

BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SAN BRUNO 76
STEPHEN NG, Owner,
Automotive Repair Dealer Registration No.
ARD 254572
Smog Check Station License No. RC
254572
Brake Adjusting Station License No. BS
254572, Class C
Lamp Adjusting Station License No. LS
254572, Class A

and

GIANG DONG DO,
Smog Check Inspector License No. EO
151716
Smog Check Repair Technician License No.
EI 151716
Brake Adjuster License No. BA 151716,
Class C
Lamp Adjuster License No. LA 151716,
Class A

and

JOSE MANUEL DEJESUS,
Smog Check Inspector License No. EO
144807
Smog Check Repair Technician License
No. EI 144807

Respondents.

Case No. 79/15-93

OAH No. 2015030237

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of Consumer Affairs as the Decision in the above-entitled matter, except that, pursuant to Government Code section 11517(c)(2)(C), the typographical error in the Proposed Decision is corrected as follows:

Page 2, paragraph 2 under Factual Findings: The sentence "These licenses expired on April 30, 2015" is corrected to "These licenses expire on April 30, 2016."

This Decision shall become effective September 15, 2015.

DATED: August 10, 2015


TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

SAN BRUNO 76
STEPHEN NG, Owner,
Automotive Repair Dealer Registration No. ARD 254572
Smog Check Station License No. RC 254572
Brake Adjusting Station License No. BS 254572, Class C
Lamp Adjusting Station License No. LS 254572, Class A

and

GIANG DONG DO,
Smog Check Inspector License No. EO 151716
Smog Check Repair Technician License No. EI 151716
Brake Adjuster License No. BA 151716, Class C
Lamp Adjuster License No. LA 151716, Class A

and

JOSE MANUEL DEJESUS,
Smog Check Inspector License No. EO 144807
Smog Check Repair Technician License No. EI 144807

Respondents.

Case No. 79/15 through 93

OAH No. 2015030237

PROPOSED DECISION

Administrative Law Judge Regina Brown, Office of Administrative Hearings, State of California, heard this matter on May 19, 2015, in Oakland, California.

Justin Surber, Deputy Attorney General, represented complainant Patrick Dorais.

Respondent Stephen Ng represented himself and San Bruno 76. Respondent Giang Dong Do represented himself. Respondent Jose Manuel DeJesus represented himself.

The matter was submitted on May 19, 2015.

FACTUAL FINDINGS

1. Complainant Patrick Dorais filed the Accusation in his official capacity as Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.

2. On April 22, 2008, the Bureau issued Automotive Repair Dealer Registration number ARD 254572 (registration) to respondent Stephen Ng, Owner, doing business as (dba) San Bruno 76, located at 401 San Mateo Avenue, San Bruno. On June 13, 2008, the Bureau issued Smog Check Station License number RC 254572 to respondent Ng. The registration and license will expire on April 30, 2016, unless renewed. San Bruno 76 was certified as a STAR station on July 17, 2013.

On May 23, 2008, the Bureau issued Brake Station License number BS 254572, Class C, and Lamp Station License number LS 254572, Class A, to respondent Ng, dba San Bruno 76. These licenses expired on April 30, 2015.¹

3. The Bureau issued Smog Check Inspector License number EO 151716 and Smog Check Repair Technician License number EI 151716 to respondent Giang Dong Do. These licenses will expire on November 30, 2015, unless renewed. In 2007, the Bureau issued Brake Adjuster License number BA 151716, Class C, and Lamp Adjuster License number LA 151716, Class A, to respondent Do. These licenses expired on November 30, 2011. The brake adjuster license was not renewed, and the lamp adjuster license was cancelled on January 1, 2012.

4. The Bureau issued Smog Check Inspector License number EO 144807 and Smog Check Repair Technician License number EI 144807 to respondent Jose Manuel DeJesus. The licenses will expire on July 31, 2016, unless renewed.

5. The purpose of the smog check program is to ensure cleaner air for the public in California. Smog check stations and technicians must follow the rules and regulations, and failure to do so, can compromise the integrity of the program. The Bureau issues each licensed smog check inspector a unique code to access the computerized Emissions Inspection System (EIS) to perform a smog check inspection. Each smog check inspector must secure his access code, and disclosure of an access code to another smog check inspector is prohibited. A STAR-certified station is a smog check station that meets higher performance standards established by the Bureau, and performs inspections on higher polluting vehicles. The Follow-Up Pass Rate (FPR) is a performance measure to evaluate the performance of STAR-certified stations and smog check inspectors. The FPR is the only performance measure that evaluates the performance of a smog check inspector to determine a station's eligibility for the STAR program.

¹ The suspension, expiration, or forfeiture by operation of law of a license issued by the Bureau will not deprive the Bureau of its authority to institute disciplinary proceeding against a licensee. (Bus. & Prof. Code, § 118.)

6. In June 2014, Bureau program representative, Christopher Cummings, conducted an investigation of San Bruno 76. The investigation revealed that between June 15 through 24, 2014, respondent DeJesus performed 38 smog check inspections at San Bruno using respondent Do's access code. Respondent Do had instructed respondent DeJesus to use his access code to perform smog check inspections while he was out of the country on vacation. Respondent DeJesus input information into the EIS as he performed smog check inspections. As a result, San Bruno 76 issued Vehicle Inspection Reports (VIR) with certificates of compliance for smog check inspections performed by respondent DeJesus using respondent Do's access code. Respondent DeJesus signed respondent Do's signature on approximately 2 or 3 of the VIR's, and falsely certified under penalty of perjury that the smog check inspections were performed by respondent Do. The other VIR's were left blank. At the time, respondent DeJesus's FPR rating was too low, and he was not qualified or authorized to perform smog check inspections at a STAR-certified station.

