

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

In the Matter of the Accusation Against:

**SOUTH HARBOR SMOG TEST ONLY
CENTER
THAI Q. PHAN, PARTNER
THUAN D. DO, PARTNER
904 South Harbor Blvd.
Santa Ana, CA 92704**

Automotive Dealer Registration No.
ARD 263142
Smog Check, Test Only, Station License
No. TC 263142

**THAI QUOC PHAN
904 South Harbor Blvd.
Santa Ana, CA 92704**

Smog Check Inspector License No. EO
148982 (formerly Advanced Emission
Specialist Technician License No. EA
148982)

Respondents.

Case No. 79/15-10

OAH No. 2014110034

DECISION

The attached Stipulation for Revocation of License and Order as to South Harbor Smog Test Only Center; Thai Q. Phan, Partner; Thuan D. Do, Partner; Thai Quoc Phan, Individually; Only is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter, only as to respondent Thai Q. Phan, Thuan D. Do, Thai Quoc Phan, Automotive Dealer Registration No. ARD 263142, Smog Check, Test Only, Station License No. TC 263142, and Smog Check Inspector License No. EO148982 (formerly Advanced Emission Specialist Technician License No. EA 148982).

This Decision shall become effective November 4, 2015.

DATED: October 6, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD
Deputy Attorney General
4 State Bar No. 110639
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 79/15-10

13 **SOUTH HARBOR SMOG TEST ONLY**
CENTER

OAH No. 2014110034

14 **THAI Q. PHAN, PARTNER**
THUAN D. DO, PARTNER
15 **904 South Harbor Blvd.**
Santa Ana, CA 92704

STIPULATION FOR REVOCATION OF
LICENSE AND ORDER AS TO
SOUTH HARBOR SMOG TEST ONLY
CENTER; THAI Q. PHAN, PARTNER;
THUAN D. DO, PARTNER; THAI QUOC
PHAN, INDIVIDUALLY; ONLY

16 **Automotive Dealer Registration**
17 **No. ARD 263142**
Smog Check, Test Only, Station License
18 **No. TC 263142**

19 **THAI QUOC PHAN**
904 South Harbor Blvd.
20 **Santa Ana, CA 92704**

21 **Smog Check Inspector License No. EO**
148982
22 **(formerly Advanced Emission Specialist**
Technician License No. EA 148982)

23
24 Respondents.

25
26 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
27 entitled proceedings that the following matters are true:
28

PARTIES

1
2 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by David E. Hausfeld, Deputy Attorney
5 General.

6 2. Respondents Thai Q. Phan and Thuan D. Do, Partners, dba South Harbor Smog Test
7 Only Center, are represented in this proceeding by attorney Michael B. Levin, whose address is:
8 3727 Camino del Rio South, Suite 200, San Diego, CA 92108.

9 3. On or about September 1, 2010, the Bureau of Automotive Repair (Bureau) issued
10 Automotive Repair Dealer Registration Number ARD 263142 to Thai Q. Phan and Thuan D. Do,
11 Partners, dba South Harbor Smog Test Only Center. Respondents' registration was in full force
12 and effect at all times relevant to the charges brought herein and will expire on September 30,
13 2015, unless renewed.

14 4. On or about September 9, 2010, the Bureau issued Smog Check, Test Only, Station
15 License Number TC 263142 to Thai Q. Phan and Thuan D. Do, Partners, dba South Harbor Smog
16 Test Only Center. Respondents' smog check station license was in full force and effect at all
17 times relevant to the charges brought herein and will expire on September 30, 2015, unless
18 renewed.

19 5. In 2004, the Bureau issued Advanced Emission Specialist Technician License
20 Number EA 148982 to Thai Quoc Phan (Respondent Phan). The technician license was due to
21 expire on January 31, 2014. Pursuant to California Code of Regulations, title 16, section 3340.28,
22 subdivision (e), the technician license was renewed, pursuant to Respondent Phan's election, as
23 Smog Check Inspector License No. EO 148982. Respondent Phan's smog check inspector license
24 will expire on January 31, 2016, unless renewed.

