

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

In the Matter of the Accusation Against:

A 1 SMOG TEST ONLY

1939 Panama Avenue
San Jose, CA 95122

and

61 #A Minnis Circle
Milpitas, CA 95035

LEHUYEN THI DO, Owner

Automotive Repair Dealer Registration

No. AH 235227

Smog Check Test Only Station License

No. TH 235227

BINH NGOCTHANH DO

1939 Panama Avenue
San Jose, CA 95122

Advanced Emission Specialist Technician

License No. EA 146952

Respondents.

Case No. 79/08-27

OAH No. 2008050261

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only.

This Decision shall become effective 3/2/09.

IT IS SO ORDERED this 22nd day of January, 2009.



PATRICIA HARRIS
Deputy Director, Board/Bureau Support
Department of Consumer Affairs

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

In the Matter of Accusation Against:

A 1 SMOG TEST ONLY
LEHUYEN THI DO, OWNER

Automotive Repair Dealer Registration No.
AH 235227
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Advanced Emission Specialist Technician
License No. EA 146952

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OAH No. 2008050261

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on December 5, 2008.

Char Sachson, Deputy Attorney General, represented complainant.

Michael B. Levin, Attorney at Law, represented respondents, who were both present.

Submission of the matter was deferred to December 12, 2008, for receipt of an official translation of Exhibit "E", which was received and considered. The matter was submitted on December 12, 2008.

FACTUAL FINDINGS

1. Sherry Mehl made the accusation in her official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, State of California.

2. On September 3, 2004, the Bureau issued Automotive Repair Dealer Registration Number AH 235277 (registration) to Lehuyen Thi Do, doing business as A One Smog & Repair. Effective December 21, 2005, the business name changed to A One Smog Test Only, and effective January 24, 2007, the business name changed to A 1 Smog Test Only. The registration will expire on August 31, 2009.

3. On January 9, 2006, the Bureau issued Smog Check Test Only Station License Number TH 235227 (station license) to Lehuyen Thi Do. The station license will expire on August 31, 2009.

4. On November 6, 2003, the Bureau issued Advanced Emission Specialist Technician License Number EA 146952 (technician license) to Binh Ngocthanh Do. The technician license will expire on December 31, 2009.

5. Cost recovery in the amount of \$8,154.79 has been requested by the Bureau for the cost of investigation and prosecution of this matter. Further costs incurred by the Bureau for the Deputy Attorney General are \$6,152.75. The total amount requested is \$14,307.54. That amount is reasonable.

6. Respondents stipulated to the truth of each factual allegation in the accusation. On May 2, 2007, a Bureau undercover operator drove a Bureau-documented 1987 Ford Ranger to respondent Lehuyen Thi Do's facility for a smog inspection. The vehicle could not pass a smog inspection because the vehicle's positive crankcase ventilation (PCV) system and hose were missing. The operator asked for a smog inspection. Respondent Binh Ngocthanh Do (B. N. Do) performed the smog inspection and issued an electronic Certificate of Compliance, certifying that he had tested and inspected the vehicle and that the vehicle was in compliance with the applicable laws and regulations. In fact, the vehicle could not have passed the smog inspection because the vehicle's PCV system and hose were missing. Respondent B. N. Do provided the operator with an invoice and a Vehicle Inspection Report (VIN).

Respondent Lehuyen Thi Do

7. Respondent Lehuyen Thi Do has three prior citations. On September 26, 2006, the Bureau issued a citation against respondent Lehuyen Thi Do, as owner of A 1 Smog Test Only, Automotive Dealer and Smog Check Test Only Station, for violations of law, specifically involving the failure to confirm that the emission control devices and systems were installed and functioning correctly.¹ Respondent paid a fine of \$500.

On January 3, 2007, the Bureau issued a citation against respondent Lehuyen Thi Do, as owner of A 1 Smog Test Only, Automotive Dealer and Smog Check Test Only Station, for

¹ All of the violations set forth in Findings 7 and 8, involved the failure to check the ignition timing on three different vehicles.

violations of law, specifically involving the failure to confirm that the emission control devices and systems were installed and functioning correctly. Respondent paid a fine of \$1,000.

On March 9, 2007, the Bureau issued a citation against respondent Lehuyen Thi Do, as owner of A 1 Smog Test Only, Automotive Dealer and Smog Check Test Only Station, for violations of law, specifically involving the failure to confirm that the emission control devices and systems were installed and functioning correctly. Respondent paid a fine of \$2,000.