7. Cummings interviewed respondent Do. Initially, respondent Do was not truthful and stated that respondent DeJesus was a smog check technician intern. Respondent Do later admitted that he gave respondent DeJesus his access code and permission to sign the VIR's. When he returned from vacation, respondent Do signed the blank VIR's. Respondent Do told Cummings that respondent Ng was not aware that he had employed respondent DeJesus to work while he was on vacation or that he had given respondent DeJesus his access code.

8. In July 2013, respondent DeJesus' FPR score was 0.20. The minimum FPR score required to qualify to work as a smog check technician at a STAR-certified station is 0.40 or higher, and is calculated every six months. During his interview with Cummings, respondent DeJesus admitted that he had performed the smog check inspections using respondent Ng's access code because his FPR score was too low to be qualified to work at San Bruno 76. By July 2014, respondent DeJesus's FPR score had risen to 0.76. However, an increase in his FPR score would not automatically qualify him to work at a STAR-certified station. He would have to submit an access code change request with respondent Ng's signature to the Bureau to qualify to work at San Bruno 76.

9. Respondent Ng was not present when respondent DeJesus performed the smog check inspections. However, as the owner of San Bruno 76, respondent Ng should have known that respondent DeJesus was performing the smog check inspections using respondent Do's access code and that untrue or misleading statements were made with respect to issuance of the certificates of compliance.

10. An Accusation was issued, and respondents filed timely appeals.

Respondents' Evidence

11. Respondent Ng has owned San Bruno 76 for over 15 years. In approximately 2008, he hired respondent Do to run the day-to-day operations of the station, including hiring and firing employees. They have a profit sharing arrangement. Respondent Ng states that he

only hires licensed technicians, and that he expects them to follow the applicable laws and regulations. Respondent Ng is adamant that he did not instruct respondent Do to give his access code to respondent DeJesus. Respondent Ng states that he did not become aware of the matter until he received the Accusation. If he had known, he would have stopped them from engaging in the prohibited behavior. Respondent Do continues to work for respondent Ng because, according to respondent Ng, respondent Do “knows the garage better than him.” San Bruno 76 has a smog inspection facility, automotive repair shop, and an adjoining gas station with a small snack shop. He has seven employees, including the cashiers. According to respondent Ng, if he is forced to shut down his automotive repair shop, then he will be “out of business.” He admits that he knows that “mistakes were made,” but he needs to keep his licenses to keep his workers employed.

12. Respondent DeJesus admits that that he “made a mistake.” At hearing, respondent DeJesus appeared genuinely sorrowful for his conduct. Respondent DeJesus states that respondent Do called him to work in June 2014, because he needed to visit his ailing grandmother in Vietnam. Although there was a licensed technician, Marvin Dang, working at San Bruno 76 during the same time, he did not perform smog check inspections because, according to respondent DeJesus, he is “a lazy guy.” Respondent DeJesus confirmed that respondent Ng was not present at the station in June 2014. Respondent DeJesus insists that he has never spoken to respondent Ng, and although he may have serviced his vehicle a few times, he did not realize that respondent Ng was the owner of the station.

Respondent DeJesus graduated from Skyline College, and obtained his smog tech license in 2002. He is also a certified master mechanic. Approximately six years ago, respondent DeJesus was hired to work full-time for San Bruno 76. At some point, he started working part-time on Saturdays only. Respondent DeJesus last worked at the station on June 23, 2014. He worked for several different smog check stations in 2013 and 2014. Respondent DeJesus’s current STAR score is 0.94, and after July 1, 2015, he will be able to work at any STAR station.

13. Respondent Do admits that he made a mistake in giving his access code to respondent DeJesus. He insists that he called respondent DeJesus to work for him when he went to Vietnam for a family emergency because he knew that respondent DeJesus was struggling financially and he wanted to help him. Respondent Do states that he did not have the other smog check technician, Dang, perform the inspections because he was “not thinking, and wanted to help” respondent DeJesus. The first time that respondent Do spoke to respondent Ng about allowing respondent DeJesus to use his access code was after the Accusation was issued. Respondent Do does not manage the adjoining gas station.

Prior Citation History

14. The Bureau issued Citation No. C2012-1282 against respondent Ng, dba San Bruno 76, for failing to perform a smog check inspection on February 29, 2012, according to the Bureau’s procedures. The citation was paid on May 31, 2012.

15. The Bureau issued Citation No. M2012-1283 against respondent Do for failing to perform a smog check inspection on February 29, 2012, according to the Bureau's procedures. The Bureau required that he attend an eight-hour training course which he completed on May 6, 2012.

16. On March 16, 2012, respondents Ng and Do attended a conference with a Bureau representative concerning brake and/or lamp inspections performed without having a licensed brake and lamp adjuster employed at San Bruno 76. At the time, respondent Do's brake and lamp adjuster licenses had expired. They were warned that further violations of the Automotive Repair Act may lead to discipline. Respondent Do states that he has not performed brake or lamp inspections since the conference.

17. The Bureau issued Citation No. M2012-1406 against respondent DeJesus for failing to perform a smog check inspection on March 30, 2012, at Quality Tune Up Shop No. 16, in Walnut Creek, according to the Bureau's procedures. The Bureau required that he attend an eight-hour training course which he completed on May 10, 2012.

Costs

18. The Bureau certified that it has incurred costs in connection with the investigation and enforcement in the total amount of \$12,958.69. The Bureau investigator's costs were \$6,801.19, and the costs billed by the Office of the Attorney General totaled \$6,157.50. The amount of the costs is reasonable.

19. Respondent DeJesus states that he can make payments toward costs, and he has been saving money ever since he received the Accusation. He earns approximately \$15 to \$21 per hour, working occasionally as a mechanic and smog check inspector. Since February 2015, he has been working at a station in Redwood City; however, he had to quit his job in order to attend the hearing. According to respondent DeJesus, his total income for last year was \$9,000, and he has no other source of income. He states that he may be able to borrow money from his sisters to pay toward the costs. Respondent Do states that his income in 2014 was approximately \$60,000, and he has no other source of income.

