

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

In the Matter of the Accusation Against:

LA SANTA AUTO
828 N. Virgil Avenue
Los Angeles, CA 90029
YEONG SOO LEE, Owner
Automotive Repair Dealer Registration No.
ARD 235982
Brake Station License No. BS 235982,
Class C
Lamp Station License No. LS 235982,
Class A
Smog Check, Station License No.
RC 235982

and

YEONG SOO LEE
5340 Cumberland Drive
Cypress, CA 90630
Advanced Emission Specialist Technician
License No. EA 141673
Brake Adjuster License No. BA 141673,
Class C
Lamp Adjuster License No. LA 141673,
Class A

Respondents.

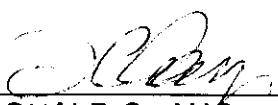
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective

5/2/13

DATED: April 12, 2013


DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
2 Attorney General of California
3 GREGORY J. SALUTE
4 Supervising Deputy Attorney General
5 MATTHEW A. KING
6 Deputy Attorney General
7 State Bar No. 265691
8 300 So. Spring Street, Suite 1702
9 Los Angeles, CA 90013
10 Telephone: (213) 897-7446
11 Facsimile: (213) 897-2804
12 E-mail: Matthew.King@doj.ca.gov
13 *Attorneys for Complainant*

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

In the Matter of the Accusation Against:

Case No. 79/12-102
OAH No. 2012050346

LA SANTA AUTO
828 N. Virgil Avenue
Los Angeles, CA 90029
YEONG SOO LEE, Owner
Automotive Repair Dealer Registration No.
ARD 235982
Brake Station License No. BS 235982, Class C
Lamp Station License No. LS 235982, Class A
Smog Check, Station License No. RC 235982

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

and
YEONG SOO LEE
5340 Cumberland Drive
Cypress, CA 90630
Advanced Emission Specialist Technician
License No. EA 141673
Brake Adjuster License No. BA 141673, Class C
Lamp Adjuster License No. LA 141673, Class A

Respondents.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

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PARTIES

2 1. John Wallauch (“Complainant”) is the Chief of the Bureau of Automotive Repair
3 (“Bureau”). He brought this action solely in his official capacity and is represented in this matter
4 by Kamala D. Harris, Attorney General of the State of California, by and through Matthew A.
5 King, Deputy Attorney General.

6 2. La Santa Auto is a party to this case. La Santa Auto is owned by Yeong Soo Lee and
7 will be referred to as "Respondent La Santa Auto." Yeong Soo Lee individually is a party to this
8 case and will be referred to as "Respondent Yeong Soo Lee." Respondents La Santa Auto and
9 Yeong Soo Lee are represented in this proceeding by attorney Jeffrey T. Osborn of the Law
10 Offices of Jeffrey T. Osborn. Mr. Osborn's address is 16152 Beach Blvd., Ste. 250, Huntington
11 Beach, CA 92647.

Automotive Repair Dealer Registration

13 3. On a date uncertain in 2004, the Bureau issued Automotive Repair Dealer
14 Registration Number ARD 235982 (“registration”) to Respondent Yeong Soo Lee, doing business
15 as La Santa Auto. The registration was in full force and effect at all times relevant to the charges
16 brought herein and will expire on October 31, 2013, unless it is renewed.

Smog Check Station License

18 4. On or about November 8, 2004, the Bureau issued Smog Check Station License
19 Number RC 235982 (“smog check station license”) to Respondent Yeong Soo Lee, doing
20 business as La Santa Auto. The smog check station license was in full force and effect at all
21 times relevant to the charges brought herein and will expire on October 31, 2013, unless it is
22 renewed.

Lamp Station License

24 5. On or about November 24, 2004, the Bureau issued Lamp Station License Number
25 LS 235982, Class A, (“lamp station license”) to Respondent Yeong Soo Lee, doing business as
26 La Santa Auto. The lamp station license was in full force and effect at all times relevant to the
27 charges brought herein and will expire on October 31, 2013, unless it is renewed.

