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

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11 In the Matter of the Accusation Against:

Case No. 79/12-120

12 **SONG VAN PHAN**
13 **15871 Garnet Street**
Westminster, CA 92683-7234
14 **Advanced Emission Specialist Technician**
License No. EA 142760

ACCUSATION
SMOG CHECK

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 **Advanced Emission Specialist Technician License**

22 2. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist
23 Technician License Number EA 142760 ("technician license") to Song Van Phan
24 ("Respondent"). The technician license was suspended on October 3, 2011, and expired under
25 suspension on November 30, 2011.

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1 **CAUSE FOR DISCIPLINE**

2 **(Failure to Complete Training)**

3 9. Respondent has subjected his technician license to discipline pursuant to Health and
4 Safety Code section 44050, subdivision (e), in that on or about April 14, 2011, the Bureau issued
5 Citation No. M2011-1193 to Respondent against his technician license for violations of Health
6 and Safety Code section 44032, (qualified technicians shall perform tests of emission control
7 systems and devices in accordance with section 44012 of that Code) and California Code of
8 Regulations, title 16, ("Regulation") section 3340.30, subdivision (a) (qualified technicians shall
9 inspect, test, and repair vehicles in accordance with sections 44012 and 44035 of the Health and
10 Safety Code, and Regulation section 3340.42). On April 26, 2011, the Bureau served Respondent
11 with the citation. The Bureau required that Respondent complete a 16-hour training course.
12 However, Respondent did not appeal the citation within thirty (30) days of service of the citation
13 nor has Respondent completed the required training.

14 **OTHER MATTERS**

15 10. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
16 Technician License Number EA 142760, issued to Song Van Phan, is revoked or suspended, any
17 additional license issued under this chapter in the name of said licensee may be likewise revoked
18 or suspended by the director.

19 **PRAYER**

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

22 1. Revoking or suspending Advanced Emission Specialist Technician License Number
23 EA 142760, issued to Song Van Phan;

24 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
25 and Safety Code in the name of Song Van Phan;

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3. Ordering Song Van Phan to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: April 17, 2012


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

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