25 6. This Stipulation applies only to Respondents, Thai Q. Phan and Thuan D. Do,
26 Partners, dba South Harbor Smog Test Only Center, Automotive Repair Dealer Registration
27 Number ARD 263142, and Smog Check, Test Only, Station License Number TC 263142 and
28 Respondent, Thai Quoc Phan, Smog Check Inspector License No. EO 148982. This Stipulation

1 specifically does not apply to Respondent, Christina Lynn Moretta, Smog Check Inspector
2 License No. EO 631995, and Smog Check Repair Technician License No. EI 631995.

3 **JURISDICTION**

4 7. Accusation No. 79/15-10 was filed before the Director of Consumer Affairs
5 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
6 Respondents. The Accusation and all other statutorily required documents were properly served
7 on Respondents on July 25, 2014. Respondents timely filed their Notice of Defense contesting
8 the Accusation.

9 8. A copy of Accusation No. 79/15-10 is attached as Exhibit A and incorporated herein
10 by reference.

11 **ADVISEMENT AND WAIVERS**

12 9. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 79/15-10. Respondent has also carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulation for Revocation of License
15 and Order.

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

23 11. Respondents voluntarily, knowingly, and intelligently waive and give up each and
24 every right set forth above.

25 **CULPABILITY**

26 12. Respondents, Thai Q. Phan and Thuan D. Do, admit the truth of each and every
27 charge and allegation in Accusation No. 79/15-10, agree that cause exists for discipline and
28

1 hereby stipulate to the revocation of their Automotive Repair Dealer Registration Number ARD
2 263142, and Smog Check, Test Only, Station License Number TC 263142.

3 13. Respondent, Thai Quoc Phan, admits the truth of each and every charge and
4 allegation in Accusation No. 79/15-10, agrees that cause exists for discipline and hereby
5 stipulates to the revocation of his Smog Check Inspector License No. EO 148982.

6 14. Any admissions made by Respondents herein, whether general or specific, express or
7 implied, shall not constitute admissions for any other purpose or proceeding to which the
8 Department of Consumer Affairs and/or Bureau of Automotive Repair are not a party, including
9 third party civil, criminal or administrative proceedings.

10 15. Respondents understand that by signing this Stipulation they enable the Director to
11 issue an order revoking their Automotive Repair Dealer Registration Number ARD 263142;
12 Smog Check, Test Only, Station License Number TC 263142; and Smog Check Inspector License
13 No. EO 148982.

14 CONTINGENCY

15 16. This Stipulation shall be subject to approval by the Director of Consumer Affairs or
16 the Director's designee. Respondents understand and agree that counsel for Complainant and the
17 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
18 the Department of Consumer Affairs regarding this Stipulation for Revocation of License and
19 Order, without notice to or participation by Respondents or their counsel. By signing the
20 stipulation, Respondents understand and agree that they may not withdraw their agreement or
21 seek to rescind the Stipulation prior to the time the Director considers and acts upon it. If the
22 Director fails to adopt this Stipulation as the Decision and Order, the Stipulation for Revocation
23 of License and Order shall be of no force or effect, except for this paragraph, it shall be
24 inadmissible in any legal action between the parties, and the Director shall not be disqualified
25 from further action by having considered this matter.

26 17. The parties understand and agree that Portable Document Format (PDF) and facsimile
27 copies of this Stipulation for Revocation of License and Order, including PDF and facsimile
28 signatures thereto, shall have the same force and effect as the originals.

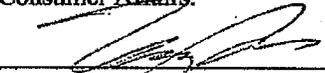
1 with all the laws, regulations and procedures for licensure in effect at the time the application or
 2 petition is filed, and all of the charges and allegations contained in Accusation No. 79/15-10 shall
 3 be deemed to be true, correct and admitted by Respondent when the Director determines whether
 4 to grant or deny the application.

5 Respondents, jointly and severally, shall pay the Bureau its costs of investigation and
 6 enforcement in the amount of \$4,000.00, prior to application for a new registration or license
 7 issued by the Bureau.

8 ACCEPTANCE

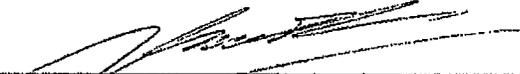
9 I have carefully read the above Stipulation for Revocation of License and Order and have
 10 fully discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect
 11 it will have on my Automotive Repair Dealer Registration; Smog Check, Test Only, Station
 12 License; and Smog Check Inspector License. I enter into this Stipulation for Revocation of
 13 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
 14 Decision and Order of the Director of Consumer Affairs.