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1 **Brake Station License**

2 6. On or about November 24, 2004, the Bureau issued Brake Station License Number
3 BS 235982, Class C, (“brake station license”) to Yeong Soo Lee, doing business as La Santa
4 Auto. The brake station license was in full force and effect at all times relevant to the charges
5 brought herein and will expire on October 31, 2013, unless it is renewed.

6 **Advanced Emission Specialist Technician License**

7 7. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist
8 Technician License Number EA 141673 (“technician license”) to Respondent Yeong Soo Lee.
9 The technician license was in full force and effect at all times relevant to the charges brought
10 herein and will expire on September 30, 2013, unless it is renewed.

11 **Brake Adjuster License**

12 8. On a date uncertain in 2003, the Bureau issued Brake Adjuster License Number BA
13 141673, Class C, (“brake adjuster license”) to Respondent Yeong Soo Lee. The brake adjuster
14 license was in full force and effect at all times relevant to the charges brought herein and will
15 expire on September 30, 2015, unless it is renewed.

16 **Lamp Adjuster License**

17 9. On a date uncertain in 2003, the Bureau issued Lamp Adjuster License Number LA
18 141673, Class A, (“lamp adjuster license”) to Respondent Yeong Soo Lee. The lamp adjuster
19 license was in full force and effect at all times relevant to the charges brought herein and will
20 expire on September 30, 2014, unless it is renewed.

21 **JURISDICTION**

22 10. Accusation Number 79/12-102 was filed before the Bureau and is currently pending
23 against Respondent La Santa Auto and Respondent Yeong Soo Lee (collectively, “Respondents”).
24 The Accusation and all other statutorily required documents were properly served on Respondent
25 on March 13, 2012. Respondent timely filed his Notice of Defense contesting the Accusation. A
26 copy of Accusation No. 79/12-102 is attached as exhibit A and incorporated herein by reference.

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ADVISEMENT AND WAIVERS

2 11. Respondents have read carefully, fully discussed with counsel, and hereby
3 acknowledge that they understand the charges and allegations in Accusation No. 79/12-102.
4 Respondents also have read carefully, fully discussed with counsel, and hereby acknowledge that
5 they understand the effects of this Stipulated Settlement and Disciplinary Order.

6 12. Respondents are fully aware of their legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
8 their own expense; the right to confront and cross-examine the witnesses against them; the right
9 to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to
10 compel the attendance of witnesses and the production of documents; the right to reconsideration
11 and court review of an adverse decision; and all other rights accorded by the California
12 Administrative Procedure Act and other applicable laws.

13 13. Respondents voluntarily, knowingly, and intelligently waive and give up each and
14 every right set forth above.

CULPABILITY

16 14. Respondent admits that at hearing, Complainant could establish a factual basis for the
17 charges and allegations in Accusation No. 79/12-102, and that those charges and allegations are
18 cause for discipline. Respondent hereby gives up his right to contest those charges and
19 allegations.

20 15. Respondent La Santa Auto agrees that his Automotive Repair Dealer Registration
21 Number ARD 235982, Smog Check Station License Number RC 235982, Lamp Station License
22 Number LS 235982, Class A, and Brake Station License Number BS 235982, Class C are subject
23 to discipline, and Respondent La Santa Auto agrees to be bound by the Bureau's probationary
24 terms as set forth in the Disciplinary Order below.

25 16. Respondent Yeong Soo Lee agrees that his Advanced Emission Specialist Technician
26 License Number EA 141673 is subject to discipline and he agrees to be bound by the terms of the
27 Disciplinary Order, as set forth below.

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CONTINGENCY

17. The parties understand and agree that facsimile or electronic copies of this Stipulated Settlement and Disciplinary Order, including facsimile or electronic signatures thereto, shall have the same force and effect as an original.

18. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

19. In consideration of the foregoing admissions and stipulations, the parties agree that the Bureau may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

20. It is **HEREBY ORDERED** that Advanced Emission Specialist Technician License Number EA 141673 issued to Respondent Yeong Soo Lee is revoked. However, Respondent Yeong Soo Lee's Brake Adjuster License No. BA 141673, Class C and Lamp Adjuster License No. LA 141673, Class A shall not be revoked or otherwise disciplined or encumbered by this Decision and Order.