LEGAL CONCLUSIONS

Respondent DeJesus

1. Health and Safety Code section 44072.2, subdivision (d), authorizes suspension, revocation, or other disciplinary action against a licensee who commits any act involving dishonesty, fraud, or deceit whereby another is injured. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivision (d), to discipline respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician licenses, by reason of the matters set forth in Factual Findings 5 through 8.

2. Health and Safety Code section 44072.2, subdivisions (a) and (c), authorize suspension, revocation, or other disciplinary action against a licensee who violates any provisions of the Motor Vehicle Inspection Program or regulations related to licensed activity or regulations adopted by the Director. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivisions (a) and (c), to discipline respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician licenses, for violating California Code of Regulations, title 16, section 3340.41, subdivision (b) (entering into the EIS an access number not authorized by the Bureau), by reason of the matters set forth in Factual Findings 5 through 8.

3. Health and Safety Code section 44072.2, subdivisions (a) and (h), authorize suspension, revocation, or other disciplinary action against a licensee who violates any provisions of the Motor Vehicle Inspection Program or its regulations, or provisions related to the licensed activity. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivisions (a) and (h), to discipline respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician licenses, for violating Health and Safety Code section 44014 (test must be conducted by a qualified smog check technician), by reason of the matters set forth in Factual Findings 5 through 8.

4. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivisions (a) and (h), to discipline respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician licenses, for violating Health and Safety Code section 44059 (willfully making false statements on a certificate of compliance or VIR), by reason of the matters set forth in Factual Findings 5 through 8, and Legal Conclusion 3.

Respondent Ng dba San Bruno 76

5. Business and Professions Code section 9884.7, subdivision (a)(1), authorizes the temporary or permanent invalidation of an automotive repair dealer registration if an automotive repair dealer makes or authorizes any statement that the dealer knows, or in the exercise of reasonable care should have known, is untrue or misleading. Cause exists, pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), to temporarily or permanently invalidate the automotive repair dealer registration issued to respondent Ng, dba San Bruno 76, by reason of the matters set forth in Factual Findings 5 through 9.

6. Business and Professions Code section 9884.7, subdivision (a)(4), authorizes the temporary or permanent invalidation of an automotive repair dealer registration if an automotive repair dealer engages in any conduct that constitutes fraud. Cause exists, pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), to temporarily or permanently invalidate the registration issued to respondent Ng, dba San Bruno 76, by reason of the matters set forth in Factual Findings 5 through 9.

7. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivision (d), to discipline the smog station license issued to respondent Ng, dba San Bruno 76, by reason of the matters set forth in Factual Findings 5 through 9, and Legal Conclusion 1.

8. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivisions (a) and (h), to discipline the smog station license issued to respondent Ng, dba San Bruno 76, for a violation of Health and Safety Code section 44014, by reason of the matters set forth in Factual Findings 5 through 9, and Legal Conclusion 3.

9. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivisions (a) and (h), to discipline the smog station license issued to respondent Ng, dba San Bruno 76, for a violation of Health and Safety Code section 44059, by reason of the matters set forth in Factual Findings 5 through 9, and Legal Conclusions 3 and 4.

10. Business and Professions Code section 9889.3, subdivision (d), authorizes disciplinary action against a brake station or lamp station where a licensee commits any act that involves dishonesty, fraud, or deceit where another is injured. Cause exists, pursuant to Business and Professions Code section 9889.3, subdivision (d), to discipline the brake station and lamp station licenses issued to respondent Ng, dba San Bruno 76, by reason of the matters set forth in Factual Findings 5 through 9.

11. Business and Professions Code section 9889.3, subdivision (a), authorizes disciplinary action against a brake station or lamp station where the licensee violates a section of the Business and Professions Code that relates to the licensed activity. Business and Professions Code section 9889.22 provides that the willful making of any false statement with regard to a material matter in any certificate of compliance constitutes perjury and is punishable under the Penal Code.

There is no cause, pursuant to Business and Professions Code section 9889.3, subdivision (a), to discipline the brake station and lamp station licenses issued to respondent Ng, dba San Bruno 76, for a violation of Business and Professions Code section 9889.22. There was no evidence that respondent Ng violated any provision of the Business and Professions Code that related to the activity of a brake station or lamp station.

Respondent Do

12. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivision, subdivision (d), to discipline respondent Do's Smog Check Inspector and Smog Check Repair Technician licenses, as set forth in Factual Findings 5 through 8, and Legal Conclusion 1.

13. Cause exists, pursuant to Health and Safety Code section 44072.2, subdivisions (a) and (c), to discipline respondent Do's Smog Check Inspector and Smog Check Repair Technician licenses, for violating California Code of Regulations, title 16, section 3340.45, as set forth in Factual Findings 5 through 8, and Legal Conclusion 2.

14. Cause exists, pursuant to Business and Professions Code section 9889.3, subdivision (d), to discipline the lamp adjuster and brake adjuster licenses issued to respondent Do, by reason of the matters set forth in Factual Findings 5 through 8, and Legal Conclusion 10.

Other Matters

15. Health and Safety Code section 44072.8, provides that when a license has been revoked or suspended under the Motor Vehicle Inspection Program, constitutes cause to suspend or revoke any additional license issued under the Motor Vehicle Inspection Program.

16. Cause exists, pursuant to Health and Safety Code section 44072.8, to revoke or suspend any other license issued to respondent DeJesus under the Motor Vehicle Inspection Program.

17. Cause exists, pursuant to Health and Safety Code section 44072.8, to revoke or suspend any other license issued to respondent Do under the Motor Vehicle Inspection Program.