15 DATED: 8/10/15


 THAI QUOC PHAN, PARTNER
 individually and authorized agent for
 SOUTH HARBOR SMOG TEST ONLY CENTER
 Respondent

19 I have carefully read the above Stipulation for Revocation of License and Order and have
 20 fully discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect
 21 it will have on my Automotive Repair Dealer Registration and Smog Check, Test Only, Station
 22 License. I enter into this Stipulation for Revocation of License and Order voluntarily, knowingly,
 23 and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer
 24 Affairs.

25 DATED: 8/10/15


 THUAN D. DO, PARTNER
 and authorized agent for
 SOUTH HARBOR SMOG TEST ONLY CENTER
 Respondent

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I have read and fully discussed with Respondents Thai Q. Phan and Thuan D. Do, Partners,
dba South Harbor Smog Test Only Center and Thai Quoc Phan, individually, the terms and
conditions and other matters contained in the above Stipulation for Revocation of License and
Order. I approve its form and content.

DATED: 8/11/15 Michael B. Levin
MICHAEL B. LEVIN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulation for Revocation of License and Order is hereby respectfully
submitted for consideration by the Director of Consumer Affairs

Dated: _____

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

DAVID E. HAUSFELD
Deputy Attorney General
Attorneys for Complainant

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1 I have read and fully discussed with Respondents Thai Q. Phan and Thuan D. Do, Partners,
2 dba South Harbor Smog Test Only Center and Thai Quoc Phan, individually, the terms and
3 conditions and other matters contained in the above Stipulation for Revocation of License and
4 Order. I approve its form and content.

5
6 DATED: _____

MICHAEL B. LEVIN
Attorney for Respondent

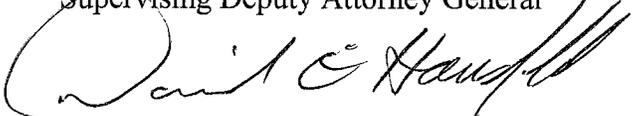
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8
9 **ENDORSEMENT**

10 The foregoing Stipulation for Revocation of License and Order is hereby respectfully
11 submitted for consideration by the Director of Consumer Affairs

12
13 Dated: 8/11/15

Respectfully submitted,

14
15 KAMALA D. HARRIS
Attorney General of California
16 JAMES M. LEDAKIS
Supervising Deputy Attorney General

17 
18 DAVID E. HAUSFELD
19 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/15-10

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Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD
Deputy Attorney General
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **SOUTH HARBOR SMOG TEST ONLY**
CENTER
14 **THAI Q. PHAN, PARTNER**
THUAN D. DO, PARTNER
15 **904 South Harbor Blvd.**
Santa Ana, CA 92704
16
Automotive Dealer Registration
17 **No. ARD 263142**
Smog Check, Test Only, Station License
18 **No. TC 263142**
19 **THAI QUOC PHAN**
904 South Harbor Blvd.
20 **Santa Ana, CA 92704 Smog Check Inspector**
License No. EO 148982
21 **(formerly Advanced Emission Specialist**
Technician License No. EA 148982)
22
23 **CHRISTINA LYNN MORETTA**
2137 Belmont Court
Norco, CA 92860
24 **Smog Check Inspector License No. EO 631995**
and Smog Check Repair Technician License
25 **No. EI 631995**
(formerly Advanced Emission Specialist
26 **Technician License No. EA 631995)**
27
28 Respondents.

Case No. 79/15-10

ACCUSATION
(SMOG CHECK)

1 Complainant alleges:

2 **PARTIES**

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

5 **Automotive Repair Dealer Registration No. ARD 263142**

6 2. On or about September 1, 2010, the Bureau of Automotive Repair (Bureau) issued
7 Automotive Repair Dealer Registration Number ARD 263142 (registration) to Thai Q. Phan and
8 Thuan D. Do, Partners, dba South Harbor Smog Test Only Center (Respondent South Harbor).
9 Respondent's registration was in full force and effect at all times relevant to the charges brought
10 herein and will expire on September 30, 2014, unless renewed.