21. Respondent Yeong Soo Lee shall lose all rights and privileges to operate as an Advanced Emission Specialist Technician under Advanced Emission Specialist Technician License Number EA 141673 in California as of the effective date of this Decision and Order.

22. Respondent Yeong Soo Lee shall cause to be delivered to the Bureau his Advanced Emission Specialist Technician wall license certificate and, if one was issued, his pocket license on or before the effective date of this Decision and Order.

23. Respondent Yeong Soo Lee understands and agrees that if he files an application for licensure or petition for reinstatement of license in the State of California, the Bureau shall treat it as a petition for reinstatement of Advanced Emission Specialist Technician License Number EA

1 141673. Respondent Yeong Soo Lee understands and agrees that, pursuant to Business and
2 Professions Code section 9889.10, the Bureau shall not reinstate or reissue Respondent's revoked
3 license at any time within one year of the effective date of the revocation, but the Bureau may
4 reinstate the license thereafter upon proof of compliance with all provisions of the decision as to
5 reinstatement. (Bus. & Prof. Code, § 9889.10.) Respondent Yeong Soo Lee understands and
6 agrees that he is required to comply with all laws, regulations, and procedures for reinstatement of
7 a revoked license in effect at the time he files his application for licensure or petition for
8 reinstatement. He further understands and agrees that if he files an application for licensure or
9 petition for reinstatement, the Bureau will deem the charges and allegations in Accusation
10 Number 79/12-102 to have a factual basis and to constitute cause for discipline.

11 24. It is **HEREBY FURTHER ORDERED** that Automotive Repair Dealer Registration
12 Number ARD 235982, Smog Check Station License Number RC 235982, Lamp Station License
13 Number LS 235982, Class A, and Brake Station License Number BS 235982, Class C, issued to
14 Respondent La Santa Auto, owner Yeong Soo Lee, are revoked. However, the revocation is
15 stayed and Respondent La Santa Auto is placed on probation for three years upon the following
16 terms and conditions:

17 25. **Obey All Laws**—Respondent La Santa Auto shall comply with all statutes,
18 regulations and rules governing automotive inspections, estimates and repairs.

19 26. **Suspension from Operation**—As of the effective date of this Decision and Order,
20 Respondent La Santa Auto shall immediately cease operating for a period of thirty days. It shall
21 not be open for business and it shall not perform any work for which an Automotive Repair
22 Dealer Registration, Smog Check Station License, Lamp Station License, or Brake Station
23 License is required, nor shall it perform any other work for which a license issued by the Bureau
24 of Automotive Repair is required.

25 27. **Post a Sign**—Respondent La Santa Auto shall post a prominent sign provided by the
26 Bureau indicating the beginning and ending dates of the suspension and indicating the reasons for
27 the suspension. The sign shall be conspicuously displayed in a location open to and frequented
28 by customers and shall remain posted during the entire period of actual suspension.

1 28. **Report in Person and in Writing**—Respondent La Santa Auto or its authorized
2 representative must report in person or in writing as prescribed by the Bureau of Automotive
3 Repair on a schedule set by the Bureau, but no more frequently than each quarter, on the methods
4 used and success achieved in maintaining compliance with the terms and conditions of probation.

5 29. **Report Financial Interest**—Within thirty days of the effective date of this Decision
6 and Order, Respondent La Santa Auto shall report any financial interest which any partners,
7 officers, or owners of the facility may have in any other business required to be registered
8 pursuant to Section 9885.6 of the Business and Professions Code.

9 30. **Submit to Random Inspections**—Respondent La Santa Auto shall provide Bureau
10 representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up
11 to and including the point of completion.

12 31. **Continuing Jurisdiction**—If an accusation is filed against Respondent La Santa
13 Auto during the term of probation, the Director of Consumer Affairs shall have continuing
14 jurisdiction over this matter until the final decision on the accusation, and the period of probation
15 shall be extended until such decision.

