

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*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. 79/12-166

13 **THINH TRONG NGUYEN**  
14 **8131 Larson Avenue #6**  
**Garden Grove, CA 92844**

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

15 **Advanced Emission Specialist Technician**  
16 **License No. EA 149867**

17 Respondents.

18 Complainant alleges:

19 **PARTIES**

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

22 **Advanced Emission Specialist Technician License**

23 2. On a date uncertain in 2004, the Bureau issued Advanced Emission Specialist  
24 Technician License Number EA 149867 ("technician license") to Think Trong Nguyen  
25 ("Respondent"). The technician license was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on March 31, 2013, unless renewed.

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

3 b. **Section 3340.41, subdivision (c):** Respondent entered false information into the  
4 Emission Inspection System for electronic Certificate of Compliance No. XB127156C by  
5 entering "Pass" for the visual inspection of the PCV system when, in fact, the vehicle could not  
6 pass that portion of the inspection because the vehicle's PCV system was missing.

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

9 **THIRD CAUSE FOR DISCIPLINE**

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

11 12. Respondent has subjected his technician license to discipline under Health and Safety  
12 Code section 44072.2, subdivision (d), in that on or about November 10, 2011, regarding the  
13 1997 Cadillac Seville, he committed acts involving dishonesty, fraud or deceit whereby another  
14 was injured by issuing electronic Certificate of Compliance No. XB127156C without performing  
15 a bona fide inspection of the emission control devices and systems on that vehicle, thereby  
16 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
17 Inspection Program.

18 **PRIOR CITATIONS**

19 13. To determine the degree of penalty, if any, to be imposed upon Respondent,  
20 Complainant alleges, as follows:

21 a. On April 21, 2009, the Bureau issued Citation No. M09-1218 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 the ignition

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1 timing adjusted beyond the manufacturer's specifications. Respondent was required to attend an  
2 8-hour training course. Respondent complied with this citation on June 3, 2009.

3 b. On August 31, 2009, the Bureau issued Citation No. M2010-0166 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 the ignition  
10 timing adjusted beyond the manufacturer's specifications. Respondent was required to attend a  
11 16-hour training course. Respondent complied with this citation on October 26, 2009.

12 c. On March 22, 2011, the Bureau issued Citation No. M2011-1126 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 the ignition  
19 timing adjusted beyond the manufacturer's specifications. Respondent was required to attend a  
20 Basic Clean Air Car Course. Respondent complied with this citation on June 15, 2011.

21 **OTHER MATTERS**

22 14. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
23 Technician License Number EA 149867, issued to Think Trong Nguyen, is revoked or  
24 suspended, any additional license issued under this chapter in the name of said licensee may be  
25 likewise revoked or suspended by the director.

26 **PRAYER**

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

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1. Revoking or suspending Advanced Emission Specialist Technician License Number EA 149867, issued to Thinh Trong Nguyen;
2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Thinh Trong Nguyen;
3. Ordering Thinh Trong Nguyen 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,
4. Taking such other and further action as deemed necessary and proper.

DATED: June 15-2012

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

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