11 **Smog Check, Test Only, Station License No. TC 263142**

12 3. On or about September 9, 2010, the Bureau issued Smog Check, Test Only, Station
13 License Number TC 263142 (smog check station license) to Thai Q. Phan and Thuan D. Do,
14 Partners, dba South Harbor Smog Test Only Center (Respondent South Harbor). Respondent's
15 smog check station license was in full force and effect at all times relevant to the charges brought
16 herein and will expire on September 30, 2014, unless renewed.

17 **Smog Check Inspector License No. EO 148982**

18 4. In 2004, the Bureau issued Advanced Emission Specialist License Number EA
19 148982 (technician license) to Thai Quoc Phan (Respondent Phan). The technician license was
20 due to expire on January 31, 2014. Pursuant to California Code of Regulations, title 16, section
21 3340.28, subdivision (e), the technician license was renewed, pursuant to Respondent Phan's
22 election, as Smog Check Inspector License No. EO 148982 (inspector license). Respondent
23 Phan's smog check inspector license and will expire on January 31, 2016, unless renewed.¹

24 ///

25 ///

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

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(4) Any other conduct that constitutes fraud.

....

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

....

(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.

15. Section 44072.2 of the Health and Safety Code 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 Safety Code, section 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.

....

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

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

17. Section 44072.10 of the Health and Safety Code states, in pertinent part:

....

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

....

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

3 18. Section 44012 of the Health and Safety Code provides, in pertinent part, that the test
4 at the smog check station shall be performed in accordance with procedures prescribed by the
5 department, pursuant to Section 44013.

6 19. Section 44032 of the Health and Safety Code provides, in pertinent part that qualified
7 technicians shall perform tests of emission control devices and systems in accordance with
8 Section 44012.

9 **REGULATORY PROVISIONS**

10 20. California Code of Regulations, title 16, (CCR) section 3340.24, (c), states:

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

14 21. CCR section 3340.30, subdivision (a), states:

15 "A smog check technician shall comply with the following requirements at all times while
16 licensed.

17 "(a) A licensed technician shall inspect, test and repair vehicles in accordance with section
18 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section
19 3340.42 of this article."

20 22. CCR section 3340.41, subdivision (b), states:

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

24 23. CCR section 3340.45, states:

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

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

1 SIXTH CAUSE FOR DISCIPLINE

2 (Violations of Motor Vehicle Inspection Program)

3 34. Respondent Phan's inspector license is subject to disciplinary action pursuant to
4 Health and Safety Code section 44072.2, subdivision (a), in that Respondent failed to comply
5 with the following sections of that Code:

6 a. **Section 44012:** Respondent Phan performed tests of emission control systems which
7 was not in accordance with procedures prescribed by the department.

8 b. **Section 44032:** Respondent Phan performed tests of emission control systems for
9 which he was not qualified.

10 SEVENTH CAUSE FOR DISCIPLINE

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

12 35. Respondent Phan's inspector license is subject to disciplinary action pursuant to
13 Health and Safety Code section 44072.2, subdivision (c), in that Respondent failed to comply
14 with provisions of California Code of Regulations, title 16, as follows:

15 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
16 electronic smog certificates of compliance for the two vehicles identified in paragraph 26, above.

17 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the two
18 vehicles identified in paragraph 26, above, in compliance with the Code.

19 c. **Section 3340.41, subdivision (b):** Respondent entered into the emissions inspection
20 system access or qualification numbers other than as authorized by the Bureau.

21 EIGHTH CAUSE FOR DISCIPLINE

22 (Dishonesty, Fraud or Deceit)

23 36. Respondent Phan's inspector license is subject to disciplinary action pursuant to
24 Health and Safety Code section 44072.2, subdivision (d), in that Respondent committed
25 dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic smog
26 certificates of compliance for the two vehicles identified in paragraph 26, above, thereby
27 depriving the People of the State of California of the protection afforded by the Motor Vehicle
28 Inspection Program.

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Violations of Motor Vehicle Inspection Program)**

3 37. Respondent Moretta's inspector license and repair license are subject to disciplinary
4 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent
5 failed to comply with the following sections of that Code:

6 a. **Section 44012:** Respondent Moretta allowed Respondent Phan to use her license and
7 access code numbers to perform tests of emission control systems which was not in accordance
8 with procedures prescribed by the department.

