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7  
8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/16-38

13 **HUNG VAN PHAM**  
14 **dba LEE'S AUTO REPAIR**  
2303 Spring St.  
Redwood City, CA 94063

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 **Automotive Repair Dealer Registration No.**  
**ARD 211860**  
16 **Smog Check Station License No. RC 211860**  
**Brake Adjusting Station License No. BS**  
**211860**  
17 **Lamp Adjusting Station License No. LS**  
**211860**

18 **HUNG VAN PHAM**  
19 **3572 Corsica Ct.**  
20 **San Jose, CA 95148**

21 **Smog Check Repair Technician License No.**  
**EI 37019**  
22 **Smog Check Inspector License No. EO 37019**  
**Brake Adjuster License No. BA 37019**  
23 **Lamp Adjuster License No. LA 37019**

24 Respondent.

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27 ///

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

3 PARTIES

4 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair  
5 (Bureau), Department of Consumer Affairs. He brought this action solely in his official capacity  
6 and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,  
7 by Rosailda Perez, Deputy Attorney General.

8 2. Respondent Hung Van Pham (Respondent), dba Lee's Auto Repair is representing  
9 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

10 **Automotive Repair Dealer Registration**

11 3. On or about September 12, 2000, the Bureau of Automotive Repair issued  
12 Automotive Repair Dealer Registration No. ARD 211860 to Hung Van Pham (Respondent). The  
13 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
14 charges brought in Accusation No. 79/16-38 and will expire on July 31, 2016, unless renewed.

15 **Smog Check Station License**

16 4. On or about October 12, 2000, the Bureau of Automotive Repair issued Smog Check  
17 Station License No. RC 211860 to Respondent. The Smog Check Station License was in full  
18 force and effect at all times relevant to the charges brought in Accusation No. 79/16-38 and will  
19 expire on July 31, 2016, unless renewed.

20 **Lamp Station License**

21 5. On or about October 8, 2003, the Bureau of Automotive Repair issued Lamp Station  
22 License No. LS 211860, Class A to Respondent. The Lamp Station License was in full force and  
23 effect at all times relevant to the charges brought in Accusation No. 79/16-38 and will expire on  
24 July 31, 2016, unless renewed.

25 **Brake Station License**

26 6. On or about October 8, 2003, the Bureau issued Brake Station License Number BS  
27 211860, Class C to Respondent. The Brake Station License was in full force and effect at all  
28 times relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.





1 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
2 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the  
3 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision  
4 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except  
5 for this paragraph, it shall be inadmissible in any legal action between the parties, and the  
6 Director shall not be disqualified from further action by having considered this matter.

7 18. The parties understand and agree that Portable Document Format (PDF) and facsimile  
8 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
9 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

16 20. In consideration of the foregoing admissions and stipulations, the parties agree that  
17 the Director may, without further notice or formal proceeding, issue and enter the following  
18 Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that the following Licenses issued to Respondent Hung Van  
21 Pham are revoked:

- 22 • Brake Adjusting Station License No. BS 211860;
- 23 • Lamp Adjusting Station License No. LS 211860;
- 24 • Brake Adjuster License No. BA 37019; and
- 25 • Lamp Adjuster License No. LA 37019.

26 1. The revocation of Respondent's Brake Adjusting Station License, Lamp Adjusting  
27 Station License, Brake Adjuster License, and Lamp Adjuster License shall constitute imposition  
28 of discipline against Respondents. This stipulation constitutes a record of the discipline and shall

1 become a part of Respondent's license history with the Bureau of Automotive Repair.

2 2. Respondent shall lose all rights and privileges as a Brake Adjusting Station and Lamp  
3 Adjusting Station in California as of the effective date of the Director's Decision and Order.

4 3. Respondent shall cause to be delivered to the Bureau its pocket license and, if issued,  
5 its wall certificates, on or before the effective date of the Decision and Order.

