

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

In the Matter of the Accusation Against:

#1 SMOG TEST ONLY CENTER
TU VAN TRAN, Owner

Automotive Repair Dealer Registration
No. ARD 214072

Smog Check, Test Only, Station License
No. TC 214072

And the Citation Against:

TU VAN TRAN
Advanced Emission Specialist Technician
License No. EA 135446

Case Nos. 79/12-141
M2012-0970

OAH Nos. 2013020393
2013020394

Respondents.

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 case caption at the top of page 1 of the Proposed Decision is corrected as follows:

Citation No. "M2012-0920" is corrected to read "M2012-0970".

This Decision shall become effective

OCT 23 2013

DATED: September 17, 2013



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

#1 SMOG TEST ONLY CENTER
TU VAN TRAN, Owner

Automotive Repair Dealer Registration
No. ARD 214072

Smog Check, Test Only, Station License
No. TC 214072

And the Citation Against:

TU VAN TRAN
Advanced Emission Specialist Technician
License No. EA 135446

Respondents.

Case Nos. 79/12-141
M2012-0920

OAH Nos. 2013020393
2013020394

PROPOSED DECISION

Administrative Law Judge Glynda B. Gomez, State of California, Office of Administrative Hearings (OAH), heard this matter in Los Angeles, California, on July 22, 2013.

Alvaro Mejia, Deputy Attorney General, represented Complainant, the Chief of the Bureau of Automotive Repair (BAR), Department of Consumer Affairs (Department). Respondent Tu Van Tran (Tran) represented himself individually and as the owner of Respondent #1 Smog Test Only Center (#1 Smog) (collectively Respondents or respondents).

The record was closed and the matter was submitted for decision on July 22, 2013.

//

FACTUAL FINDINGS

1. On February 21, 2012, BAR issued a Citation Number M2012-0970 to Respondent Tran alleging violation of Health and Safety Code (Code) Section 44032 arising from an incident on December 29, 2011 where it is alleged that Respondent Tran issued a Certificate of Compliance to a BAR undercover vehicle which was missing the PCV system. Respondent Tran appealed the citation and requested a hearing establishing jurisdiction for Case No. M2012-0970 bearing OAH Case number 2013020394. These allegations are also the subject of an accusation as set forth in factual finding 2 below.

2. On May 11, 2012, Complainant John Wallauch (Complainant) filed this Accusation in his official capacity as the Chief of the BAR. Respondent Tran filed a timely Notice of Defense and request for hearing establishing jurisdiction for Case No. 79/12-141 bearing OAH Case number 2013020393.

3. The two cases were consolidated on April 4, 2013, pursuant to Complainant's unopposed January 30, 2013 Motion for Consolidation.

Licenses

4. In 2000, BAR issued Automotive Repair Dealer Registration Number ARD 214072 (Registration) to #1 Smog with Tran as the owner. The Registration was in full force and effect at all times relevant to the charges brought herein, and will expire on December 31, 2013, unless renewed.

5. On February 2, 2001, BAR issued Smog Check Test Only Station license Number TC 214072 to #1 Smog. The Smog Check Test Only Station license was in full force and effect at all times relevant to the charges brought herein, and will expire on December 31, 2013, unless renewed.

6. In 1997, BAR issued Advanced Emission Specialist technician license number EA135446 to Tran. The license was in full force and effect at all times relevant to the charges brought herein, and will expire on February 28, 2014, unless renewed.

Prior Discipline

7. Citation number C07-0211 in the amount of \$500 was issued to Respondents on October 16, 2006 for violation of Code Section 44015 in conjunction with California Code of Regulations, title 16 (CCR) section 3340.35, subdivision (c). The facts and circumstances are that, on September 29, 2006, Respondent issued a Certificate of Compliance for a BAR undercover vehicle that was missing an EGR valve. The citation was paid on November 15, 2006.

8. Citation number C2011-0339 in the amount of \$1000 was issued to Respondents on October 10, 2010 for violation of Code Section 44015 in conjunction with CCR section 3340.35, subdivision (c). The facts and circumstances are that, on September 2, 2010, Respondent issued a Certificate of Compliance for a BAR undercover vehicle that was missing an EVAP canister. The citation was paid on November 3, 2010.