16 32. **Violation of Probation**—Should the Director of Consumer Affairs determine that
17 Respondent La Santa Auto has failed to comply with the terms and conditions of probation, the
18 Department may, after giving notice and an opportunity to be heard, revoke Automotive Repair
19 Dealer Registration Number ARD 235982, Smog Check Station License Number RC 235982,
20 Lamp Station License Number LS 235982, Class A, and Brake Station License Number BS
21 235982, Class C, issued to Respondent La Santa Auto, whose owner is Yeong Soo Lee.

22 33. **Restriction During Period of Probation**—During the period of probation,
23 Respondent La Santa Auto shall not perform any form of smog inspection or emission system
24 diagnosis or repair until Respondent La Santa Auto has purchased, installed, and maintained the
25 diagnostic and repair equipment prescribed by the Bureau of Automotive Repair necessary to
26 properly perform such work, and the Bureau has been given ten days notice of the availability of
27 the equipment for inspection by a Bureau representative.

28 34. **Cost Recovery**—Respondent La Santa Auto shall reimburse the Bureau **\$8,723.53**,

1 which represents the Bureau's costs incurred in the investigation and enforcement of the case.
2 The costs shall be paid in twenty-four monthly installments with the final payment due twelve
3 months before the end of the probationary period. Failure to make payment as required under this
4 section shall constitute a violation of probation.

5 ACCEPTANCE

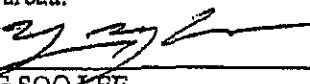
6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
7 discussed it with my attorney, Jeffrey T. Osborn. I understand the stipulation and the effect it will
8 have on Automotive Repair Dealer Registration Number ARD 235982, Smog Check Station
9 License Number RC 235982, Lamp Station License Number LS 235982, Class A, and Brake
10 Station License Number BS 235982, Class C. I enter into this Stipulated Settlement and
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Bureau.

13 DATED: 2-9-2013


14 YEONG SOO LEE, Owner, for LA SANTA AUTO
15 Respondent

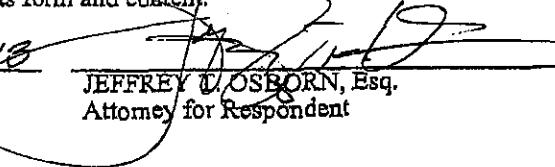
16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Jeffrey T. Osborn. I understand the stipulation and the effect it will
18 have on my Advanced Emission Specialist Technician License No. EA 141673. I enter into this
19 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
20 to be bound by the Decision and Order of the Bureau.

21 DATED: 2-9-2013


22 YEONG SOO LEE
23 Respondent

24 I have read and fully discussed with my clients La Santa Auto and Yeong Soo Lee the
25 terms and conditions and other matters contained in the above Stipulated Settlement and
26 Disciplinary Order. I approve its form and content.

27 DATED: 2-11-2013


28 JEFFREY T. OSBORN, Esq.
29 Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby submitted for consideration by the Bureau of Automotive Repair.

Dated: February 19, 2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising ~~Deputy~~ Attorney General

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-102

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
MATTHEW A. KING
Deputy Attorney General
State Bar No. 265691
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-7446
Facsimile: (213) 897-2804
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 **LA SANTA AUTO**
13 **828 N. Virgil Avenue**
14 **Los Angeles, CA 90029**
15 **YEONG SOO LEE, OWNER**
16 **Automotive Repair Dealer Registration No.**
ARD 235982
17 **Smog Check, Station License No. RC 235982**
18 **Lamp Station License No. LS 235982, Class A**
19 **Brake Station License No. BS 235982, Class C**

Case No. 79/12-102

ACCUSATION

SMOG CHECK

17 and
18 **YEONG SOO LEE**
19 5340 Cumberland Drive
Cypress, CA 90630
20 Advanced Emission Specialist Technician
License No. EA 141673
21 Brake Adjuster License No. BA 141673, Class C
Lamp Adjuster License No. LA 141673, Class A

Respondents.

24 Complainant alleges:

PARTIES

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

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2 **Automotive Repair Dealer Registration**

3 2. On a date uncertain in 2004, the Bureau issued Automotive Repair Dealer
4 Registration Number ARD 235982 ("registration") to Yeong Soo Lee ("Respondent"), doing
5 business as La Santa Auto. The registration was in full force and effect at all times relevant to the
6 charges brought herein and will expire on October 31, 2012, unless renewed.