6 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of  
7 California, the Bureau shall treat it as a new application for licensure. Respondent must comply  
8 with all the laws, regulations, and procedures for licensure in effect at the time the application or  
9 petition is filed, and all of the charges and allegations contained in Accusation No. 79/16-38 shall  
10 be deemed to be true, correct, and admitted by Respondent when the Director determines whether  
11 to grant or deny the application or petition.

12 IT IS FURTHER HEREBY ORDERED that the following Registration and Licenses  
13 issued to Respondent Hung Van Pham are also revoked:

- 14 • Automotive Repair Dealer Registration No. ARD 211860;
- 15 • Smog Check Station License No. RC 211860;
- 16 • Smog Check Repair Technician License No. EI 37019; and
- 17 • Smog Check Inspector License No. EO 37019,

18 However, these revocations stayed and the foregoing Registrations and Licenses are placed  
19 on probation for three (3) years on the following terms and conditions:

20 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 211860  
21 issued to Respondent Hung Van Pham is suspended for 15 consecutive days.

22 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
23 automotive inspections, estimates and repairs.

24 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the  
25 beginning and ending dates of the suspension and indicating the reason for the suspension. The  
26 sign shall be conspicuously displayed in a location open to and frequented by customers and shall  
27 remain posted during the entire period of actual suspension.

28 ///

1           4.       **Reporting.** Respondent or Respondent's authorized representative must report in  
2 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
3 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
4 maintaining compliance with the terms and conditions of probation.

5           5.       **Report Financial Interest.** Within 30 days of the effective date of this action, report  
6 any financial interest which any partners, officers, or owners of the Respondent facility may have  
7 in any other business required to be registered pursuant to Section 9884.6 of the Business and  
8 Professions Code.

9           6.       **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
10 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

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

15           8.       **Violation of Probation.** Should the Director of Consumer Affairs determine that  
16 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
17 after giving notice and opportunity to be heard suspend or revoke Automotive Repair Dealer  
18 Registration No. ARD 211860; Smog Check Station License No. RC 211860; Smog Check  
19 Repair Technician License No. EI 37019; Smog Check Inspector License No. EO 37019 issued to  
20 Respondent.

21           9.       **Cost Recovery.** Payment to the Bureau of cost recovery in the amount of \$7,200.00,  
22 payable in 24 consecutive, equal monthly installments with final payment due 12 months before  
23 the termination of probation. Failure to complete payment of cost recovery within this time frame  
24 shall constitute a violation of probation which may subject Respondent's registration and licenses  
25 to outright revocation; however, the Director or the Director's Bureau of Automotive Repair  
26 designee may elect to continue probation until such time as reimbursement of the entire cost  
27 recovery amount has been made to the Bureau.

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**Exhibit A**

**Accusation No. 79/16-38**

1 KAMAG D. HARRIS  
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2 JOSHUA A. ROOM  
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ACCUSATION  
Smog Check

15 **Automotive Repair Dealer Registration No. ARD 211860**  
16 **Smog Check Station License No. RC 211860**  
**Brake Adjusting Station License No. BS 211860**  
**Lamp Adjusting Station License No. LS 211860**

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19 **Smog Check Repair Technician License No. EI 37019**  
20 **Smog Check Inspector License No. EO 37019**  
**Brake Adjuster License No. BA 37019**  
21 **Lamp Adjuster License No. LA 37019**

Respondent.

22  
23 Complainant alleges:

24 **PARTIES**

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

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1                   **Automotive Repair Dealer Registration**

2                   2.       On or about September 12, 2000, the Bureau issued Automotive Repair Dealer  
3 Registration Number ARD 211860 to Hung Van Pham (Respondent), dba Lee's Auto Repair.  
4 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
5 charges brought herein and will expire on July 31, 2016, unless renewed.

6                   **Smog Check Station License**

7                   3.       On or about October 12, 2000, the Bureau issued Smog Check Station License  
8 Number RC 211860 to Respondent. The Smog Check Station License was in full force and effect  
9 at all times relevant to the charges brought herein and will expire on July 31, 2016, unless  
10 renewed.

