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

10  
11 In the Matter of the Accusation Against:

Case No. **79/15-44**

12 **ADVANCED SMOG**  
**Zin Sio, Owner**  
13 **140 South Linden Avenue, Unit B**  
**South San Francisco, CA 94080**  
14  
15 **Automotive Repair Dealer Registration No.**  
**ARD 260949**

**A C C U S A T I O N**

**(S M O G C H E C K)**

16 **Smog Check Test Only Station License No.**  
**TC 260949**

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18 **Zin Sio, aka Twantzin Phoo**  
**1836 Trym Street**  
**Hayward, CA 94541**

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20 **Smog check Inspector License No. EO**  
**152017**

21 **Smog Check Repair Technician License No.**  
**EI 152017 (formerly Advanced Emissions**  
22 **Specialist Technician License No. EA**  
**152017)**

23  
24 Respondent.





1 **COST RECOVERY**

2 12. Section 125.3 of the Code provides, in pertinent part, that a Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

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7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Failure to Pay Fine –Smog Station)**

9 13. Respondent has subjected his station license to discipline pursuant to Health and  
10 Safety Code section 44050, subdivision (e), in that Respondent failed to pay citation fines. On or  
11 about March 17, 2011, the Bureau issued Citation No. C2011-1073 to Respondent against his  
12 Smog Check Test Only Station for violations of Health and Safety Code section 44012(f), (failure  
13 to determine that emission control devices and systems required by the State and Federal law are  
14 installed and functioning correctly in accordance with test procedures) and California Code of  
15 regulations, title 16, (“Regulation”) section 3340.35, subdivision (c) (issuing a certificate of  
16 compliance to a vehicle that was improperly tested).

17 14. On March 30, 2011, the Bureau served Respondent with Citation No. C2011-1073.  
18 The Bureau required that Respondent pay a penalty of \$1500.00. A request for appeal was filed  
19 on April 18, 2011, but the appeal for the citation was later withdrawn on February 21, 2012 and  
20 became effective on February 21, 2012. No payment was ever received.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Complete Training - Technician)**

3 15. Respondent has subjected his technician license to discipline pursuant to Health and  
4 Safety Code section 44050, subdivision (e), in that Respondent failed to comply with the terms of  
5 the citation. On or about March 17, 2011, the Bureau issued Citation No. M2011-1074 to  
6 Respondent against his technician license violations of Health and Safety Code section 44032,  
7 (qualified technicians shall perform tests of emission control systems and devices in accordance  
8 with section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation")  
9 section 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in  
10 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section  
11 3340.42).

12 16. On March 30, 2011, the Bureau served Respondent with Citation No. M2011-1074.  
13 The Bureau required that Respondent complete an 16-hour training course. A request for appeal  
14 was filed on April 18, 2011, but the appeal for was later withdrawn on November 26, 2013 and  
15 became effective November 26, 2013. No proof of training was ever received.

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17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Failure to Pay Fine - Smog Station)**

19 17. Respondent has subjected his station license to discipline pursuant to Health and  
20 Safety Code section 44050, subdivision (e), in that Respondent failed to pay citations. On or  
21 about June 6, 2011, the Bureau issued Citation No. C2011-1453 to Respondent smog station for  
22 violations of Health and Safety Code section 44012 (f), (failure to determine that emission control  
23 devices and systems required by State and Federal law are installed and functioning correctly in  
24 accordance with test procedures)



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PRAYER

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

1. Revoking or suspending Smog Check Inspector License No. EO 152017 and Smog Check Repair Technician License No. EI 152017 (formerly Advanced Emission Specialist Technician License No. EA 152017), issued to Zin Sio aka Twantzin Phoo;
2. Revoking or suspending Smog Check, Test Only, Station License Number TC 260949, issued to Zin Sio;
3. Ordering Zin Sio aka Twantzin Phoo 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;
4. Taking such other and further action as deemed necessary and proper.

DATED: September 24, 2014 

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

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Zin Sio.docx