Respondent Binh N. Do

8. Respondent Binh N. Do has three prior citations. On September 26, 2006, the Bureau issued a citation against Binh N. Do, Advanced Emission Specialist Technician, for violations of law, specifically involving the failure to confirm that the emissions control devices and systems were installed and functioning correctly. Respondent was required to complete and completed an eight hour training course.

On January 3, 2007, the Bureau issued a citation against Binh N. Do, Advanced Emission Specialist Technician, for violations of law, specifically involving the failure to confirm that the emissions control devices and systems were installed and functioning correctly. Respondent was required to complete and completed a sixteen hour training course.

On March 9, 2007, the Bureau issued a citation against Binh N. Do, Advanced Emission Specialist Technician, for violations of law, specifically involving the failure to confirm that the emissions control devices and systems were installed and functioning correctly. Respondent was required to complete and completed a semester long Basic Clean Air Car Course.

9. Respondents presented three character witnesses. Each testified that respondents are honest and hard working. Steve Sa Do testified that he is a mechanic and that it is difficult to detect timing problems. Johnny Bui testified that he is an Advanced Certified Smog Technician. He observed that everyone makes a mistake sometime. Hoang Nguyen testified that he is a customer of respondents and that he has always been satisfied with the work performed at the facility.

10. Respondent Lehuyen Thi Do does not work full-time at the facility. She is employed as an assembler at Bell Micro Production. She does the books for the station, but is not there on a daily basis. She was not directly responsible for any of the actions in this matter. It would not be against the public interest to allow respondent Lehuyen Thi Do to retain her Automotive Repair Dealer Registration. However, in the public interest, her Smog Check Test Only Station License must be revoked.

11. Respondent Binh N. Do is the responsible person for this facility. He works there full time and does all the smog check work. It was never respondent's intention to subvert the clean air program in California. However, he is unable to comply with the complex requirements of the law. He clearly did not comprehend that if there is a functional problem with the emission control system, such that it makes it impossible to check the engine timing. There is no further education that would assure that respondent can complete a proper smog check. In the public interest, his advanced Emission Specialist Technician License must be revoked.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Finding 6, cause for disciplinary action exists against respondent Lehuyen Thi Do and A 1 Smog Test Only (automotive repair dealer registration and smog check test only station license) pursuant to Business and Professions Code sections 9884.7, subdivision (a)(1) (untrue or misleading statements), 9884.7, subdivision (a)(4) (fraud), Health and Safety Code sections 44072.2, subdivision (a) (violations of the motor vehicle inspection program) as related to Health and Safety Code sections 44012, subdivision (f) (failed to properly perform inspection), 44015, subdivision (b) (issued electronic certificate without proper testing), 44059 (willfully made false entries), 3340.24, subdivision (c) (fraudulent issuing of certificate), 3340.35, subdivision (c) (issued certificate even though not properly inspected), and 3340.42 (failure to conduct required smog test).

2. By reason of the matters set forth in Finding 6, cause for disciplinary action exists against respondent Binh N. Do's technician license pursuant to Health and Safety Code sections 44072.2, subdivision (d) (dishonesty), 44072.2, subdivision (c) (failure to comply with inspection program) as related to Health and Safety Code sections 3340.24, subdivision (c) (fraudulent issuing of certificate), 3340.35, subdivision (c) (issued certificate even though not properly inspected), 3340.30, subdivision (a) (failure to inspect and test), 3340.41, subdivision (c) (false information into EIS), and 3340.42 (failure to conduct required smog test), Health and Safety Code section 44072.2, subdivisions (d) (dishonesty), and (a) (violation of inspection program) as related to Health and Safety Code sections 44012, subdivision (f) (failed to properly perform inspection), 44032 (failed to perform proper testing), and 44059 (willfully made false entries).

3. The matters set forth in Findings 7 and 8 concerning the prior citations have been considered as aggravation in this matter.

4. The matters set forth in Findings 9, 10, and 11 have been considered in making the following order.

ORDER

Advanced Emission Specialist Technician License issued to Binh Ngocthanh Do is hereby revoked.

Smog Check Test Only Station License No. TH 235227 issued to A 1 Smog Test Only, Lehuyen Thi Do, owner is hereby revoked.

Automotive Repair Dealer Registration No. AH 235227 issued to A 1 Smog Test Only, Lehuyen Thi Do, owner is hereby revoked. However, the revocation is stayed for a period of two years upon the following terms and conditions:

1. During the period of probation, respondents shall:
 - a. Comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.
 - b. Respondents' 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 the respondent 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. 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.
 - f. Should the Director of Consumer Affairs determine that respondents have failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard suspend or revoke the license.

