenger or side airbag has been used or deployed during a crash or other incident. If an airbag has been deployed, it must be replaced by a qualified technician. Have this car inspected by a mechanic prior to purchase. Use CARFAX Airbag Tips to make sure this vehicle's airbag system is functional.

#### **CARFAX History Impact**

Accidents, service records, number of owners and many other history factors can impact a vehicle's value. The CARFAX History Impact is a tool that analyzes millions of used car transactions to measure how the combination of all the information reported to CARFAX impacts the value of a particular vehicle. The vehicle's retail book value plus the CARFAX History Impact will give you a more accurate measure of the vehicle's value. Use this tool, along with a vehicle inspection and test drive, to make a better decision about your next used car.

#### **First Owner**

When the first owner(s) obtains a title from a Department of Motor Vehicles as proof of ownership.

#### **New Owner Reported**

When a vehicle is sold to a new owner, the Title must be transferred to the new owner(s) at a Department of Motor Vehicles.

#### **Ownership History**

CARFAX defines an owner as an individual or business that possesses and uses a vehicle. Not all title transactions represent changes in ownership. To provide estimated number of owners, CARFAX proprietary technology analyzes all the events in a vehicle history. Estimated ownership is available for vehicles manufactured after 1994 and titled solely in the US including Puerto Rico. Dealers sometimes opt to take ownership of a vehicle and are required to in the following states: Maine, Massachusetts, New Jersey, Ohio, Oklahoma, Pennsylvania and South Dakota. Please consider this as you review a vehicle's estimated ownership history.

#### Salvage Title

A Salvage Title is issued on a vehicle damaged to the extent that the cost of repairing the vehicle exceeds ~ 75% of its pre-damage value. This damage threshold may vary by state. Some states treat Junk titles the same as Salvage but the majority use this title to indicate that a vehicle is not road worthy and cannot be titled again in that state. The following eleven states also use Salvage titles to identify stolen vehicles - AZ, FL, GA, IL, MD, MN, NJ, NM, NY, OK and OR.

#### Title Issued

A state issues a title to provide a vehicle owner with proof of ownership. Each title has a unique number. Each title or registration record on a CARFAX report does not necessarily indicate a change in ownership. In Canada, a registration and bill of sale are used as proof of ownership.

#### **Total Loss Vehicle**

An insurance or fleet company declares a vehicle a total loss when a claim exceeds ~ 75% of its pre-damage value or if the vehicle is stolen and not recovered. This damage threshold varies by company. These companies typically take possession and obtain the title. Not all total loss vehicles result in a DMV-reported branded title. This may occur when an insurance company's definition of a total loss is different than the state DMV's definition for a branded title or when the owner of the vehicle is a self-insured company, like a fleet or rental company.

CARFAX DEPENDS ON ITS SOURCES FOR THE ACCURACY AND RELIABILITY OF ITS INFORMATION. THEREFORE, NO RESPONSIBILITY IS ASSUMED BY CARFAX OR ITS AGENTS FOR ERRORS OR OMISSIONS IN THIS REPORT. CARFAX FURTHER EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. CARFAX® © 2010 CARFAX, Inc., an R.L. Polk & Co. company. All rights reserved.

Covered by United States Patents Nos. 7,113,853; 7,505,838 and 7,596,512.

5/17/10 5:09 PM (EDT)

# **EXPIRES ON:**

PHOTOCOPIES NOT VALID Misuse of this permit is a felony.

MONTH DAY YEAR

DATE OF 05 07 10

Expires 15 days from date of issue.

Enter expiration date with wide felt-tip black marker on all copies.

Using adhesive tape, place on inside of lower left rear window.

c 2321908

BFS-4 (10/08)

OWNER INFORMATION

Enclosure (D)

#### MICHIGAN DEPARTMENT OF STATE

15-DAY TEMPORARY REGISTRATION FOR A MOTOR VEHICLE, TRAILER, OR TRAILER COACH

2006 NISSan VEHI	CLE IDENTIFICATION NUM 4BA41660	819081				
Chase Aula Sales DEALER LICENSE NUMBER 15379						
ADDRESS 10371 NORTHAWN						
STATE MICHIGAN ZIP CODE 04						
SIGNATURE OF DEALER OF AUTHORIZED AGENT AND TITLE						

NAME Haifda Safie	ddine			
ADDRESS 40 bin Dr. 6	1P20G			
Inkster	STATE	LIP CODE 141		
CUSTOMER'S COPY				