7 **Smog Check Station License**

8 3. On or about November 8, 2004, the Bureau issued Smog Check Station License
9 Number RC 235982 ("station license") to Respondent. The station license was in full force and
10 effect at all times relevant to the charges brought herein and will expire on October 31, 2012,
11 unless renewed.

12 **Lamp Station License**

13 4. On or about November 24, 2004, the Bureau issued Lamp Station License Number
14 LS 235982, Class A, ("lamp station license") to Respondent. The lamp station license was in full
15 force and effect at all times relevant to the charges brought herein and will expire on October 31,
16 2012, unless renewed.

17 **Brake Station License**

18 5. On or about November 24, 2004, the Bureau issued Brake Station License Number
19 BS 235982, Class C, ("brake station license") to Respondent. The brake station license was in
20 full force and effect at all times relevant to the charges brought herein and will expire on October
21 31, 2012, unless renewed.

22 **Advanced Emission Specialist Technician License**

23 6. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist
24 Technician License Number EA 141673 ("technician license") to Respondent. The technician
25 license was in full force and effect at all times relevant to the charges brought herein and will
26 expire on September 30, 2013, unless renewed.

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Brake Adjuster License

2 7. On a date uncertain in 2003, the Bureau issued Brake Adjuster License Number BA
3 141673, Class C, ("brake adjuster license") to Respondent. The brake adjuster license was in full
4 force and effect at all times relevant to the charges brought herein and expired on September 30,
5 2011.

Lamp Adjuster License

7 8. On a date uncertain in 2003, the Bureau issued Lamp Adjuster License Number LA
8 141673, Class A, ("lamp adjuster license") to Respondent. The lamp adjuster license was in full
9 force and effect at all times relevant to the charges brought herein and will expire on September
10 30, 2014, unless renewed.

STATUTORY PROVISIONS

12 9. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
13 part:

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

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

(4) Any other conduct that constitutes fraud.

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1 10. Code section 118, subdivision (b) states:

2 The suspension, expiration, or forfeiture by operation of law of a license
3 issued by a board in the department, or its suspension, forfeiture, or cancellation by
4 order of the board or by order of a court of law, or its surrender without the written
5 consent of the board, shall not, during any period in which it may be renewed,
6 restored, reissued, or reinstated, deprive the board of its authority to institute or
7 continue a disciplinary proceeding against the licensee upon any ground provided by
8 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 11. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
11 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
12 proceeding against an automotive repair dealer or to render a decision invalidating a registration
13 temporarily or permanently.

14 12. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
15 "commission," "committee," "department," "division," "examining committee," "program," and
16 "agency." "License" includes certificate, registration or other means to engage in a business or
17 profession regulated by the Code.

18 13. Code section 9889.1 provides, in pertinent part, that the Director may suspend or
19 revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
20 Automotive Repair Act.

21 14. Code section 9889.7 provides, in pertinent part, that the expiration or suspension of a
22 license by operation of law or by order or decision of the Director or a court of law, or the
23 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any
24 disciplinary proceedings.

25 15. Code section 9889.3 states, in pertinent part:

26 The director may suspend, revoke, or take other disciplinary action
27 against a license as provided in this article [Article 7 (commencing with section
28 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or
29 director thereof:

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

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1 16. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
2 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
3 the Motor Vehicle Inspection Program.

4 17. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

15 18. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
16 expiration or suspension of a license by operation of law, or by order or decision of the Director
17 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
18 the Director of jurisdiction to proceed with disciplinary action.