2. During the period of probation, respondents shall not perform any form of smog inspection, or emission system diagnosis or repair.

DATED: 12/19/08

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 79/08-27

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13 **A 1 SMOG TEST ONLY**

1939 Panama Avenue
14 San Jose, CA 95122
and

15 61 #A Minnis Circle
Milpitas, CA 95035

16 **LEHUYEN THI DO, OWNER**

17 Automotive Repair Dealer
Registration No. AH 235227
18 Smog Check Test Only Station
License No. TH 235227

19 **BINH NGOCTHANH DO**

20 1939 Panama Avenue
San Jose, CA 95122

21 Advanced Emission Specialist Technician
22 License No. EA 146952

23 Respondents.

A C C U S A T I O N

(SMOG CHECK)

24
25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

27 1. Complainant brings this Accusation solely in her official capacity as the
28 Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

1 **Automotive Repair Dealer Registration**

2 2. On or about September 3, 2004, the Bureau issued Automotive Repair
3 Dealer Registration Number AH 235227 ("registration") to Lehuyen Thi Do ("Respondent Thi
4 Do"), doing business as A One Smog & Repair. Effective December 21, 2005, the business
5 name changed to A One Smog Test Only, and effective January 24, 2007, the business name
6 changed to A 1 Smog Test Only. The registration will expire on August 31, 2008.

7 **Smog Check Test Only Station License**

8 3. On or about January 9, 2006, the Bureau issued Smog Check Test Only
9 Station License Number TH 235227 ("station license") to Respondent Thi Do. The station
10 license will expire on August 31, 2008.

11 **Advanced Emission Specialist Technician License**

12 4. On or about November 6, 2003, the Bureau issued Advanced Emission
13 Specialist Technician License Number EA 146952 ("technician license") to Binh Ngocthanh Do
14 ("Respondent Binh Do"). The technician license will expire on December 31, 2007.

15 **STATUTORY PROVISIONS**

16 5. Business and Professions Code ("Code") section 9884.7 states, in pertinent
17 part:

18 (a) The director, where the automotive repair dealer cannot show there
19 was a bona fide error, may refuse to validate, or may invalidate temporarily or
20 permanently, the registration of an automotive repair dealer for any of the
21 following acts or omissions related to the conduct of the business of the
22 automotive repair dealer, which are done by the automotive repair dealer or any
23 automotive technician, employee, partner, officer, or member of the automotive
24 repair dealer.

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

 (4) Any other conduct which constitutes fraud.

 (b) Except as provided for in subdivision (c), if an automotive repair
dealer operates more than one place of business in this state, the director pursuant
to subdivision (a) shall only invalidate temporarily or permanently the registration
of the specific place of business which has violated any of the provisions of this
chapter. This violation, or action by the director, shall not affect in any manner

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1 the right of the automotive repair dealer to operate his or her other places of
2 business.

3 (c) Notwithstanding subdivision (b), the director may invalidate
4 temporarily or permanently, the registration for all places of business operated in
5 this state by an automotive repair dealer upon a finding that the automotive repair
6 dealer has, or is, engaged in a course of repeated and willful violations of this
7 chapter, or regulations adopted pursuant to it.

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

12 7. Health and Safety Code section 44002 provides, in pertinent part, that the
13 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
14 the Motor Vehicle Inspection Program.

15 8. Health and Safety Code section 44072.2 states:

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

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

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

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

26 9. Health and Safety Code section 44072.6 provides, in pertinent part, that
27 the expiration or suspension of a license by operation of law, or by order or decision of the
28 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall
not deprive the Director of jurisdiction to proceed with disciplinary action.

10 10. Health and Safety Code section 44072.8 states that when a license has
11 been revoked or suspended following a hearing under this article, any additional license issued
12 under this chapter in the name of the licensee may be likewise revoked or suspended by the
13 director.

