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

In the Matter of the Accusation Against:

**YORBA LINDA TEST ONLY SMOG CHECK  
KYEONG SOOK KIM, OWNER  
17071 Imperial Highway Suite A9  
Yorba Linda, California 92886**

**Automotive Repair Dealer Registration No.  
ARD 226705**

**Smog Check-Test Only Station License No. TC  
226705**

Respondents.

Case No. 79/13-55

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On February 26, 2013, Complainant John Wallauch, in his official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed Accusation No. 79/13-55 against Respondent Kyeong Sook Kim, owner of Yorba Linda Test Only Smog Check before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On March 28, 2003, the Bureau issued Automotive Repair Dealer Registration No. ARD 226705 (registration) to Respondent. The registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/13-55 and will expire on March 31, 2014, unless renewed.

1           3.     On April 15, 2003, the Bureau issued Smog Check-Test Only Station License No. TC  
2     226705 (license) to Respondent. The license was in full force and effect at all times relevant to  
3     the charges brought in Accusation No. 79/13-55 and will expire on March 31, 2014, unless  
4     renewed.

5           4.     On February 26, 2013, Respondent was served by Certified and First Class Mail  
6     copies of the Accusation No. 79/13-55, Statement to Respondent, Notice of Defense, Request for  
7     Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
8     Respondent's address of record which, pursuant to Business and Professions Code section 136, is  
9     required to be reported and maintained with the Bureau. Respondent's address of record was and  
10    is 17071 Imperial Highway Suite A9, Yorba Linda, California 92886.

11          5.     Service of the Accusation was effective as a matter of law under the provisions of  
12    Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
13    124.

14          6.     On March 1, 2013, the aforementioned documents were signed for on respondent's  
15    behalf

16          7.     Government Code section 11506 states, in pertinent part:

17               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
18               files a notice of defense, and the notice shall be deemed a specific denial of all parts  
19               of the accusation not expressly admitted. Failure to file a notice of defense shall  
20               constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
21               may nevertheless grant a hearing.

22          8.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
23    the Accusation, and therefore waived her right to a hearing on the merits of Accusation No.  
24    79/13-55.

25          9.     California Government Code section 11520 states, in pertinent part:

26               (a) If the respondent either fails to file a notice of defense or to appear at the  
27               hearing, the agency may take action based upon the respondent's express admissions  
28               or upon other evidence and affidavits may be used as evidence without any notice to  
29               respondent.

30          10.    Pursuant to its authority under Government Code section 11520, the Director after  
31    having reviewed the proof of service dated February 26, 2013, and USPS certified mail and

1 tracking receipts finds Respondent is in default. The Director will take action without further  
2 hearing and, based on Accusation, No. 79/13-55, proof of service and on the Affidavit of Bureau  
3 Representative Steven R. Miller, finds that the allegations in Accusation are true.

4 11. Taking official notice of its own internal records, pursuant to Business and  
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
6 and Enforcement are \$8,220.69 as of March 18, 2013.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Kyeong Sook Kim, owner of  
9 Yorba Linda Test Only Smog Check has subjected her Automotive Repair Dealer Registration  
10 No. ARD 226705 and Smog Check-Test Only Station License No. TC 226705 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive  
13 Repair Dealer Registration and Smog Check-Test Only Station License based upon the following  
14 violations alleged in the Accusation which are supported by the evidence contained in the  
15 affidavit of Bureau Representative Steven R. Miller in this case.

16 a. Respondent has subjected her registration to discipline under Code section  
17 9884.7, subdivision (a)(1), in that on April 24, 2012, she made statements which she knew or  
18 which by exercise of reasonable care she should have known were untrue or misleading when  
19 she issued electronic Certificate of Compliance No. [REDACTED] for a 1984 Ford F-250 Truck,  
20 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,  
21 the vehicle had a modified carburetor and disconnected evaporative emission control system  
22 hoses and was not in compliance with those laws and regulations.

23 b. Respondent has subjected her registration to discipline under Code section  
24 9884.7, subdivision (a)(4), in that on April 24, 2012, she committed acts which constitute fraud  
25 by issuing electronic Certificate of Compliance No. [REDACTED] for a 1984 Ford F-250 Truck  
26 without performing a bona fide visual inspection of the carburetor and evaporative emission  
27 control system hoses on the vehicle.