### 15-DAY TEMPORARY REGISTRATION

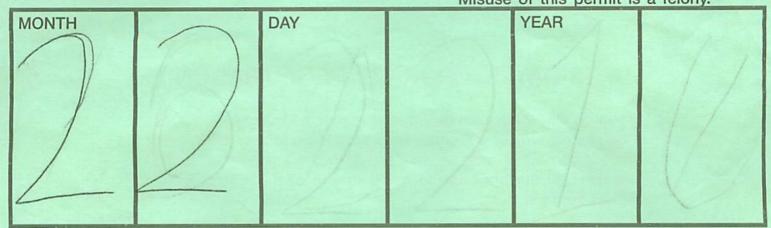
Section 257.226a provides that a licensed Michigan dealer can issue one temporary registration to the purchaser of a motor vehicle, trailer, or trailer coach. The 15-day temporary registration is used by the purchaser pending receipt of the regular license plate from the dealer.

Authority granted under Public Act 300 of 1949, as amended.

2321108

# **EXPIRES ON:**

PHOTOCOPIES NOT VALID Misuse of this permit is a felony.



DATE OF 05 18 10

Expires 15 days from date of issue.

Enter expiration date with wide felt-tip black marker on all copies.

Using adhesive tape, place on inside of lower left rear window.

c 2321534

BFS-4 (10/08)

Enclosure (E)

#### MICHIGAN DEPARTMENT OF STATE

15-DAY TEMPORARY REGISTRATION FOR A MOTOR VEHICLE, TRAILER, OR TRAILER COACH

YEAR	MAKE	VEHICLE IDENTIFICATION NUMBER		
2006	NISSAN	1N4BH41E	66 829082	
DEALER	CONTRACT OF THE PARTY OF		DEALER LICENSE NUMBER	
chas	e Aulo Si	Hes	B 5379	
ADDRESS				
10371	NorthLawn			
CITY		STATE	ZIP CODE	
Detroits MICHIGAN 48204				
SIGNATURE OF DEALER OR AUTHORIZED AGENT AND TITLE				

NAME Harraa Sarieda	bine	
ADDRESS		
415 Tobin Dr AP	206	
CITY	STATE	ZIP CODE
Invister	Mi	48/41
CU	ISTOMER'S COPY	

### 15-DAY TEMPORARY REGISTRATION

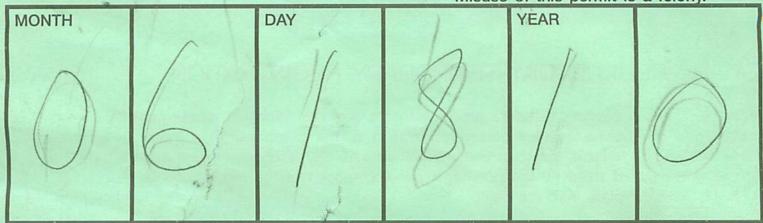
Section 257.226a provides that a licensed Michigan dealer can issue one temporary registration to the purchaser of a motor vehicle, trailer, or trailer coach. The 15-day temporary registration is used by the purchaser pending receipt of the regular license plate from the dealer.

Authority granted under Public Act 300 of 1949, as amended.

47

# **EXPIRES ON:**

PHOTOCOPIES NOT VALID Misuse of this permit is a felony.



DATE OF 06 01/ 10

Expires 15 days from date of issue.

Enter expiration date with wide felt-tip black marker on all copies.

Using adhesive tape, place on inside of lower left rear window.

C 2323411

BFS-4 (10/08)

Enclosure ( ) OWNER INFORMATION

### MICHIGAN DEPARTMENT OF STATE

15-DAY TEMPORARY REGISTRATION FOR A MOTOR VEHICLE, TRAILER, OR TRAILER COACH

2006	MAKE Nissau	VEHICLE IDENTIFICATION N	UMBER F 6 (- 829082			
Chase Auto Salu Dealer License Number 35379						
ADDRESS						
state MICHIGAN ZIP CODE L/8201/						
SIGNATURE OF	DEALER OR AUTHORIZED AGENT	AND TITLE				

NAME 11 C C 11.		
Taifaa Datieddin	e	
ADDRESS		
1115 Tobin Dr. AP	206	
CITY	STATE	ZIP CODE
Inkster	MI	UX141.
CUSTOM	ER'S COPY	

### 15-DAY TEMPORARY REGISTRATION

Section 257.226a provides that a licensed Michigan dealer can issue one temporary registration to the purchaser of a motor vehicle, trailer, or trailer coach. The 15-day temporary registration is used by the purchaser pending receipt of the regular license plate from the dealer.

Authority granted under Public Act 300 of 1949, as amended.