11                   **Lamp Station License**

12                   4.       On or about October 8, 2003, the Bureau issued Lamp Station License Number LS  
13 211860, Class A to Respondent. The Lamp Station License was in full force and effect at all times  
14 relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

15                   **Brake Station License**

16                   5.       On or about October 8, 2003, the Bureau issued Brake Station License Number BS  
17 211860, Class C to Respondent. The Brake Station License was in full force and effect at all times  
18 relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

19                   **Smog Check Inspector License and Smog Check Repair Technician License**

20                   6.       In or about 1999 the Bureau issued Advanced Emission Specialist License Number EA  
21 37019 to Respondent. The Advanced Emission Specialist License was cancelled on March 5,  
22 2014. Pursuant to California Code of Regulations, title 16, section 3340.28, subsection (e), the  
23 license was renewed, pursuant to Respondent's election, as Smog Check Inspector License  
24 Number License No. EO 37019 and Smog Check Repair Technician License No. EI 37019.<sup>1</sup> The  
25 Smog Check Inspector (EO) and Smog Check Repair Technician (EI) Licenses are due to expire

26                   <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, section 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 and/or Smog Check Repair Technician (EI) license.

1 on June 30, 2016, unless renewed

2 **Brake Adjuster License**

3 7. In or about 2003, the Bureau of Automotive Repair issued Brake Adjuster License  
4 Number BA 37019, Class C, to Respondent. The Brake Adjuster License was in full force and  
5 effect at all times relevant to the charges brought herein and will expire on June 30, 2019, unless  
6 renewed.

7 **Lamp Adjuster License**

8 8. In or about 1996, the Bureau of Automotive Repair issued Lamp Adjuster License  
9 Number LA 37019, Class A, to Respondent. The Lamp Adjuster License was in full force and  
10 effect at all times relevant to the charges brought herein and will expire on June 30, 2019, unless  
11 renewed.

12 **JURISDICTION**

13 9. This Accusation is brought before the Director of the Department of Consumer Affairs  
14 (Director) for the Bureau of Automotive Repair, under the authority of the following laws. All  
15 section references are to the Business and Professions Code unless otherwise indicated.

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

20 11. Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
21 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding  
22 against an automotive repair dealer or to render a decision invalidating a registration temporarily  
23 or permanently.

24 12. Code section 9884.7 provides that the Director may revoke an automotive repair  
25 dealer registration.

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



1 automotive repair dealer, which are done by the automotive repair dealer or any automotive  
2 technician, employee, partner, officer, or member of the automotive repair dealer.

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

6 "...

7 "(4) Any other conduct which constitutes fraud.

8 "...

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

11 "...

12 20. Code section 9889.3 states, in pertinent part:

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

16 "(a) Violates any section of the Business and Professions Code that relates to his or her  
17 licensed activities.

18 "...

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

20 "...

21 "(f) Aids or abets an unlicensed person to evade the provisions of this chapter.

22 "...

23 "(h) Violates or attempts to violate the provisions of this chapter relating to the particular  
24 activity for which he or she is licensed.

25 "...

26 21. Code section 9889.22 states:

27 "The willful making of any false statement or entry with regard to a material matter in any  
28 oath, affidavit, certificate of compliance or noncompliance, or application form which is required

1 by this chapter [the Automotive Repair Act] or Chapter 5 (commencing with Section 44000) of  
2 Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as  
3 provided in the Penal Code."

4 22. Health and Safety Code section 44072.2 states:

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

8 "...

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

10 "..."

11 23. Health and Safety Code section 44072.6 states:

12 "The expiration or suspension of a license by operation of law or by order or decision of the  
13 director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the  
14 director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings  
15 against, the licensee, or to render a decision suspending or revoking the license."