18. Cause exists, pursuant to Health and Safety Code section 44072.8, to revoke or suspend any other license issued to respondent Ng, dba San Bruno 76, under the Motor Vehicle Inspection Program.

19. Business and Professions Code section 9889.9 provides that the suspension or revocation of a lamp adjuster or brake adjuster license constitutes cause to suspend or revoke any additional license issued under that article. Cause exists, pursuant to Business and Professions Code section 9889.9, to revoke or suspend any other license issued to respondent Do under the articles governing lamp adjusters or brake adjusters.

20. Cause exists, pursuant to Business and Professions Code section 9889.9, to revoke or suspend any other license issued to respondent Ng, dba San Bruno 76, under the articles governing lamp stations or brake stations.

21. Business and Professions Code section 9884.7, subdivision (c), provides that: "the director may suspend, revoke, or place on probation the registration of all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter [Chapter 20.3 Automotive Repair Act] or regulations adopted pursuant to it."

There is insufficient evidence to establish repeated and willful violations of the Automotive Repair Act. The prior citation issued to respondent Ng was for a violation of the Motor Vehicle Inspection Program. Cause has not been established, pursuant to Business and Professions Code section 9884.7, subdivision (c), to discipline the registration issued to respondent Ng, dba San Bruno 76.

Penalty Determination

22. Under the Bureau's guidelines, the minimum recommended penalty for the most egregious violation, fraud, is a stayed revocation, a 30-day suspension, and a five-year probation. Respondents Do and DeJesus admitted to and take responsibility for their violations. They both demonstrated remorse. In mitigation, there was no demonstrated loss to a consumer. Given the distinct conditions under which this occurred, it appears that there is a minimal risk that this behavior might reoccur. Considering all the facts and circumstances, it is determined that the public interest will be sufficiently protected by a term of probation and suspension as anticipated under the Bureau's guidelines, for each of the respondents.

Cost Recovery

23. Business and Professions Code section 125.3, provides that respondent may be ordered to pay the Bureau "a sum not to exceed the reasonable costs of the investigation and enforcement of the case." The Bureau's certification of the actual costs constitutes prima facie evidence of its costs, as set forth in Factual Finding 18.

24. In *Zuckerman v. State Bd. of Chiropractic Examiners* (2002) 29 Cal.4th 32, the Court set forth the factors to be considered in determining the reasonableness of costs. Those factors include: whether respondent has been successful at the hearing in getting charges reduced or dismissed; respondent's subjective good faith belief in the merits of his position; whether respondent has raised a colorable challenge to the proposed discipline; respondent's financial ability to pay the cost award; and, whether the scope of the investigation was appropriate to the alleged conduct of the respondent.

Applying the *Zuckerman* factors, there is reason to apportion the total costs of 12,958.69, and to reduce the award of costs against respondent DeJesus. In light of his financial inability to pay the cost award, the reasonable costs which the Bureau should recover from respondent DeJesus are \$1,000, as set forth in Factual Findings 18 through 19. Respondents Ng and Do shall, jointly and severally, be responsible for reimbursing the remaining reasonable costs of investigation and enforcement which are determined to be \$11,958.69.

ORDER

Respondent Ng, dba San Bruno 76

1. Automotive Repair Dealer Registration number ARD 254572 issued to Stephen Ng, doing business as San Bruno 76, is permanently invalidated and revoked. However, the permanent invalidation and revocation are stayed for a five (5) year period of probation, which will include a 30-day suspension, on the following terms and conditions:

a. Comply with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

b. Post a prominent sign, provided by the Bureau, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign shall be conspicuously displayed in a location open to and frequented by customers and shall remain posted during the entire period of actual suspension.

c. Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

d. Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or owners of respondent's facility may have in any other business required to be registered pursuant to section 9884.6 of the Business and Professions Code.

e. Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

f. If an Accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the Accusation, and the period of probation shall be extended until such decision.

g. Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Bureau may, after giving notice and opportunity to be heard, temporarily or permanently invalidate the registration.

2. Smog Check Station License number RC 254572 issued to Stephen Ng, doing business as San Bruno 76, is revoked. However, the revocation is stayed for a five (5) year period of probation, which will include a 30-day suspension, on the following terms and conditions:

a. Comply with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

b. Post a prominent sign, provided by the Bureau, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign shall be conspicuously displayed in a location open to and frequented by customers and shall remain posted during the entire period of actual suspension.

c. Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

d. Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or owners of respondent's facility may have in any other business required to be registered pursuant to section 9884.6 of the Business and Professions Code.

e. Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

f. If an Accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the Accusation, and the period of probation shall be extended until such decision.

g. Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Bureau may, after giving notice and opportunity to be heard, revoke the license.

3. Brake Station License number BS 254572, Class C, and Lamp Station License number LS 254572, Class A, issued to Stephen Ng, doing business as San Bruno 76, are revoked.

4. Any additional licenses issued under the Motor Vehicle Inspection Program, (including smog check station, smog check inspector, or smog check repair technician), or brake station license, lamp station license, brake adjuster license, or lamp adjuster license issued to Stephen Ng, doing business as San Bruno 76, are revoked.

5. Insofar as the Accusation seeks to impose discipline against any other Automotive Repair Dealer Registration issued to Stephen Ng, doing business as San Bruno 76, under the Automotive Repair Act, the Accusation is dismissed.

Respondent Do

6. Smog Check Inspector License number EO 151716 and Smog Check Repair Technician License number EI 151716 issued to Giang Dong Do are revoked. However, the revocations are stayed for a five (5) year period of probation on the following terms and conditions:

a. Comply with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

b. Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

c. Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or owners of respondent's facility may have in any other business required to be registered pursuant to section 9884.6 of the Business and Professions Code.

d. Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

e. During the period of probation, respondent shall attend and successfully complete a Bureau-certified training course in diagnosis and repair of emission systems failures and engine performance, applicable to the class of licenses held by respondent. Said course shall be completed and proof of completion submitted to the Bureau within 60 days of the effective date of this decision and order. If proof of completion of the course is not furnished to the Bureau within the 60-day period, respondent's licenses shall be immediately suspended until such proof is received.

f. If an Accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the Accusation, and the period of probation shall be extended until such decision.

g. Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Bureau may, after giving notice and opportunity to be heard, revoke the licenses.