1 c. Respondent has subjected her station license to discipline under H & S Code  
2 section 44072.2, subdivision (a), in that on April 24, 2012, regarding a 1984 Ford F-250 Truck,  
3 she violated the following sections of that Code:

4 i. **Section 44012, subdivision (f):** Respondent failed to perform emission  
5 control tests on the vehicle in accordance with procedures prescribed by the department.

6 ii. **Section 44015, subdivision (b):** Respondent issued electronic Certificate  
7 of Compliance No. [REDACTED] without properly testing and inspecting the vehicle to determine if  
8 it was in compliance with section 44012 of that Code.

9 iii. **Section 44059:** Respondent willfully made false entries for electronic  
10 Certificate of Compliance No. [REDACTED] by certifying that the vehicle had been inspected as  
11 required when, in fact, it had not.

12 d. Respondent has subjected her station license to discipline under H & S Code  
13 section 44072.2, subdivision (c), in that on April 24, 2012, regarding a 1984 Ford F-250 Truck,  
14 she violated the following sections of the Regulations:

15 i. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
16 issued electronic Certificate of Compliance No. [REDACTED] without performing a bona fide  
17 inspection of the carburetor and evaporative emission control system hoses on the vehicle as  
18 required by H & S Code section 44012.

19 ii. **Section 3340.35, subdivision (c):** Respondent issued electronic  
20 Certificate of Compliance No. [REDACTED] even though the vehicle had not been inspected in  
21 accordance with H & S Code section 3340.42.

22 iii. **Section 3340.42:** Respondent failed to conduct the required smog tests  
23 and inspections on the vehicle in accordance with the Bureau's specifications.

24 e. Respondent has subjected her station license to discipline under H & S Code  
25 section 44072.2, subdivision (d), in that on April 24, 2012, regarding a 1984 Ford F-250 Truck,  
26 she committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
27 electronic Certificate of Compliance No. [REDACTED] for that vehicle without performing a bona  
28

1 fide inspection of the emission control devices and systems on the vehicle, thereby depriving the  
2 citizens of the State of California the benefits of the Motor Vehicle Inspection Program.


3 **ORDER**

4 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 226705, and  
5 Smog Check-Test Only Station License No. TC 226705, heretofore issued to Respondent Kyeong  
6 Sook Kim, owner of Yorba Linda Test Only Smog Check, are revoked.

7 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
8 written motion requesting that the Decision be vacated and stating the grounds relied on within  
9 seven days after service of the Decision on Respondent. The motion should be sent to the Bureau  
10 of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho  
11 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing  
12 on a showing of good cause, as defined in the statute.

13 This Decision shall become effective on 4/19/13.

14 It is so ORDERED March 29, 2013

15  
16   
17 DONALD CHANG  
18 Assistant Chief Counsel  
19 Department of Consumer Affairs  
20  
21  
22  
23

24 Attachments:  
25 Exhibit A: Accusation  
26 Exhibit B: USPS Certified Mail Receipt & Tracking Record

27 70700442.DOC  
28 DOJ Matter ID: SD2012703917

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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/13-55

13 **YORBA LINDA TEST ONLY SMOG CHECK**  
14 **KYEONG SOOK KIM, OWNER**  
17071 Imperial Highway, Suite A9  
Yorba Linda, California 92886

15 **ACCUSATION**  
16 **SMOG CHECK**

17 Automotive Repair Dealer Registration No. ARD  
226705

18 Smog Check-Test Only Station License No. TC  
226705

Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Complainant John Wallauch brings this Accusation solely in his official capacity  
22 as the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.

23 **Automotive Repair Dealer Registration**

24 2. On March 28, 2003, the Bureau of Automotive Repair issued Automotive Repair  
25 Dealer (ARD) Registration Number 226705 to Respondent Kyeong Sook Kim, Owner of Yorba  
26 Linda Test Only Smog Check. Respondent's ARD registration was in full force and effect at all  
27 times relevant to the charges brought herein and will expire on March 31, 2013, unless renewed.  
28

1           **Smog Check Test Only Station License**

2           3.     On April 15, 2003, the Bureau of Automotive Repair issued Smog Check-Test  
3     Only Station License (station license) Number TC 226705 to Respondent. The station license  
4     was in full force and effect at all times relevant to the charges brought herein and will expire on  
5     March 31, 2013, unless renewed.

6                           **JURISDICTION**

7           4.     This Accusation is brought before the Director of Consumer Affairs (Director) for  
8     the Bureau, under the authority of the following laws.