1 applicable laws and regulations. In fact, the vehicle could not have passed the smog inspection
2 because the vehicle's PCV system and hose were missing.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Fraud)

5 15. Respondent Thi Do's registration is subject to disciplinary action pursuant
6 to Code section 9884.7, subdivision (a)(4), in that on or about May 2, 2007, he committed acts
7 which constitute fraud by issuing electronic Certificate of Compliance No. MQ798225 for the
8 1987 Ford Ranger without performing a bona fide inspection of the emission control devices and
9 systems on the vehicle, thereby depriving the People of the State of California of the protection
10 afforded by the Motor Vehicle Inspection Program.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Violations of the Motor Vehicle Inspection Program)

13 16. Respondent Thi Do's station license is subject to disciplinary action
14 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about May 2,
15 2007, regarding the 1987 Ford Ranger, he failed to comply with the following sections of that
16 Code:

17 a. **Section 44012, subdivision (f)**: Respondent Thi Do failed to perform
18 emission control tests on the vehicle in accordance with procedures prescribed by the department.

19 b. **Section 44015, subdivision (b)**: Respondent Thi Do issued electronic
20 Certificate of Compliance No. MQ798225 for the vehicle without properly testing and inspecting
21 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

22 c. **Section 44059**: Respondent Thi Do willfully made false entries for
23 electronic Certificate of Compliance MQ798225, by certifying that the vehicle had been
24 inspected as required when, in fact, it had not.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 (Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)

27 17. Respondent Thi D's station license is subject to disciplinary action
28 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about May 2,

1 2007, regarding the 1987 Ford Ranger, he failed to comply with provisions of California Code of
2 Regulations, title 16, as follows:

3 a. **Section 3340.24, subdivision (c)**: Respondent Thi Do falsely or
4 fraudulently issued electronic Certificate of Compliance No. MQ798225 for the vehicle, in that
5 the vehicle could not pass the smog inspection because the vehicle's PCV system and hose were
6 missing.

7 b. **Section 3340.35, subdivision (c)**: Respondent Thi Do issued electronic
8 Certificate of Compliance No. MQ798225 for the vehicle, even though the vehicle had not been
9 inspected in accordance with section 3340.42.

10 c. **Section 3340.42**: Respondent Thi Do failed to conduct the required smog
11 tests on the vehicle in accordance with the Bureau's specifications.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 (Dishonesty, Fraud or Deceit)

14 18. Respondent Thi Do's station license is subject to disciplinary action
15 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about May 2,
16 2007, Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured
17 by issuing electronic Certificate of Compliance No. MQ798225 for the 1987 Ford Ranger
18 without performing a bona fide inspection of the emission control devices and systems on the
19 vehicle, thereby depriving the People of the State of California of the protection afforded by the
20 Motor Vehicle Inspection Program.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 (Violations of the Motor Vehicle Inspection Program)

23 19. Respondent Binh Do's technician license is subject to disciplinary action
24 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about May 2,
25 2007, regarding the 1987 Ford Ranger, he failed to comply with provisions of that Code, as
26 follows:

27 a. **Section 44012, subdivision (f)**: Respondent Binh Do failed to perform
28 emission control tests on the vehicle in accordance with procedures prescribed by the department.

1 systems on the vehicle, thereby depriving the People of the State of California of the protection
2 afforded by the Motor Vehicle Inspection Program.

3 **PRIOR CITATIONS**

4 22. To determine the degree of discipline, if any, to be imposed on
5 Respondents Thi Do and Binh Do, Complainant alleges, as follows:

6 **Respondent Thi Do**

7 a. On or about September 26, 2006, the Bureau issued Citation No. C07-
8 0169 against Respondent Thi Do, as owner of A 1 Smog Test Only, Automotive Dealer
9 Registration No. AH 235227, and Smog Check Test Only Station License No. TH235227, for
10 violations of Health & Safety Code section 44012, subdivision (f) (failure to confirm that
11 emission control devices and systems were installed and functioning correctly), and California
12 Code of Regulations, title 16 ("Regulation"), section 3340.35, subdivision (c) (issuing a
13 certificate of compliance to a vehicle that was improperly tested). The Bureau assessed a fine of
14 \$500 to Respondent Thi Do. Respondent complied with this citation on October 18, 2006.

15 b. On or about January 3, 2007, the Bureau issued Citation No. C07-0436
16 against Respondent Thi Do, as owner of A 1 Smog Test Only, Automotive Repair Dealer
17 Registration No. AH 235227, and Smog Check Test Only Station License No. TH235227, for
18 violations of Health & Safety Code section 44012, subdivision (f) (failure to confirm that
19 emission control devices and systems were installed and functioning correctly), and Regulation,
20 section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle that was
21 improperly tested). The Bureau assessed a fine of \$1,000 to Respondent Thi Do. Respondent
22 complied with this citation on February 16, 2007.