9. Citation number C2011-1192 in the amount of \$1,500 was issued to Respondents on April 14, 2011 for violation of Code Section 44015, subdivision (f). The facts and circumstances are that, on March 24, 2011, Respondent issued a Certificate of Compliance for a BAR undercover vehicle that was missing an Evaporative canister. The citation was paid on May 23, 2011.

10. Citation number C2012-0052 in the amount of \$1,500 was issued to Respondents on August 22, 2011 for violation of Code Section 44015, subdivision (f). The facts and circumstances are that, on June 28, 2011, Respondent issued a Certificate of Compliance for a BAR undercover vehicle that was missing the PCV system. The citation was paid on September 16, 2011.

Smog Check Violations

11. There are three parts to a California Emissions Inspection Test (also called a smog inspection, smog check or smog test): (1) a tailpipe emissions test to ensure that the vehicle's emissions are reading at or below acceptable levels. The emissions check requires the technician to insert the free end of a diagnostic probe into the exhaust pipe of the vehicle being tested. The probe enables the emissions inspection system (EIS) to analyze exhaust emissions when the vehicle's engine is running at two speeds; (2) a visual inspection of the vehicle's emission control components to ensure that they are present, properly connected, and in good working condition; and (3) a functional test of each component that is required to be functionally tested, depending on the make and model of the vehicle. A vehicle must pass all three parts of the California Emissions Inspection Test before an electronic Emission Inspection Certificate of Compliance (Certificate of Compliance) may be issued.

12. BAR Program Representative Clayton Loy (Loy) obtained a 2000 Chrysler Cirrus, California license plate number 6JAC532 (the Vehicle) with an odometer reading of 108,449 miles for use in BAR undercover operations. The essential required emission control systems on the vehicle are the positive crankcase ventilation (PCV) system, evaporative emission controls, three-way catalytic converter, Fill Pipe restrictor, Back Pressure Exhaust Gas Recirculation system, Ignition Spark controls, Two Heated Oxygen Sensors, Computerized Engine controls and a Malfunction Indicator light.

13. The PCV system is part of the visual inspection of the Smog Check. The PCV system is located at the top of the engine and is easily identified on the vehicle's Vacuum Hose Routing label. If the PCV system is missing, modified, or disconnected, the vehicle will fail the visual portion of the Smog Check.

14. Loy removed the following PCV system components: PCV valve, PCV valve vacuum hose and PCV breather hose. In its place, Loy installed a plug where the PCV valve fits into the front valve cover and a cap where the PCV valve hose connects to the intake manifold. He also installed a cap on the orifice to the air inlet for the breather hose. He left the orifice open where the PCV breather hose is supposed to connect to the rear of the engine.

15. Loy tested the vehicle with an odometer reading of 108,449 miles, before he removed PCV components and determined that the car performed normally and passed the smog check. Loy tested the vehicle with an odometer reading of 108,450 after the removal of the PCV components, the car failed the smog check. Loy released the vehicle to BAR Program Representative Paul Stumpf (Stumpf) on December 13, 2011 with an odometer reading of 108,462. Stumpf released the vehicle to BAR Program Representative Oran Medina (Medina).

16. On December 29, 2011, an undercover BAR operative, under the supervision of Medina, drove the vehicle to #1 Smog, located at 14117 South Western Avenue, #B in Gardena, California and requested a smog check. Tran issued Certificate of Compliance number XD783769 for the Vehicle and certified the vehicle as having passed the inspection and returned the vehicle to the undercover operative.

17. Loy reinspected the vehicle on January 30, 2012 with an odometer reading of 108,504 miles. He found the PCV system components were still missing and the Vehicle failed the visual portion of the smog check.

18. At hearing, Respondent insisted that the PCV system was present when he conducted the Smog Check. The ALJ found Respondent's testimony not credible in this regard.

19. By reasons of factual findings 11 through 18, it is concluded that a complete smog check was not performed, and that Respondents' certification was false.

20. Complainant established that pursuant to Business and Professions Code section 125.3, it incurred reasonable costs of investigation and prosecution in the amount of \$10,004.15. The costs consist of BAR investigative costs of \$5,249.15 consisting entirely of time expended by its program representatives and \$4,755.00 in attorney's fees charged by the Attorney General's Office in prosecution of this matter.

21. Respondent Tran credibly testified that he is not financially capable of paying the costs incurred by BAR as he has a family to support and very little income.