16 **COST RECOVERY**

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

23 **FACTS**

24 25. On or about September 16, 2014, a Bureau investigator visited Lee's Auto Repair to  
25 perform a routine brake and lamp station inspection. The Bureau investigator was met and  
26 assisted by Respondent's employee, Dan Duc Thai.

27 26. Mr. Thai informed the Bureau investigator he was not licensed to perform brake and  
28 lamp inspections and that Respondent was the only licensed brake and lamp adjuster working at

1 Respondent.

2 27. During the course of his investigation, the Bureau investigator discovered that:

3 (a) Respondent had pre-signed the following 4 certificates of brake adjustment: (1) BC  
4 1916963; (2) BC 1916964; (3) BC 1916965; and (4) BC 1916966;

5 (b) Respondent had pre-signed the following 4 certificates of lamp adjustment: (1) LC  
6 1885570; (2) LC 1885571; (3) LC 1885572; and (4) LC 1885573;

7 (c) Mr. Thai performed the following 9 brake inspections and issued the following  
8 certificates of adjustment Respondent had signed: (1) BC 1873453; (2) BC 1873493; (3) BC  
9 1873495; (4) BC 1873497; (5) BC 1873498; (6) BC 1873499; (7) BC 1873500; (8) BC 1916960;  
10 (9) BC 1916962, and

11 (d) Mr. Thai performed the following 11 lamp inspections and issued the following  
12 certificates of adjustment Respondent had signed: (1) LC 1843202; (2) LC 1843203; (3) LC  
13 1843210; (4) LC 1843250; (5) LC 1885552; (6) LC 1885554; (7) BL 1885555; (8) LC 1885556;  
14 (9) LC 1885557; (10) LC 1885567; (11) LC 1885569.

15 28. Mr. Thai admitted to the Bureau investigator that for the last three years, Respondent  
16 had pre-signed certificates of adjustment so that Mr. Thai could perform brake and lamp  
17 inspections and issue certificates of adjustment during Respondent's absence.

18 29. On or about September 17, 2014, Respondent met with Bureau staff to discuss the  
19 Bureau investigator's findings.

20 30. Respondent admitted that for the last three years he had pre-signed brake and lamp  
21 certificates of adjustment and authorized Mr. Thai to perform the brake and lamp inspections and  
22 issue the certificates of adjustment during Respondent's absence.

23 31. Respondent admitted he pre-signed the four brake and four lamp certificates of  
24 adjustment the Bureau investigator found and admitted that Mr. Thai performed the brake and  
25 lamp inspections the Bureau investigator identified in the certificates of adjustments.

26 32. By signing the certificates of adjustment, an individual certifies, under penalty of  
27 perjury, that he or she has performed the applicable inspection, adjustment, or repair, as specified  
28 by, among other sources, the Bureau of Automotive Repair and Business and Professions Code.

1 33. Respondent caused injury.

2 **FIRST CAUSE FOR DISCIPLINE**

3 (Untrue/Misleading Statements)

4 34. Respondent's ARD Registration is subject to disciplinary action under section Code  
5 section 9884.7, subdivision (a)(1), in that it Respondent made or authorized written statements it  
6 knew to be untrue or misleading when it pre-signed brake and lamp certificates of adjustment, as  
7 described in paragraphs 25-33, above.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Fraud)

10 35. Respondent's ARD Registration is subject to disciplinary action under section Code  
11 section 9884.7, subdivision (a)(4), in that Respondent committed acts involving dishonesty, fraud,  
12 or deceit, when it pre-signed brake and lamp certificates of adjustment, as described in paragraphs  
13 25-33, above.