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

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

COST RECOVERY

23 20. Code section 125.3 provides, in pertinent part, that a Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

UNDERCOVER OPERATION – JULY 27, 2011

27 21. On or about July 27, 2011, a Bureau undercover operator drove a Bureau-documented
28 2002 Chevrolet Monte Carlo to Respondent's facility and requested a smog inspection. The
vehicle could not pass the visual portion of a smog inspection because the vehicle's positive
crankcase ventilation (PCV) system was missing. The operator signed a work order but she was

1 not provided with an estimate prior to the smog inspection. Respondent performed the smog
2 inspection and issued electronic Certificate of Compliance No. [REDACTED] for that vehicle. The
3 operator paid \$45 for the smog inspection and received a copy of Invoice No. [REDACTED] and the
4 Vehicle Inspection Report.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Misleading Statements)**

7 22. Respondent has subjected his registration to discipline under Code section 9884.7,
8 subdivision (a)(1), in that on or about July 27, 2011, he made statements which he knew or which
9 by exercise of reasonable care he should have known were untrue or misleading when he issued
10 electronic Certificate of Compliance No. [REDACTED] for the 2002 Chevrolet Monte Carlo,
11 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
12 the vehicle's PCV system was missing.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 23. Respondent has subjected his registration to discipline under Code section 9884.7,
16 subdivision (a)(4), in that on or about July 27, 2011, he committed acts which constitute fraud by
17 issuing electronic Certificate of Compliance No. [REDACTED] for the 2002 Chevrolet Monte
18 Carlo, without performing a bona fide inspection of the emission control devices and systems on
19 that vehicle, thereby depriving the People of the State of California of the protection afforded by
20 the Motor Vehicle Inspection Program.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Violation of the Motor Vehicle Inspection Program)**

23 24. Respondent has subjected his station license to discipline under Health and Safety
24 Code section 44072.2, subdivision (a), in that on or about July 27, 2011, regarding the 2002
25 Chevrolet Monte Carlo, he violated sections of that Code, as follows:

26 a. Section 44012, subdivision (a): Respondent failed to determine that all emission
27 control devices and systems required by law were installed and functioning correctly in
28 accordance with test procedures.

1 b. Section 44012, subdivision (f): Respondent failed to perform emission control tests
2 on that vehicle in accordance with procedures prescribed by the department.

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

6 FOURTH CAUSE FOR DISCIPLINE

7 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

8 25. Respondent has subjected his station license to discipline under Health and Safety
9 Code section 44072.2, subdivision (c), in that on or about July 27, 2011, regarding the 2002
10 Chevrolet Monte Carlo, he violated sections of the California Code of Regulations, title 16, as
11 follows:

12 a. Section 3340.35, subdivision (c): Respondent issued electronic Certificate of
13 Compliance No. [REDACTED] even though that vehicle had not been inspected in accordance
14 with section 3340.42 of that Code.

15 b. Section 3340.42: Respondent failed to conduct the required smog tests and
16 inspections on that vehicle in accordance with the Bureau's specifications.

17 FIFTH CAUSE FOR DISCIPLINE

18 (Dishonesty, Fraud or Deceit)

19 26. Respondent subjected his station license to discipline under Health and Safety Code
20 section 44072.2, subdivision (d), in that on or about July 27, 2011 regarding the 2002 Chevrolet
21 Monte Carlo, he committed acts involving dishonesty, fraud or deceit whereby another was
22 injured by issuing electronic Certificate of Compliance No. [REDACTED] to that vehicle without
23 performing a bona fide inspection of the emission control devices and systems on the vehicle,
24 thereby depriving the People of the State of California of the protection afforded by the Motor
25 Vehicle Inspection Program.

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SIXTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

3 27. Respondent has subjected his technician license to discipline under Health and Safety
4 Code section 44072.2, subdivision (a), in that on or about July 27, 2011, regarding the 2002
5 Chevrolet Monte Carlo, he violated sections of that Code, as follows:

6 a. Section 44012, subdivision (a): Respondent failed to determine that all emission
7 control devices and systems required by law were installed and functioning correctly in
8 accordance with test procedures.

9 b. **Section 44012, subdivision (f):** Respondent failed to perform emission control tests
10 on that vehicle in accordance with procedures prescribed by the department.

11 c. Section 44032: Respondent failed to perform tests of the emission control devices
12 and systems on that vehicle in accordance with section 44012 of that Code.