//

LEGAL CONCLUSIONS

1. Business and Professions Code section 125.3 provides that an administrative law judge may be requested to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

2. Business and Professions Code section 9884.7, subdivision (a)(1) provides that a licensee or registration may be disciplined for making or authorizing any written or oral statement which is untrue or misleading which is known or which in the exercise of reasonable care should be known, to be untrue or misleading.

3. Business and Professions Code section 9884.7, subdivision (a) (4) provides that a licensee or registration may be disciplined for any conduct that constitutes fraud.

4. Business and Professions Code section 9884.7, subdivision (c) provides that a licensee or registration may be disciplined for repeated and willful violations of the law and regulations.

5. Code section 44002, provides, in pertinent part, that BAR has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

6. Code section 44012, subdivision (a), provides that smog tests shall be performed according to the procedures prescribed by the BAR and as set forth in Code section 44013. This includes certification that emission control systems required by state and federal law are reducing excess emissions according to adopted standards.

7. Code section 44012, subdivision (f), provides that smog tests shall be performed according to the procedures set forth in Code section 44013 and shall include a visual or functional check of the emission control devices specified by the BAR.

8. Code section 44032, provides that qualified technicians shall perform smog inspections in accordance with Code section 44012.

9. Code section 44072.2, subdivision (a) provides the director may take disciplinary action against a license if the licensee, or any partner, officer, or director violates any section of the Code and the regulations adopted pursuant to it, which relate to the licensed activities.

10. CCR, title 16, section 3340.24, subdivision (c), provides that BAR may suspend a license, revoke a license, or pursue other legal action against a licensee for falsely or fraudulently issuing or obtaining a certificate of compliance or a certificate of noncompliance.

11. CCR, title 16, section 3340.30, provides that a licensed technician shall inspect, test and repair vehicles in accordance with Code sections 44012 and 44035 and CCR, title 16, section 3340.42.

12. CCR, title 16, section 3340.41, subdivision (c) provides that no person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested or knowingly enter any false information about the vehicle being tested into the EIS system.

13. CCR, title 16, section 3340.42, sets forth the mandatory emissions inspection standards and test procedures.

14. Cause exists to affirm the citation against Respondent Tran's technician license pursuant to Code section 44032 in conjunction with section 44012 by reason of factual findings 11-18 and Legal Conclusions 7 and 8.

15. Respondent's registration is subject to discipline pursuant to Business and Professions Code section 9884.7, subdivision (a)(1) by reason of factual findings 11-18, in that Respondent certified under penalty of perjury that the vehicle had passed the inspection and was in compliance with applicable laws and regulations. At the time, Respondent knew or should have known that the statement was untrue or misleading. In fact, the PCV system components had been removed from the vehicle and the vehicle could not pass the inspection required by Health & Safety Code section 44012.

16. Respondent's registration is subject to discipline pursuant to Business and Professions Code section 9884.7, subdivision (a)(4) by reason of factual findings 11-18, in that Respondent committed fraud by issuing an electronic smog certificate of compliance for the vehicle without performing a proper inspection of the emission control devices and systems on the vehicle, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

17. Respondent's smog check station license is subject to discipline pursuant to Health & Safety Code Section 44072.2, subdivision (a) in conjunction with sections 44012 and 44015 by reason of factual findings 11-18, in that Respondent failed to perform the visual check of the emission control devices on the vehicle in accordance with the procedures prescribed by the department in that he failed to determine that the PCV system components were missing on the vehicle and nevertheless issued a certificate of compliance for the vehicle.

18. Respondent's smog check station license is subject to discipline pursuant to Health & Safety Code Section 44072.2, subdivision (c) in conjunction with sections 3340.35, subdivision (c) and 3340.42 by reason of factual findings 11-18, in that Respondent failed to perform the visual check of the emission control devices on the vehicle in accordance with the procedures prescribed by the department in that he failed to determine that the PCV

system components were missing on the vehicle and nevertheless issued a certificate of compliance for the vehicle.