7. Brake Adjuster License number BA 151716 and Lamp Adjuster License number LA 151716 issued to Giang Gong Do are revoked.

8. Any additional license issued under the Motor Vehicle Inspection Program (including smog check station, smog check inspector, smog check repair technician) or brake station license, lamp station license, brake adjuster license, or lamp adjuster license issued to Giang Gong Do are revoked.

Respondent DeJesus

9. Smog Check Inspector License number EO 144807 and Smog Check Repair Technician License number EI 144807 issued to Jose Manuel DeJesus are revoked. However, the revocations are stayed for a five (5) year period of probation on the following terms and conditions:

a. Comply with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

b. Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

c. Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or owners of respondent's facility may have in any other business required to be registered pursuant to section 9884.6 of the Business and Professions Code.

d. Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

e. During the period of probation, respondent shall attend and successfully complete a Bureau-certified training course in diagnosis and repair of emission systems failures and engine performance, applicable to the class of licenses held by respondent. Said course shall be completed and proof of completion submitted to the Bureau within 60 days of the effective date of this decision and order. If proof of completion of the course is not furnished to the Bureau within the 60-day period, respondent's licenses shall be immediately suspended until such proof is received.

f. Within 60 days of this decision and order, or pursuant to any payment plan which the Bureau in its discretion may otherwise order, Jose Manuel DeJesus shall pay the Bureau the amount of \$1,000, toward its costs of investigation and enforcement in this matter.

g. If an Accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the Accusation, and the period of probation shall be extended until such decision.

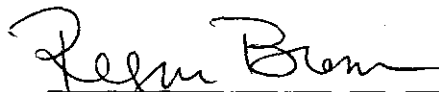
h. Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Bureau may, after giving notice and opportunity to be heard, revoke the licenses.

10. Any additional license issued under the Motor Vehicle Inspection Program (including smog check station, smog check inspector, smog check repair technician) to Jose Manuel DeJesus is revoked.

Cost Recovery

11. Within 60 days of this decision and order, or pursuant to any payment plan which the Bureau in its discretion may otherwise order, Stephen Ng and Giang Dong Do, shall, jointly and severally, pay the Bureau's remaining costs of investigation and enforcement in the amount of \$11,958.69.

DATED: June 16, 2015



REGINA BROWN

Administrative Law Judge

Office of Administrative Hearings

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8 **BEFORE THE**
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9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 79/15-93

11 **SAN BRUNO 76**
STEPHEN NG, Owner
12 401 San Mateo Ave.
San Bruno, CA 94066
13 Mailing address:
1181 Chess Dr. Ste. 203
14 Foster City, CA 94404

ACCUSATION

15 Automotive Repair Dealer Registration No. ARD 254572
Smog Check, Station License No. RC 254572
16 Brake Adjusting Station License No. BS 254572, Class C
Lamp Adjusting Station License No. LS 254572, Class A

17
18 **GIANG DONG DO**
401 San Mateo Avenue.
San Bruno, CA 94066

19 Smog Check Inspector (EO) License No. 151716
20 Smog Check Repair Technician (EI) License No. 151716
(Formerly Advanced Emission Specialist Technician
21 License No. EA 151716)
Brake Adjuster License No. BA 151716, Class C
22 Lamp Adjuster License No. LA 151716, Class A

23 **JOSE MANUEL DEJESUS**
16280 Galtway Ct.
24 San Lorenzo, CA 94580

25 Smog Check Inspector License No. EO 144807
Smog Check Repair Technician License No. EI 144807
26 (Formerly Advanced Emission Specialist Technician
License No. EA 144807)

27 Respondents.
28

1 Complainant alleges:

2 **PARTIES**

3 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
4 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

5 **SAN BRUNO 76**

6 2. On or about April 22, 2008, the Bureau of Automotive Repair issued Automotive
7 Repair Dealer Registration Number ARD 254572 to San Bruno 76 Stephen Ng, Owner
8 ("Respondent San Bruno 76"). The Automotive Repair Dealer Registration was in full force and
9 effect at all times relevant to the charges brought herein and will expire on April 30, 2015, unless
10 renewed.

11 3. On or about June 13, 2008, the Bureau of Automotive Repair issued Smog Check
12 Station License Number RC 254572 ("Smog Station License") to Respondent San Bruno 76. The
13 Smog Check Station License was in full force and effect at all times relevant to the charges
14 brought herein and will expire on April 30, 2015, unless renewed. Respondent San Bruno Smog
15 76 was certified as a STAR station on or about July 17, 2013.

16 4. On or about May 23, 2008, the Bureau of Automotive Repair issued Brake Station
17 License Number BS 254572, Class C, ("Brake Station License") to Respondent San Bruno 76.
18 The Brake Station License was in full force and effect at all times relevant to the charges brought
19 herein and will expire on April 30, 2015, unless renewed.

20 5. On or about May 23, 2008, the Bureau of Automotive Repair issued Lamp Station
21 License Number LS 254572, Class A, ("Lamp Station License") to Respondent San Bruno 76.
22 The Lamp Station License was in full force and effect at all times relevant to the charges brought
23 herein and will expire on April 30, 2015, unless renewed.