SEVENTH CAUSE FOR DISCIPLINE

14 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

15 28. Respondent has subjected his technician license to discipline under Health and Safety
16 Code section 44072.2, subdivision (c), in that on or about July 27, 2011, regarding the 2002
17 Chevrolet Monte Carlo, he violated sections of the California Code of Regulations, title 16, as
18 follows:

19 a. Section 3340.30, subdivision (a): Respondent failed to inspect and test that vehicle
20 in accordance with Health and Safety Code section 44012.

21 b. Section 3340.41, subdivision (c): Respondent entered false information into the
22 Emission Inspection System for electronic Certificate of Compliance No. [REDACTED] by
23 entering "Pass" for the visual inspection portion of the smog inspection when, in fact, the vehicle
24 could not pass the visual inspection because the vehicle's PCV system was missing.

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

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EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

3 29. Respondent has subjected his technician license to discipline under Health and Safety
4 Code section 44072.2, subdivision (d), in that on or about July 27, 2011, regarding the 2002
5 Chevrolet Monte Carlo, he committed acts involving dishonesty, fraud or deceit whereby another
6 was injured by issuing electronic Certificate of Compliance No. [REDACTED] without performing
7 a bona fide inspection of the emission control devices and systems on that vehicle, thereby
8 depriving the People of the State of California of the protection afforded by the Motor Vehicle
9 Inspection Program.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

12 30. Respondent has subjected his lamp and brake station licenses and brake and lamp
13 adjuster licenses to discipline under Code section 9889.3, subdivision (d), in that on or about July
14 27, 2011, Respondent committed acts involving dishonesty, fraud or deceit, as more particularly
15 set forth in paragraphs 22, 23, 26, and 29, above.

PRIOR CITATIONS

17 31. To determine the degree of penalty, if any, to be imposed upon Respondent,
18 Complainant alleges as follows:

19 a. On April 15, 2009, the Bureau issued Citation No. C09-1176 to Respondent against
20 his registration and station licenses for violations of Health and Safety Code section 44012,
21 subdivision (f) (failure to perform a visual/functional check of emission control devices) and
22 California Code of Regulations, title 16, ("Regulation"), section 3340.35, subdivision (c) (issuing
23 a certificate of compliance to a vehicle improperly tested). Respondent issued a certificate of
24 compliance to a Bureau vehicle with a missing fuel evaporative canister. The Bureau assessed a
25 civil penalty of \$500. Respondent complied with this citation on June 2, 2009.

26 b. On September 3, 2009, the Bureau issued Citation No. C2010-0179 to Respondent
27 against his registration and station licenses for violations of Health and Safety Code section
28 44012, subdivision (f). (failure to perform a visual/functional check of emission control devices)

1 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
2 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a
3 missing PCV system. The Bureau assessed a civil penalty of \$1,000. Respondent complied with
4 this citation on October 13, 2009.

5 c. On March 18, 2011, the Bureau issued Citation No. C2011-1099 to Respondent
6 against his registration and station licenses for violations of Health and Safety Code section
7 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
8 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
9 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a
10 missing fuel evaporative canister. The Bureau assessed a civil penalty of \$2,500. Respondent
11 appealed this citation on May 9, 2011. The matter is currently pending.

12 d. On April 5, 2001, the Bureau issued Citation No. M01-0495 to Respondent against
13 his technician license for violations of Health and Safety Code section 44032, (qualified
14 technicians shall perform tests of emission control systems and devices in accordance with
15 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
16 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
17 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
18 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a tampered
19 evaporative emission control system. Respondent was required to attend an 8-hour training
20 course. Respondent complied with this citation on May 21, 2001.

21 e. On April 15, 2009, the Bureau issued Citation No. M09-1177 to Respondent against
22 his technician license for violations of Health and Safety Code section 44032, (qualified
23 technicians shall perform tests of emission control systems and devices in accordance with
24 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
25 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
26 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
27 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing fuel
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1 evaporative canister. Respondent was required to attend an 8-hour training course. Respondent
2 complied with this citation on June 3, 2009.