9           5.     Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
10    registration shall not deprive the Director of jurisdiction to proceed with a disciplinary  
11    proceeding against an automotive repair dealer or to render a decision temporarily or  
12    permanently invalidating, suspending, or revoking a registration.

13          6.     Health and Safety Code (H & S Code) section 44002 provides, in pertinent part,  
14    that the Director has all the powers and authority granted under the Automotive Repair Act for  
15    enforcing the Motor Vehicle Inspection Program.

16          7.     H & S Code section 44072.6 provides, in pertinent part, that the expiration or  
17    suspension of a license by operation of law, or by order or decision of the Director, or a court of  
18    law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to  
19    proceed with disciplinary action.

20          8.     H & S Code section 44072.10 states, in pertinent part:

21                   ....

22           (c)    The department shall revoke the license of any smog check  
23    technician or station licensee who fraudulently certifies vehicles or participates in  
24    the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not  
25    limited to, all of the following:

26                   ....

27                   (4) Intentional or willful violation of this chapter or any regulation,  
28                   standard, or procedure of the department implementing this chapter.

                  ....

///

1           9.     Code section 9884.7 states, in pertinent part:

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

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

12          ....

13          (4) Any other conduct that constitutes fraud.

14          ....

15          (6) Failure in any material respect to comply with the provisions  
16          of this chapter or regulations adopted pursuant to it.

17          ....

18          (b)     Except as provided for in subdivision (c), if an automotive repair  
19          dealer operates more than one place of business in this state, the director pursuant  
20          to subdivision (a) shall only suspend, revoke, or place on probation the  
21          registration of the specific place of business which has violated any of the  
22          provisions of this chapter. This violation, or action by the director, shall not  
23          affect in any manner the right of the automotive repair dealer to operate her or her  
24          other places of business.

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

#### 29                   STATUTORY PROVISIONS

30          10.     H & S Code section 44012 states:

31           The test at the smog check stations shall be performed in accordance with  
32           procedures prescribed by the department and may require loaded mode  
33           dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a  
34           vehicle's onboard diagnostic system, or other appropriate test procedures as  
35           determined by the department in consultation with the state board. The  
36           department shall implement testing using onboard diagnostic systems, in lieu of  
37           loaded mode dynamometer or two-speed idle testing, on model year 2000 and  
38           newer vehicles only, beginning no earlier than January 1, 2013. However, the  
39           department, in consultation with the state board, may prescribe alternative test  
40           procedures that include loaded mode dynamometer or two-speed idle testing for  
41           vehicles with onboard diagnostic systems that the department and the state board  
42           determine exhibit operational problems. The department shall ensure, as  
43           appropriate to the test method, the following:

1 (a) Emission control systems required by state and federal law are  
2 reducing excess emissions in accordance with the standards adopted pursuant to  
3 subdivisions (a) and (c) of Section 44013.

4 (f) A visual or functional check is made of emission control devices  
5 specified by the department, including the catalytic converter in those instances in  
6 which the department determines it to be necessary to meet the findings of  
7 Section 44001. The visual or functional check shall be performed in accordance  
8 with procedures prescribed by the department.

9 11. H & S Code section 44015 states, in pertinent part:  
10  
11

12 (b) If a vehicle meets the requirements of Section 44012, a smog check  
13 station licensed to issue certificates shall issue a certificate of compliance or a  
14 certificate of noncompliance.

15 12. H & S Code section 44059 states:  
16

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

22 13. H & S Code section 44072.2 states, in pertinent part:  
23

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

27 (a) Violates any section of this chapter [the Motor Vehicle Inspection  
28 Program (H & S Code § 44000, et seq.)] and the regulations adopted pursuant to  
it, which related to the licensed activities.

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

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

14. H & S Code section 44072.8 states:

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

## REGULATORY PROVISIONS

15. California Code of Regulations, title 16 (Regulations), section 3340.24 states, in pertinent part:

....  
(c) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.

16. Section 3340.35, subdivision (c) of the Regulations states:

A licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly. The following conditions shall apply:

(1) Customers shall be charged the same price for certificates as that paid by the licensed station; and

(2) Sales tax shall not be assessed on the price of certificates.