19. Respondent's smog check station license is subject to discipline pursuant to Code Section 44072.2, subdivision (d) by reason of factual findings 11-18 because the conduct deprived the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

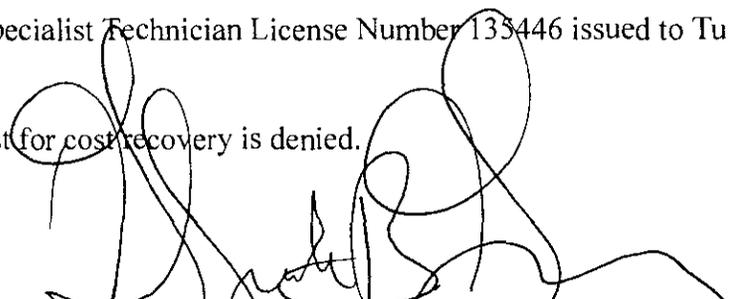
20. Pursuant to Business and Professions Code section 125.3, subdivision (a), an administrative law judge may direct a licensee found to have violated the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. Complainant's request for \$ 10,004.15 in costs is reasonable and supported by the evidence by reason of Factual Finding 20 above. However, in light of the order of revocation that follows, imposition of the costs would be unduly punitive.

21. Respondent has engaged in repeated violations of the law and regulations concerning smog inspections. In each instance, Respondent failed to make a proper visual inspection and as a consequence issued Certificate of Compliance for vehicles which should have failed the Smog Check. Given, his past several citations, there is no reason to expect that Respondent will not continue his practices, accordingly the interests of public protection require that all licenses and registrations issued to Respondent by BAR be revoked.

ORDER

1. Citation number M2012-0970 is affirmed.
2. Automotive Repair Dealer Registration Number ARD 214072 issued to Tu Van Tran as owner of #1 Smog Test Only Center, and all other registrations issued by BAR to Respondent Tu Van Tran are hereby revoked.
3. Smog Check, Test Only, Station License Number TC 214072 issued to Tu Van Tran as owner of #1 Smog Test Only Center is hereby revoked.
4. Advance Emission Specialist Technician License Number 135446 issued to Tu Van Tran is hereby revoked.
5. Complainant's request for cost recovery is denied.

DATED: August 21, 2013



GLYNDA B. GOMEZ
Administrative Law Judge
Office of Administrative Hearings

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12
13 **#1 SMOG TEST ONLY CENTER**
TU VAN TRAN, OWNER
14 **14117 South Western Avenue, #B**
Gardena, CA 90249
15 **Automotive Repair Dealer Reg. No. ARD 214072**
Smog Check, Test Only, Station License No.
16 **TC 214072**
17 Respondent.

Case No. 79/12-141
A C C U S A T I O N
(Smog Check)

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. John Wallauch ("Complainant") brings this Accusation solely in his official capacity
22 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
23 2. In or about 2000, the Director of Consumer Affairs ("Director") issued Automotive
24 Repair Dealer Registration Number ARD 214072 ("registration") to Tu Van Tran ("Respondent"),
25 owner of #1 Smog Test Only Center. Respondent's registration was in full force and effect at all
26 times relevant to the charges brought herein and will expire on December 31, 2012, unless
27 renewed.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

....

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for 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, or regulations adopted pursuant to it.

9. Bus. & Prof. Code section 22, subdivision (a), states:

“Board” as used in any provision of this Code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.”

10. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a “license” includes “registration” and “certificate.”

11. Health & Saf. Code section 44072.2 states, in pertinent part:

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

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. 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 . . .

12. Health & Saf. Code section 44072.8 states that 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.

COST RECOVERY

13. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

1 Bureau's 2000 Chrysler Cirrus without performing a bona fide inspection of the emission control
2 devices and systems on the vehicle, thereby depriving the People of the State of California of the
3 protection afforded by the Motor Vehicle Inspection Program.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program)**

6 18. Respondent's smog check station license is subject to disciplinary action pursuant to
7 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with the
8 following sections of that Code:

9 a. **Section 44012:** Respondent failed to perform the visual check of the emission
10 control devices on the Bureau's 2000 Chrysler Cirrus in accordance with procedures prescribed
11 by the department in that he failed to determine that the PCV system components were missing
12 on the vehicle.

13 b. **Section 44015:** Respondent issued an electronic smog certificate of compliance for
14 the Bureau's 2000 Chrysler Cirrus without properly testing and inspecting the vehicle to
15 determine if it was in compliance with Health & Saf. Code section 44012.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant**
18 **to the Motor Vehicle Inspection Program)**

19 19. Respondent's smog check station license is subject to disciplinary action pursuant to
20 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with the
21 following sections of California Code of Regulations, title 16:

22 a. **Section 3340.35, subdivision (c):** Respondent issued an electronic smog certificate
23 of compliance for the Bureau's 2000 Chrysler Cirrus even though the vehicle had not been
24 inspected in accordance with section 3340.42.