24 **GIANG DONG DO**

25 6. In or about 2005, the Bureau of Automotive Repair issued Advanced Emissions
26 Specialist License No. EA 151716 to Giang Dong Do (Respondent Do). The Advanced Emissions
27 Specialist (EA) License was due to expire on November 30, 2013. Pursuant to California Code of
28 Regulations, title 16, section 3340.28, subsection (e), the license was renewed, pursuant to

1 Respondent's election, as Smog Check Inspector License Number License No. EO 151716 and
2 Smog Check Repair Technician License No. EI 151716¹. The Smog Check Inspector (EO) and
3 Smog Check Repair Technician (EI) Licenses are due to expire on November 30, 2015, unless
4 renewed.

5 7. In or about 2007, the Bureau of Automotive Repair issued Brake Adjuster License
6 No. BS 151716, class C, to Respondent Do. The Brake Adjuster License expired on November
7 30, 2011, and has not been renewed.

8 8. In or about 2007, the Bureau of Automotive Repair issued Lamp Inspector License
9 No. LS 151716, class A, to Respondent Do. The Lamp Adjuster License expired on November
10 30, 2011, and was cancelled on January 1, 2012.

11 **JOSE MANUEL DEJESUS**

12 9. In or about 2002, the Bureau of Automotive Repair issued Advanced Emissions
13 Specialist License No. EA 144807 to Jose Manual DeJesus (Respondent DeJesus). The Advanced
14 Emissions Specialist (EA) License was due to expire on July 31, 2012. Pursuant to California
15 Code of Regulations, title 16, section 3340.28, subsection (e), the license was renewed, pursuant
16 to Respondent's election, as Smog Check Inspector License Number License No. EO 144807 and
17 Smog Check Repair Technician License No. EI 144807. The Smog Check Inspector (EO) and
18 Smog Check Repair Technician (EI) Licenses are due to expire on July 31, 2016, unless renewed.

19 **JURISDICTION & STATUTORY PROVISIONS**

20 10. This Accusation is brought before the Director of Consumer Affairs (Director) for the
21 Bureau of Automotive Repair, under the authority of the following laws.

22 11. Section 118 of the Business and Professions Code states:

23 “(a) The withdrawal of an application for a license after it has been filed with a board in the
24 department shall not, unless the board has consented in writing to such withdrawal, deprive the
25 board of its authority to institute or continue a proceeding against the applicant for the denial of

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28,
27 3340.29 and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and and/or Smog Check Repair Technician (EI) license.

1 the license upon any ground provided by law or to enter an order denying the license upon any
2 such ground.

3 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
4 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
5 order of a court of law, or its surrender without the written consent of the board, shall not, during
6 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
7 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
8 provided by law or to enter an order suspending or revoking the license or otherwise taking
9 disciplinary action against the licensee on any such ground.

10 “(c) As used in this section, “board” includes an individual who is authorized by any
11 provision of this code to issue, suspend, or revoke a license, and “license” includes “certificate,”
12 “registration,” and “permit.”

13 12. Section 9884.5 of the Business and Professions Code states:

14 “A registration that is not renewed within three years following its expiration shall not be
15 renewed, restored, or reinstated thereafter, and the delinquent registration shall be canceled
16 immediately upon expiration of the three-year period.

17 “An automotive repair dealer whose registration has been canceled by operation of this
18 section shall obtain a new registration only if he or she again meets the requirements set forth in
19 this chapter relating to registration, is not subject to denial under Section 480, and pays the
20 applicable fees.

21 “An expired registration may be renewed at any time within three years after its expiration
22 upon the filing of an application for renewal on a form prescribed by the bureau and the payment
23 of all accrued renewal and delinquency fees. Renewal under this section shall be effective on the
24 date on which the application is filed and all renewal and delinquency fees are paid. If so
25 renewed, the registration shall continue in effect through the expiration date of the current
26 registration year as provided in Section 9884.3, at which time the registration shall be subject to
27 renewal.”

28 ///

1 13. Section 9884.7 of the Business and Professions Code states:

2 "(a) The director, where the automotive repair dealer cannot show there was a bona fide
3 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair
4 dealer for any of the following acts or omissions related to the conduct of the business of the
5 automotive repair dealer, which are done by the automotive repair dealer or any automotive
6 technician, employee, partner, officer, or member of the automotive repair dealer.

7 (1) Making or authorizing in any manner or by any means whatever any statement written
8 or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable
9 care should be known, to be untrue or misleading.

10 ...

11 (4) Any other conduct that constitutes fraud.

12 ...

13 "(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on
14 probation the registration for all places of business operated in this state by an automotive repair
15 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated
16 and willful violations of this chapter, or regulations adopted pursuant to it."

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

21 15. Section 9889.1 of the Business and Professions Code states:

22 "Any license issued pursuant to Articles 5 and 6, may be suspended or revoked by the
23 director. The director may refuse to issue a license to any applicant for the reasons set forth in
24 Section 9889.2. The proceedings under this article shall be conducted in accordance with Chapter
25 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code,
26 and the director shall have all the powers granted therein."

27 ///

28 ///

1 21. Section 44059 of the Health and Safety Code states:

2 "The willful making of any false statement or entry with regard to a material matter in any
3 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
4 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business
5 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code."

6 22. Section 44072.2 of the Health and Safety Code states:

7 "The director may suspend, revoke, or take other disciplinary action against a license as
8 provided in this article if the licensee, or any partner, officer, or director thereof, does any of the
9 following:

10 "(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health
11 and Saf. Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the
12 licensed activities.

13 ...

14 "(c) Violates any of the regulations adopted by the director pursuant to this chapter.

15 "(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

16 ...

17 "(h) Violates or attempts to violate the provisions of this chapter relating to the particular
18 activity for which he or she is licensed."

19 23. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
20 expiration or suspension of a license by operation of law, or by order or decision of the Director
21 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
22 the Director of jurisdiction to proceed with any investigation of, or action or disciplinary
23 proceedings against the licensee, or to render a decision suspending or revoking the license.

24 24. Section 44072.8 of the Health and Safety Code states:

25 "When a license has been revoked or suspended following a hearing under this article, any
26 additional license issued under this chapter in the name of the licensee may be likewise revoked
27 or suspended by the director."