14 **THIRD CAUSE FOR DISCIPLINE**

15 (Failure to Comply with Automotive Repair Act)

16 36. Respondent's ARD Registration is subject to disciplinary action under section Code  
17 section 9884.7, subdivision (a)(6), in that Respondent violated Code section 9889.22, when it  
18 engaged in fraudulent behavior, as described in paragraphs 25-33, above.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 (Violation of Code)

21 37. Respondent's Brake and Lamp Station licenses are subject to disciplinary action under  
22 Code section 9889.3, subdivision (a), in that Respondent violated Code sections 125 and 9889.22,  
23 when it pre-signed certificates of adjustment without having performed the requisite inspections  
24 and allowed an unlicensed employee to perform the requisite brake and lamp inspections, as  
25 described in paragraphs 25-33, above.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Fraud, Dishonesty, or Deceit)

3 38. Respondent's Brake and Lamp Station licenses are subject to disciplinary action under  
4 section Code section 9889.3, subdivision (d), in that it committed acts involving dishonesty, fraud,  
5 or deceit whereby another is injured, as described in paragraphs 25-33, above.

6 SIXTH CAUSE FOR DISCIPLINE

7 (Violation of Chapter)

8 39. Respondent's Brake and Lamp Station licenses are subject to disciplinary action  
9 under section Code section 9889.3, subdivision (h), in that that Respondent violated code section  
10 9889.22, when it pre-signed certificates of adjustment without having performed the requisite  
11 inspections and allowed an unlicensed employee to perform the requisite brake and lamp  
12 inspections using Respondent's brake and lamp adjuster licenses, as described in paragraphs 25-33,  
13 above.

14 SEVENTH CAUSE FOR DISCIPLINE

15 (Aiding or Abetting Unlicensed Person)

16 40. Respondent's Brake and Lamp Station licenses are subject to disciplinary action under  
17 Code section 9889.3, subdivision (f), in that it aided in abetted an unlicensed person when it  
18 allowed an unlicensed employee to perform brake and lamp inspections using Respondent's brake  
19 and lamp adjuster licenses, as described in paragraphs 25-33, above.

20 EIGHTH CAUSE FOR DISCIPLINE

21 (Fraud, Dishonesty, or Deceit)

22 41. Respondent's Smog Station license is subject to disciplinary action under section  
23 Health and Safety Code section 44072.2, subsection (d), in that it committed acts involving  
24 dishonesty, fraud, or deceit whereby another is injured, as described in paragraphs 25-33, above.

25 NINTH CAUSE FOR DISCIPLINE

26 (Violation of Code)

27 42. Respondent's Brake and Lamp Adjuster licenses are subject to disciplinary action  
28 under Code section 9889.3, subdivision (a), in that he violated Code sections 125 and 9889.22,

1 when he pre-signed certificates of adjustment without having performed the requisite inspections  
2 and allowed an unlicensed employee, to perform the requisite brake and lamp inspections, as  
3 described in paragraphs 25-33, above.

4 **TENTH CAUSE FOR DISCIPLINE**

5 (Fraud, Dishonesty, or Deceit)

6 43. Respondent's Brake and Lamp Adjuster licenses are subject to disciplinary action  
7 under section Code section 9889.3, subdivision (d), in that he committed acts involving dishonesty,  
8 fraud, or deceit whereby another is injured, as described in paragraphs 25-33, above.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 (Violation of Chapter)

11 44. Respondent's Brake and Lamp Adjuster licenses are subject to disciplinary  
12 action under section Code section 9889.3, subdivision (h), in that that he violated Code section  
13 9889.22, when he pre-signed certificates of adjustment without having performed the requisite  
14 inspections and allowed an unlicensed employee to perform the requisite brake and lamp  
15 inspections using his brake and lamp adjuster licenses, as described in paragraphs 25-33, above.

16 **THIRTEENTH CAUSE FOR DISCIPLINE**

17 (Aiding or Abetting Unlicensed Person)

18 45. Respondent's Brake and Lamp Adjuster licenses are subject to disciplinary action  
19 under Code section 9889.3, subdivision (f), in that he aided in abetted an unlicensed person when  
20 he allowed an unlicensed employee to perform brake and lamp inspections using his brake and  
21 lamp adjuster licenses, as described in paragraphs 25-33, above.