17. Section 3340.42 of the Regulations states:

With the exception of diesel-powered vehicles addressed in subsection (f) of this section, the following emissions test methods and standards apply to all vehicles:

....  
(e) In addition to the test methods prescribed in this section, the following tests shall apply to all vehicles, except diesel-powered vehicles, during the Smog Check inspection:

(1) A visual inspection of the vehicle's emissions control systems. During the visual inspection, the technician shall verify that the following emission control devices, as applicable, are properly installed on the vehicle:

(A) air injection systems,

(B) computer(s) and related sensors and switches,

(C) crankcase emissions controls, including positive crankcase ventilation,

(D) exhaust gas after treatment systems, including catalytic converters,

(E) exhaust gas recirculation (EGR) systems,

(F) fuel evaporative emission controls,

(G) fuel metering systems, including carburetors and fuel injection,

(H) ignition spark controls, and

1 (I) any emissions control systems that are not otherwise prompted by the  
2 Emissions Inspection System, but listed as a requirement by the vehicle  
3 manufacturer.

4 (f) On or after January 1, 2010, all 1998 model year and newer diesel-  
5 powered vehicles, with a gross vehicle weight rating of 14,000 or less pounds, are  
6 subject to the Smog Check Program. The following required inspections apply to  
all diesel-powered vehicles:

7 (I) A visual inspection of the vehicle's emissions control systems. During  
8 the visual inspection, the technician shall verify that the following emission  
9 control devices, as applicable, are properly installed on the vehicle:

10 (A) computer(s) and related sensors and switches,

11 (B) crankcase emissions controls,

12 (C) exhaust gas after treatment systems, including catalytic converters and  
13 particulate filters,

14 (D) exhaust gas recirculation (EGR) systems,

15 (E) fuel metering systems, including fuel injection, and

16 (F) any emissions control systems that are not otherwise prompted by the  
17 Emissions Inspection System, but listed as a requirement by the vehicle  
18 manufacturer.

19 ....

## 20 COST RECOVERY

21 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
22 the administrative law judge to direct a licentiate found to have committed a violation or  
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
24 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
25 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
26 may be included in a stipulated settlement.

## 27 UNDERCOVER OPERATION: 1984 FORD F-250 TRUCK

28 19. On April 5, 2012, in preparation for an undercover operation at Respondent's  
smog testing station, Yorba Linda Test Only Smog Check, the Bureau prepared one of its  
vehicles, a 1984 Ford F-250 Truck, to fail a proper smog inspection due to a modified carburetor  
and disconnected evaporative emission control system hoses. On that same date, the Bureau  
performed a post-modification smog check on the vehicle, including an Acceleration Simulation

1 Mode (ASM) test. The vehicle failed the visual portion of the inspection due to a modified  
2 carburetor and disconnected evaporative emission control system hoses, as confirmed by the  
3 Vehicle Inspection Report (VIR) for the tested vehicle, and as it was modified to do.

4 20. On April 24, 2012, a Bureau undercover operator took the vehicle to  
5 Respondent's smog station and requested a smog check inspection using the assumed name of  
6 Jack Schmidt. The operator signed a work order and received an estimate copy from an  
7 employee of Respondent's smog station. After the vehicle was tested, the operator paid the  
8 employee \$68.00 and received a copy of invoice number [REDACTED] showing a breakdown of the  
9 \$68.00 charged. The operator also received a VIR from the employee indicating that the vehicle  
10 passed the visual inspection, functional check, and emissions test conducted by Respondent  
11 Alejandro Nunez, Advanced Emission Specialist Technician License Number EA 631311. The  
12 VIR indicated that Smog Check Certificate Number [REDACTED] had been electronically  
13 transmitted to the Department of Motor Vehicles from station number TC 226705, which  
14 corresponds to the station license number issued to Respondent. The operator then returned the  
15 vehicle to Bureau custody.

16 21. Later that same day, Bureau personnel re-inspected the vehicle after the smog test  
17 at Respondent's smog station. The condition of the vehicle as modified before testing at  
18 Respondent's smog station had not changed; the previously modified carburetor had not been  
19 replaced and the evaporative emission control system hoses remained disconnected.

#### 20 FIRST CAUSE FOR DISCIPLINE

##### 21 (Misleading Statements)

22 22. Respondent has subjected her registration to discipline under Code section  
23 9884.7, subdivision (a)(1), in that on April 24, 2012, she made statements which she knew or  
24 which by exercise of reasonable care she should have known were untrue or misleading when  
25 she issued electronic Certificate of Compliance No. [REDACTED] for the 1984 Ford F-250 Truck,  
26 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,  
27 the vehicle had a modified carburetor and disconnected evaporative emission control system  
28 hoses and was not in compliance with those laws and regulations.



1 inspection of the carburetor and evaporative emission control system hoses on the vehicle as  
2 required by H & S Code section 44012.