25 b. **Section 3340.42:** Respondent failed to conduct the required smog tests on the
26 Bureau's 2000 Chrysler Cirrus in accordance with the Bureau's specifications.

27 ///

28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 20. Respondent's smog check station license is subject to disciplinary action pursuant to
4 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest,
5 fraudulent, or deceitful act whereby another is injured, as follows: Respondent issued an
6 electronic smog certificate of compliance for the Bureau's 2000 Chrysler Cirrus without
7 performing a bona fide inspection of the emission control devices and systems on the vehicle,
8 thereby depriving the People of the State of California of the protection afforded by the Motor
9 Vehicle Inspection Program.

10 **MATTERS IN AGGRAVATION**

11 21. To determine the degree of discipline, if any, to be imposed on Respondent,
12 Complainant alleges as follows:

13 a. On or about October 16, 2006, the Bureau issued Citation No. C07-0211 against
14 Respondent for violations of Health & Saf. Code section 44012, subdivision (f) (failure to
15 perform a visual/functional check of emission control devices according to procedures prescribed
16 by the department); and California Code of Regulations, title 16, section ("Regulation") 3340.35,
17 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested). On
18 or about September 29, 2006, Respondent had issued a certificate of compliance to a Bureau
19 undercover vehicle with a missing EGR valve. The Bureau assessed civil penalties totaling \$500
20 against Respondent for the violations. Respondent paid the fine on November 15, 2006.

21 b. On or about September 27, 2010, the Bureau issued Citation No. C2011-0339 against
22 Respondent for violations of Health & Saf. Code section 44012, subdivision (f) (failure to
23 determine that emission control devices and systems required by State and Federal law are
24 installed and functioning correctly in accordance with test procedures); and Regulation 3340.35,
25 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested). On
26 or about September 2, 2010, Respondent had issued a certificate of compliance to a Bureau
27 undercover vehicle with a missing EVAP canister. The Bureau assessed civil penalties totaling
28 \$1,000 against Respondent for the violations. Respondent paid the fine on November 3, 2010.

1 c. On or about April 14, 2011, the Bureau issued Citation No. C2011-1192 against
2 Respondent for violations of Health & Saf. Code section 44012, subdivision (f) (failure to
3 determine that emission control devices and systems required by State and Federal law are
4 installed and functioning correctly in accordance with test procedures); and Regulation 3340.35,
5 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested). On
6 or about March 24, 2011, Respondent had issued a certificate of compliance to a Bureau
7 undercover vehicle with a missing EVAP canister. The Bureau assessed civil penalties totaling
8 \$1,500 against Respondent for the violations. Respondent paid the fine on May 23, 2011.

9 d. On or about July 22, 2011, the Bureau issued Citation No. C2012-0052 against
10 Respondent for violating Health & Saf. Code section 44012, subdivision (f) (failure to perform a
11 visual/functional check of emission control devices according to procedures prescribed by the
12 department). Respondent had issued a certificate of compliance to a Bureau undercover vehicle
13 with a missing PCV system. The Bureau assessed civil penalties totaling \$1,500 against
14 Respondent for the violations. Respondent paid the fine on September 16, 2011.

15 **OTHER MATTERS**

16 22. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
17 suspend, revoke, or place on probation the registration for all places of business operated in this
18 state by Respondent Tu Van Tran, owner of #1 Smog Test Only Center, upon a finding that
19 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and
20 regulations pertaining to an automotive repair dealer.

21 23. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station
22 License Number TC 214072, issued to Respondent Tu Van Tran, owner of #1 Smog Test Only
23 Center, is revoked or suspended, any additional license issued under this chapter in the name of
24 said licensee may be likewise revoked or suspended by the director.

25 ///

26 ///

27 ///

28 ///

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 214072, issued to Tu Van Tran, owner of #1 Smog Test Only Center;
2. Revoking or suspending any other automotive repair dealer registration issued to Tu Van Tran;
3. Revoking or suspending Smog Check, Test Only, Station License Number TC 214072, issued to Tu Van Tran, owner of #1 Smog Test Only Center;
4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Tu Van Tran;
5. Ordering Tu Van Tran, owner of #1 Smog Test Only Center, to pay the Director of Consumer Affairs 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: _____

5/11/12

John Wallauch by Doug Balatti

JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant
DOUG BALATTI

LA2012602389