28 ///

1 REGULATIONS AND OTHER AUTHORITY

2 25. California Code of Regulations, title 16, section 3340.41, states:

3 ". . .(b) No person shall enter into the emissions inspection system any access or
4 qualification number other than as authorized by the bureau, nor in any way tamper with the
5 emissions inspection system.

6 . . .

7 26. California Code of Regulations, title 16, section 3340.45 states:

8 (a) All Smog Check inspections shall be performed in accordance with requirements and
9 procedures prescribed in the following:

10 (1) Smog Check Inspection Procedures Manual, dated August 2009, which is hereby
11 incorporated by reference. This manual shall be in effect until subparagraph (2) is implemented.

12 (2) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This
13 manual shall become effective on or after January 1, 2013.

14 27. Smog Check Manual, dated 2013, which is incorporated by reference in California
15 Code of Regulations, title 16, section 3340.45 states:

16 "1.1.0 Inspector Access

17 "Entering both an Inspector's license number and access code provide access into the BAR-
18 97 Emissions Inspection System (EIS) or OBD Inspection System (OIS) Smog Check inspection
19 mode, as applicable. Follow the EIS or OIS prompts to access the Smog Check inspection mode.

20 "The access code is assigned by BAR and is unique to each inspector. Each Inspector must
21 maintain the security of his or her access code. Disclosure of one's access code or use of Another
22 inspector's access code or license information is prohibited and such conduct will result in
23 disciplinary action. If the security of your access code has been compromised, or you suspect
24 another person is using your access code, you must contact your local BAR field office
25 immediately."

26 COSTS

27 28. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 FACTUAL BACKGROUND

6 29. STAR stations are Smog Check stations that meet higher performance standards
7 established by the Bureau of Automotive Repair. Some STAR stations are licensed only to
8 perform tests, while others are licensed to perform both tests and repairs.

9 30. The Follow-up Pass Rate (FPR) is a long-term STAR performance measure that
10 evaluates the performance of both stations and smog inspectors. It is the only performance
11 measure that evaluates the performance of an inspector to determine a station's eligibility for the
12 STAR program. For this reason, FPR scores are given to both Smog Check stations and
13 inspectors. While both Smog Check stations and inspectors are given FPR scores, the process for
14 determining whether a station is eligible for the STAR program- both on initial application and
15 after becoming STAR certified - rests, in large part, on the FPR score of the inspector(s)
16 performing inspections at that station. In other words, the inspector FPR score is considered first
17 when determining a station's eligibility for the STAR Program. The only time a station FPR score
18 is considered is when an inspector does not have an FPR score, either because that inspector is a
19 new licensee or does not have enough data to establish an FPR score.

20 31. Respondent DeJesus is not a STAR Smog Check Inspector. His FPR performance
21 rating, at the times relevant to this accusation, were too low to perform smog inspections at a
22 STAR certified station. Respondent DeJesus was not authorized to perform smog inspections at
23 Respondent San Bruno 76's station.

24 32. Each licensed Smog Check Inspector is issued a unique access code allowing access
25 to the Emissions Inspection System (EIS), the equipment used to perform a smog check. This
26 access code is assigned by the Bureau of Automotive Repair. Each Smog Check Inspector must
27 maintain the security of his of her access code. Disclosure of one's code or use of another Smog
28 Check Inspector 's access code is prohibited.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Violation of Chapter)

3 38. Respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician
4 licenses are subject to disciplinary action under section 44072.2, subsections (a) and/or (h), of the
5 Health and Safety Code in that he violated a section of the Motor Vehicle Inspection Program.
6 Respondent DeJesus violated Health and Safety Code section 44014. Respondent DeJesus
7 performed smog inspections at Respondent San Bruno 76's station. Respondent DeJesus was not
8 qualified nor authorized to perform smog inspections at Respondent San Bruno 76's station. The
9 circumstances are further described in paragraphs 29-35, above

10 **FOURTH CAUSE FOR DISCIPLINE**

11 (Violation of Chapter)

12 39. Respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician
13 licenses are subject to disciplinary action under section 44072.2, subsection (a) and/or (h), of the
14 Health and Safety Code in that he violated a section of the Motor Vehicle Inspection Program.
15 Respondent DeJesus violated Health and Safety Code section 44059. Respondent DeJesus
16 willfully made false statements on the certificates of compliance and vehicle inspection reports as
17 described in paragraphs 29-35, above.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 (Misleading/Untrue Statements)

20 40. Respondent San Bruno 76's ARD Registration is subject to disciplinary action under
21 section 9884.7, subsection (a)(1), of the Business and Professions Code in that Respondent San
22 Bruno 76 made or authorized statements that were untrue or misleading, and which Respondent
23 San Bruno 76 knew or should have known were untrue or misleading. Respondent San Bruno 76
24 issued 36 certificates of compliance that all falsely state that the smog inspections were performed
25 by Respondent Do when in fact they were performed by Respondent DeJesus. Respondent San
26 Bruno 76 issued 38 Vehicle Inspection Reports that falsely state that the smog inspections were
27 performed Respondent Do when in fact they were performed by Respondent DeJesus. The
28 circumstances are further described in paragraphs 29-35, above.

1 **TENTH CAUSE FOR DISCIPLINE**

2 (Fraud, Dishonesty, or Deceit)

3 45. Respondent San Bruno 76's Brake Station License and Lamp Station License are
4 subject to disciplinary action under section 9889.3, subsection (d), of the Business and
5 Professions Code in that it committed acts involving dishonesty, fraud, or deceit whereby another
6 is injured. The circumstances are described in paragraphs 29-35, and 40, above.