23 c. On or about March 9, 2007, the Bureau issued Citation No. C07-0636
24 against Respondent Thi Do, as owner of A 1 Smog Test Only, Automotive Repair Dealer
25 Registration No. AH 235227, and Smog Check Test Only Station License No. TH235227, for
26 violations of Health & Safety Code section 44012, subdivision (f) (failure to confirm that
27 emission control devices and systems were installed and functioning correctly), and Regulation,
28 section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle that was

1 improperly tested). The Bureau assessed a fine of \$2,000 to Respondent Thi Do. Respondent
2 complied with this citation on April 24, 2007.

3 **Respondent Binh Do**

4 d. On or about September 26, 2006, the Bureau issued Citation No.
5 M07-0170 against Respondent Binh Do, Advanced Emission Specialist Technician License No.
6 EA146952, for violations of Health & Safety Code section 44032 (failure to confirm that
7 emission control devices and systems were installed and functioning correctly), and Regulation,
8 section 3340.30, subdivision (a) (failure to inspect vehicles in accordance with Health and Safety
9 Code sections 44012, 44035 and Regulation 3340.42). The Bureau directed Respondent Binh Do
10 to complete an eight hour training course. Respondent complied with this citation on
11 November 8, 2006.

12 e. On or about January 3, 2007, the Bureau issued Citation No. M07-0437
13 against Respondent Binh Do, Advanced Emission Specialist Technician License No. EA146952,
14 for violations of Health & Safety Code section 44032 (failure to confirm that emission control
15 devices and systems were installed and functioning correctly), and Regulation, section 3340.30,
16 subdivision (a) (failure to inspect vehicles in accordance with Health and Safety Code sections
17 44012, 44035 and Regulation 3340.42). The Bureau directed Respondent Binh Do to complete a
18 sixteen hour training course. Respondent complied with this citation on February 13, 2007.

19 f. On or about March 9, 2007, the Bureau issued Citation No. M07-0637
20 against Respondent Binh Do, Advanced Emission Specialist Technician License No. EA146952,
21 for violations of Health & Safety Code section 44032 (failure to confirm that emission control
22 devices and systems were installed and functioning correctly), and Regulation, section 3340.30,
23 subdivision (a) (failure to inspect vehicles in accordance with Health and Safety Code sections
24 44012, 44035 and Regulation 3340.42). On or about March 30, 2007, Respondent Binh Do
25 appealed the citation.

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28 ///

1 **OTHER MATTERS**

2 23. Under Code section 9884.7, subdivision (c), the director may invalidate or
3 refuse to validate, temporarily or permanently, the registrations for all places of business operated
4 in this state by Lehuyen Thi Do, doing business as A 1 Smog Test Only, upon a finding that he
5 has, or is, engaged in a course of repeated and willful violations of the laws and regulations
6 pertaining to an automotive repair dealer.

7 24. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only
8 Station License Number TH 235227, issued to Lehuyen Thi Do, doing business as A 1 Smog
9 Test Only, is revoked or suspended, any additional license issued under this chapter in the name
10 of said licensee may be likewise revoked or suspended by the director.

11 25. Under section 44072.8 of the Health and Safety Code, if Advanced
12 Emission Specialist Technician License Number EA 146952, issued to Binh Ngocthanh Do, is
13 revoked or suspended, any additional license issued under this chapter in the name of said
14 licensee may be likewise revoked or suspended by the director.

15 **PRAYER**

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

18 1. Temporarily or permanently invalidating Automotive Repair Dealer
19 Registration Number AH 235227, issued to Lehuyen Thi Do, doing business as A 1 Smog Test
20 Only;

21 2. Temporarily or permanently invalidating any other automotive repair
22 dealer registration issued to Lehuyen Thi Do;

23 3. Revoking or suspending Smog Check Test Only Station License Number
24 TH 235227, issued to Lehuyen Thi Do, doing business as A 1 Smog Test Only;

25 4. Revoking or suspending any additional license issued under Chapter 5 of
26 the Health and Safety Code in the name of Lehuyen Thi Do;

27 5. Revoking or suspending Advanced Emission Specialist Technician
28 Number EA 146952, issued to Binh Ngocthanh Do;

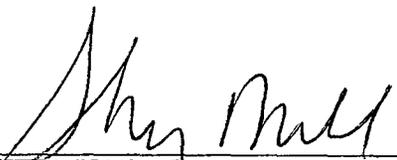
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6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Binh Ngocthanh Do;

7. Ordering Lehuyen Thi Do, and Binh Ngocthanh Do to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 11-5-07



SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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