3 b. Section 3340.35, subdivision (c): Respondent issued electronic  
4 Certificate of Compliance No. [REDACTED] even though the vehicle had not been inspected in  
5 accordance with H & S Code section 3340.42.

6 c. Section 3340.42: Respondent failed to conduct the required smog tests  
7 and inspections on the vehicle in accordance with the Bureau's specifications.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Dishonesty, Fraud or Deceit)**

10 26. Respondent has subjected her station license to discipline under H & S Code  
11 section 44072.2, subdivision (d), in that on April 24, 2012, regarding the 1984 Ford F-250 Truck,  
12 she committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
13 electronic Certificate of Compliance No. [REDACTED] for that vehicle without performing a bona  
14 fide inspection of the emission control devices and systems on the vehicle, thereby depriving the  
15 citizens of the State of California the benefits of the Motor Vehicle Inspection Program.

16 **MATTERS IN AGGRAVATION**

17 27. To determine the degree of discipline, if any, to be imposed on Respondent,  
18 Complainant alleges as follows:

19 a. On June 26, 2003, the Bureau issued Citation No. C03-1301 to  
20 Respondent, for violations of H & S Code section 44012, subdivision (f) (failure to perform a  
21 visual and functional check of emission control devices according to procedures prescribed by  
22 the department); and Regulations, section 3340.35, subdivision (c) (issuing a certificate of  
23 compliance to a vehicle that was improperly tested). On July 9, 2003, a citation conference was  
24 held. The Bureau assessed civil penalties totaling \$500.00 against Respondent for the violations.  
25 Respondent paid the fine on July 25, 2003.

26 b. On March 25, 2009, the Bureau issued Citation No. C09-1096 against  
27 Respondent, for violations of H & S Code section 44012, subdivision (f) (failure to perform a  
28 visual and functional check of emission control devices according to procedures prescribed by

1 the department); and Regulations, section 3340.35, subdivision (c) (issuing a certificate of  
2 compliance to a vehicle that was improperly tested). On April 9, 2009, a citation conference was  
3 held. The Bureau assessed civil penalties totaling \$500.00 against Respondent for the violations.  
4 Respondent paid the fine on April 13, 2009.

5 c. On September 1, 2009, the Bureau issued Citation No. C2010-0167  
6 against Respondent, for violations of H & S Code section 44012, subdivision (f) (failure to  
7 determine that emission control devices and systems required by state and federal law are  
8 installed and functioning correctly in accordance with test procedures); and Regulations, section  
9 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly  
10 tested). On September 25, 2009, a citation conference was held. The Bureau assessed civil  
11 penalties totaling \$1,000.00 against Respondent for the violations. Respondent paid the fine on  
12 October 21, 2009.

13 c. On June 7, 2011, the Bureau issued Citation No. C2011-1457 against Respondent,  
14 for violations of H & S Code section 44012, subdivision (f) (failure to determine that emission  
15 control devices and systems required by state and federal law are installed and functioning  
16 correctly in accordance with test procedures). On June 23, 2011, a citation conference was held.  
17 The Bureau assessed civil penalties totaling \$1,500.00 against Respondent for the violation.  
18 Respondent paid the fine on July 19, 2011.

#### 19 OTHER MATTERS

20 28. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
21 suspend, revoke, or place on probation the registration for all places of business operated in this  
22 state by Respondent Kyeong Sook Kim, owner of Yorba Linda Test Only Smog Check, upon a  
23 finding that Respondent has, or is, engaged in a course of repeated and willful violations of the  
24 laws and regulations pertaining to an automotive repair dealer.

25 29. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only,  
26 Station License Number TC 226705, issued to Respondent Kyeong Sook Kim, owner of Yorba  
27 Linda Test Only Smog Check, is revoked or suspended, any additional license issued under this  
28 chapter in the name of said licensee may be likewise revoked or suspended by the director.

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**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 226705, issued to Respondent Kyeong Sook Kim, owner of Yorba Linda Test Only Smog Check;

2. Revoking or suspending any other automotive repair dealer registration issued to Kyeong Sook Kim;

3. Revoking or suspending Smog Check-Test Only Station License Number TC 226705, issued to Kyeong Sook Kim, owner of Yorba Linda Test Only Smog Check;

4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Kyeong Sook Kim;

5. Ordering Kyeong Sook Kim to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

6. Taking such other and further action as deemed necessary and proper.

DATED: 2/26/13

*John Wallauch*  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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