7 **ELEVENTH CAUSE FOR DISCIPLINE**

8 (Violation of Chapter)

9 46. Respondent San Bruno 76's Brake Station License and Lamp Station License are
10 subject to disciplinary action under section 9889.3, subsection (a), of the Business and
11 Professions Code in that it violated a section of the Business and Professions Code that relates to
12 its license activity. Respondent San Bruno 76 violated Business and Professions Code section
13 9889.22. Respondent San Bruno 76 willfully made false statements on certificates of compliance.
14 The circumstances are described in paragraphs 29-35, and 40, above.

15 **TWELFTH CAUSE FOR DISCIPLINE**

16 (Fraud, Dishonesty, or Deceit)

17 47. Respondent Do's Smog Check Inspector and Smog Check Repair Technician licenses
18 are subject to disciplinary action under section 44072.2, subsection (d), of the Health and Safety
19 Code in that he committed acts involving dishonesty, fraud, or deceit whereby another is injured.
20 The circumstances are described in paragraphs 29-35, and 40, above.

21 **THIRTEENTH CAUSE FOR DISCIPLINE**

22 (Violation of Regulations)

23 48. Respondent Do's Smog Check Inspector and Smog Check Repair Technician licenses
24 are subject to disciplinary action under section 44072.2, subsections (a) and/or (c), of the Health
25 and Safety Code in that he violated a regulation adopted by the director of the Department of
26 Consumer Affairs. Respondent Do violated California Code of Regulations, title 16, section
27 3340.45 by violating provision 1.1.0 of the Smog Check Manual. Respondent Do instructed
28 respondent DeJesus to use Respondent Do's license and access code to perform smog inspections

1 and Respondent San Bruno 76's smog station. The circumstances are further described in
2 paragraphs 29-35, and 40, above.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 (Fraud, Dishonesty, or Deceit)

5 49. Respondent Do's Brake Adjuster License and Lamp Adjuster License are subject to
6 disciplinary action under section 9889.3, subsection (d), of the Business and Professions Code in
7 that he committed acts involving dishonesty, fraud, or deceit whereby another is injured. The
8 circumstances are described in paragraphs 29-35, and 40, above.

9 **OTHER MATTERS**

10 50. Pursuant to Health & Safety Code section 44072.8, if Respondent DeJesus's Smog
11 Check Inspector License or Smog Check Repair Technician License is revoked or suspended, any
12 additional license issued under this chapter in the name of said licensee may be likewise revoked
13 or suspended by the director.

14 51. Pursuant to Health & Safety Code section 44072.8, if Respondent Do's Smog Check
15 Inspector License or Smog Check Repair Technician License is revoked or suspended, any
16 additional license issued under this chapter in the name of said licensee may be likewise revoked
17 or suspended by the director.

18 52. Pursuant to Business and Professions Code section 9889.9, if Respondent Do's Lamp
19 Adjuster License or Brake Adjuster License is revoked or suspended, any additional license issued
20 under this chapter in the name of said licensee may be likewise revoked or suspended by the
21 director.

22 53. Pursuant to Health & Safety Code section 44072.8, if Respondent San Bruno 76's
23 Smog Station License is revoked or suspended, any additional license issued under this chapter in
24 the name of said licensee may be likewise revoked or suspended by the director.

25 54. Pursuant to Business and Professions Code 9884.7(c), the director may suspend,
26 revoke, or place on probation the registration for all places of business operated in this state by
27 San Bruno 76 upon a finding that the San Bruno 76 has, or is, engaged in a course of repeated and
28 willful violations of this chapter, or regulations adopted pursuant to it.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 254572, issued to San Bruno 76, Stephen Ng, owner;
2. Revoking or suspending Smog Check Station License Number RC 254572, issued to San Bruno 76, Stephen Ng, owner;
3. Revoking or suspending Brake Station License Number BS 254572, Class C, issued to San Bruno 76, Stephen Ng, owner;
4. Revoking or suspending Lamp Station License Number LS 254572, Class A, issued to San Bruno 76, Stephen Ng, owner;
5. Revoking or suspending any additional Automotive Repair Dealer registration, Smog Check Station, Smog Check Inspector, Smog Check Repair Technician, Brake Station, Lamp Station, Brake Adjuster, or Lamp Adjuster license issued to Stephen Ng;
6. Revoking or suspending Smog Check Inspector License Number License No. EO 151716 issued to Giang Dong Do;
7. Revoking or suspending Smog Check Repair Technician License No. EI 151716 issued to Giang Dong Do;
8. Revoking or suspending Brake Adjuster License No. BA 151716 issued to Giang Dong Do;
9. Revoking or suspending Lamp Inspector License No. LA 151716 issued to Giang Dong Do;
10. Revoking or suspending any additional Smog Check Station, Smog Check Inspector, Smog Check Repair Technician, Brake Station, Lamp Station, Brake Adjuster, or Lamp Adjuster license issued to Giang Dong Do;
11. Revoking or suspending Smog Check Inspector License Number License No. EO 144807 issued to Jose Manuel DeJesus;

1 12. Revoking or suspending Smog Check Repair Technician License No. EI 144807
2 issued to Jose Manuel DeJesus;

3 13. Revoking or suspending any additional Smog Check Station, Smog Check Inspector,
4 or Smog Check Repair Technician license issued to Jose Manuel DeJesus;

5 14. Ordering San Bruno 76, Stephen Ng, owner to pay the Bureau of Automotive Repair
6 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
7 Professions Code section 125.3;

8 15. Ordering Giang Dong Do to pay the Bureau of Automotive Repair the reasonable
9 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
10 section 125.3;

11 16. Ordering Jose Manuel DeJesus to pay the Bureau of Automotive Repair the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;

14 17. Taking such other and further action as deemed necessary and proper.
15
16

17 DATED: January 28, 2015 

18 PATRICK DORAIS
19 Chief
20 Bureau of Automotive Repair
21 Department of Consumer Affairs
22 State of California
23 *Complainant*

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