22 **FOURTEENTH CAUSE FOR DISCIPLINE**

23 (Fraud, Dishonesty, or Deceit)

24 46. Respondent's Smog Check Repair Technician and Smog Check Inspector licenses are  
25 subject to disciplinary action under section Health and Safety Code section 44072.2, subsection  
26 (d), in that he committed acts involving dishonesty, fraud, or deceit whereby another is injured, as  
27 described in paragraphs 25-33, above.

28 ///

1 OTHER MATTERS

2 47. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke, or  
3 place on probation the registration for all places of business operated in this state by Hung Van  
4 Pham (Respondent), dba Lee's Auto Repair upon finding that Respondent has, or is, engaged in a  
5 course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

6 48. Pursuant to Code section 9889.9, if Respondent's Lamp Station license or Brake  
7 Station license is revoked or suspended, any additional license issued under this chapter in the  
8 name of said licensee may be likewise revoked or suspended by the director.

9 49. Pursuant to Business and Professions Code section 9889.9, if Respondent's Lamp  
10 Adjuster license or Brake Adjuster license is revoked or suspended, any additional license issued  
11 under this chapter in the name of said licensee may be likewise revoked or suspended by the  
12 director.

13 50. Pursuant to Health & Safety Code section 44072.8, if Respondent's Smog Station  
14 license is revoked or suspended, any additional license issued under this chapter in the name of said  
15 licensee may be likewise revoked or suspended by the director.

16 51. Pursuant to Health & Safety Code section 44072.8, if Respondent's Smog Check  
17 Repair Technician license or Smog Check Inspector License is revoked or suspended, any  
18 additional license issued under this chapter in the name of said licensee may be likewise revoked or  
19 suspended by the director.

20 DISCIPLINE CONSIDERATIONS

21 52. To determine the degree of discipline, if any, to be imposed on Respondent,  
22 Complainant alleges that:

23 (a) On or about September 25, 2012, in a prior action, the Bureau of Automotive Repair  
24 issued Citation Number C2013-0231, and ordered Respondent to pay \$1,000.00. The Citation  
25 was issued after Respondent improperly inspected and issued a Certificate of Compliance to a  
26 Bureau undercover vehicle with a missing Air Injection System on or about June 28, 2012. That  
27 Citation was paid in full on or about October 21, 2012, is now final, and is incorporated by  
28 reference as if fully set forth.

1 (b) On or about May 18, 2010, in a prior action, the Bureau of Automotive Repair issued  
2 Citation Number M2010-1188, and ordered Respondent to complete an 8-hour training course.  
3 The citation was issued after Respondent issued a Certificate of Compliance to a Bureau  
4 undercover vehicle with a missing Pulse Secondary Air Injection System Reed Valve Assembly on  
5 or about April 26, 2010. That Citation was complied with on July 24, 2010, is now final, and is  
6 incorporated by reference as if fully set forth.

7 **PRAYER**

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

10 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
11 211860, issued to Hung Van Pham;

12 1. Revoking or suspending Smog Check Station License Number RC 211860, issued to:  
13 Hung Van Pham;

14 2. Revoking or suspending Lamp Station License Number LS 211860, Class A, issued to  
15 Hung Van Pham;

16 3. Revoking or suspending Brake Station License Number BS 211860, Class C, issued to  
17 Hung Van Pham;

18 4. Revoking or suspending Smog Check Inspector License Number EO 37019, issued to  
19 Hung Van Pham;

20 5. Revoking or suspending Smog Check Repair Technician License Number EI 37019,  
21 issued to Hung Van Pham;

22 6. Revoking or suspending Brake Adjuster License Number BA 37019, Class C, issued  
23 to Hung Van Pham;

24 7. Revoking or suspending Lamp Adjuster License Number LA 37019, Class A, issued to  
25 Hung Van Pham;

26 8. Ordering Respondent to pay the Bureau of Automotive Repair the reasonable costs of  
27 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
28 125.3;

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

DATED: October 19, 2015 

PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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