3 f. On September 3, 2009, the Bureau issued Citation No. M2010-0180 to Respondent
4 against his technician license for violations of Health and Safety Code section 44032, (qualified
5 technicians shall perform tests of emission control systems and devices in accordance with
6 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
7 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
8 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
9 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing PCV
10 system. Respondent was required to attend a 16-hour training course. Respondent complied with
11 this citation on October 13, 2009.

12 g. On March 18, 2011, the Bureau issued Citation No. M2011-1100 to Respondent
13 against his technician license for violations of Health and Safety Code section 44032, (qualified
14 technicians shall perform tests of emission control systems and devices in accordance with
15 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
16 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
17 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
18 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing fuel
19 evaporative canister. Respondent was required to attend a 68-hour training course. Respondent
20 appealed this citation on May 9, 2011. The matter is currently pending.

21 **OTHER MATTERS**

22 32. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
23 or permanently or refuse to validate, the registrations for all places of business operated in this
24 state by to Yeong Soo Lee, upon a finding that he has, or is, engaged in a course of repeated and
25 willful violations of the laws and regulations pertaining to an automotive repair dealer.

26 33. Under Health and Safety Code section 44072.8, if Smog Check Station License
27 Number RC 235982, issued to Yeong Soo Lee, doing business as La Santa Auto, is revoked or
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1 suspended, any additional license issued under this chapter in the name of said licensee may be
2 likewise revoked or suspended by the director.

3 34. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
4 Technician License Number EA 141673, issued to Yeong Soo Lee, is revoked or suspended, any
5 additional license issued under this chapter in the name of said licensee may be likewise revoked
6 or suspended by the director.

7 35. Under Code section 9889.9, if Lamp Station License Number LS 235982, Class A,
8 issued to Yeong Soo Lee, doing business as La Santa Auto, is revoked or suspended, any
9 additional license issued under this chapter in the name of said licensee may be likewise revoked
10 or suspended by the director, including but not limited to Brake Station License Number BS
11 235982, Class C.

12 36. Under Code section 9889.9, if Brake Adjuster License Number BA 141673, Class C,
13 issued to Yeong Soo Lee, is revoked or suspended, any additional license issued under this
14 chapter in the name of said licensee may be likewise revoked or suspended by the director,
15 including but not limited to Lamp Adjuster License Number LA 141673, Class A.

16 **PRAYER**

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

- 19 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
20 Registration Number ARD 235982, issued to Yeong Soo Lee, doing business as La Santa Auto;
- 21 2. Revoking, suspending, or placing on probation any other automotive repair dealer
22 registration issued to Yeong Soo Lee;
- 23 3. Revoking or suspending Smog Check Station License Number RC 235982, issued to
24 Yeong Soo Lee, doing business as La Santa Auto;
- 25 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
26 & Safety Code in the name of Yeong Soo Lee;
- 27 5. Revoking or suspending Advanced Emission Specialist Technician License Number
28 EA 141673, issued to Yeong Soo Lee;

1 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
2 & Safety Code in the name of Yeong Soo Lee;

3 7. Revoking or suspending Lamp Station License Number LS 235982, Class A, issued
4 to Yeong Soo Lee, doing business as La Santa Auto;

5 8. Revoking or suspending Brake Station License Number BS 235982, Class C, issued
6 to Yeong Soo Lee, doing business as La Santa Auto;

7 9. Revoking or suspending Brake Adjuster License Number BA 141673, Class C, issued
8 to Yeong Soo Lee;

9 10. Revoking or suspending Lamp Adjuster License Number LA 141673, Class A, issued
10 to Yeong Soo Lee;

11 11. Revoking or suspending any additional license issued under Articles 5 and 6 of
12 Chapter 20.3 of the Business and Professions Code in the name of Yeong Soo Lee;

13 12. Ordering Yeong Soo Lee to pay the Bureau of Automotive Repair the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions
15 Code section 125.3; and,

16 13. Taking such other and further action as deemed necessary and proper.

17

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19 DATED: 3/13/12

20 John Wallauch by Doug Balash
21 JOHN WALLAUCH
22 Chief
23 Bureau of Automotive Repair
24 Department of Consumer Affairs
25 State of California
26 Complainant

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