9 b. **Section 44032:** Respondent Moretta allowed Respondent Phan to use her license and
10 access code numbers to perform tests of emission control systems for which he was not qualified.

11 **TENTH CAUSE FOR DISCIPLINE**

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

13 38. Respondent Moretta's inspector license and repair license are subject to disciplinary
14 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent
15 failed to comply with provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent Moretta allowed Respondent Phan to
17 use her license and access code numbers to falsely or fraudulently issue electronic smog
18 certificates of compliance for the two vehicles identified in paragraph 26, above.

19 b. **Section 3340.41, subdivision (b):** Respondent Moretta allowed Respondent Phan to
20 use her license and access code numbers to be entered into the emissions inspection system.

21 c. **Section 3340.45:** Respondent Moretta allowed Respondent Phan to use her license
22 and access code numbers to be entered into the emissions inspection system in violation of the
23 Smog Check Inspection Procedures Manual.

24 **ELEVENTH CAUSE FOR DISCIPLINE**

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

26 39. Respondent Moretta's inspector license and repair license are subject to disciplinary
27 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent
28 committed dishonest, fraudulent or deceitful acts whereby another is injured by allowing

1 Respondent Phan to use her license and access code numbers to issue electronic smog certificates
2 of compliance for the two vehicles identified in paragraph 26, above, thereby depriving the
3 People of the State of California of the protection afforded by the Motor Vehicle Inspection
4 Program.

5 **OTHER MATTERS**

6 40. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke
7 or place on probation the registration for all places of business operated in this state by
8 Respondent Thai Q. Phan or Thuan D. Do, Partners, dba South Harbor Smog Test Only Center,
9 upon a finding that Respondent has, or is, engaged in a course of repeated and willful violations
10 of the laws and regulations pertaining to an automotive repair dealer.

11 41. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only,
12 Station License Number TC 263142, issued to Respondent Thai Q. Phan or Thuan D. Do,
13 Partners, dba South Harbor Smog Test Only Center, is revoked or suspended, any additional
14 license issued under this chapter in the name of said licensee may be likewise revoked or
15 suspended by the Director.

16 42. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
17 License No. EO 148982, issued to Respondent Thai Quoc Phan, is revoked or suspended, any
18 additional license issued under this chapter in the name of said licensee may be likewise revoked
19 or suspended by the Director.

20 43. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
21 License No. EO 631995 or Smog Check Repair Technician License No. EI 631995, issued to
22 Respondent Christina Lynn Moretta, is revoked or suspended, any additional license issued under
23 this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Director of Consumer Affairs issue a decision:
27
28

- 1 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
- 2 263142, issued to Thai Q. Phan and Thuan D. Do, Partners, dba South Harbor Smog Test Only
- 3 Center;
- 4 2. Revoking or suspending any other automotive repair dealer registrations issued to
- 5 Thai Q. Phan or Thuan D. Do;
- 6 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
- 7 263142, issued to Thai Q. Phan and Thuan D. Do, Partners, dba South Harbor Smog Test Only
- 8 Center;
- 9 4. Revoking or suspending Smog Check Inspector License Number EO 148982, issued
- 10 to Thai Quoc Phan;
- 11 5. Revoking or suspending any additional license issued under Chapter 5 of the Health
- 12 and Safety Code in the name of Thai Quoc Phan;
- 13 6. Revoking or suspending Smog Check Inspector License Number EO 631995 and
- 14 Smog Check Repair Technician License No. EI 631995, issued to Christina Lynn Moretta;
- 15 7. Revoking or suspending any additional license issued under Chapter 5 of the Health
- 16 and Safety Code in the name of Christina Lynn Moretta;
- 17 8. Ordering Respondents Thai Q. Phan, Thuan D. Do, Thai Quoc Phan and/or Christina
- 18 Lynn Moretta to pay the Bureau of Automotive Repair the reasonable costs of the investigation
- 19 and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 20 9. Taking such other and further action as deemed necessary and proper.

21
22
23 DATED: 7-22-14

24 *Patrick Dorais by Doug Balatti*
 PATRICK DORAIS
 Chief
 Bureau of Automotive Repair
 Department of Consumer Affairs
 State of California
 Complainant
Doug Balatti
 Assiast. chief

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