

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

In the Matter of the Accusation Against:

SONG VAN PHAN
15871 Garnet Street
Westminster, CA 92683-7234

Advanced Emission Specialist Technician
License No. EA 142760

Respondent.

Case No. 79/12-120

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 9/14/12.

DATED: August 28, 2012



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804
7 Attorneys for Complainant

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. 79/12-120

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

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Respondent.

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

20 PARTIES

21 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
22 brought this action solely in his official capacity and is represented in this matter by Kamala D.
23 Harris, Attorney General of the State of California, by Gregory J. Salute, Supervising Deputy
24 Attorney General.

25 2. Respondent Song Van Phan (Respondent) is representing himself in this proceeding
26 and has chosen not to exercise his right to be represented by counsel.
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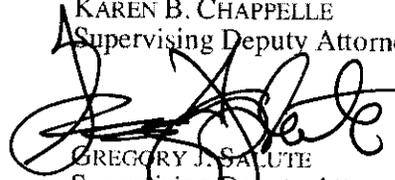
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 6-29-2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



GREGORY J. SALUTE
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-120

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804
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8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
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11 In the Matter of the Accusation Against:
12 **SONG VAN PHAN**
13 **15871 Garnet Street**
14 **Westminster, CA 92683-7234**
Advanced Emission Specialist Technician
License No. EA 142760
15 Respondent.

Case No. 79/12-120

A C C U S A T I O N
S M O G C H E C K

16
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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1 3. Ordering Song Van Phan to pay the Bureau of Automotive Repair the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3; and,

4 2. Taking such other and further action as deemed necessary and proper.
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8 DATED: ~~April~~ 17, 2012


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

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