

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

In the Matter of the Accusation Against:

**480 KEYES TEST ONLY
HOANG NGUYEN, Owner**
480 Keyes Street
San Jose, CA 95112

Automotive Repair Dealer Registration
No. ARD 253934
Smog Check Test Only Station License
No. TC 253934

and

HOANG NGUYEN
480 Keyes Street
San Jose, CA 95112

Advanced Emission Specialist Technician
License No. EA 154713

Respondent.

Case No. 79/11-35

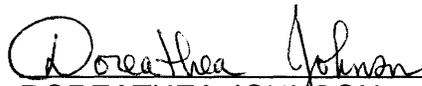
DECISION

The attached Stipulated Revocation of Automotive Repair Dealer Registration and Smog Check Test Only License and Stipulated Settlement for Advanced Emission Specialist Technician License 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 _____

1/23/12

DATED: December 15, 2011


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
 Attorney General of California
 2 DIANN SOKOLOFF
 Supervising Deputy Attorney General
 3 SHANA A. BAGLEY
 Deputy Attorney General
 4 State Bar No. 169423
 1515 Clay Street, 20th Floor
 5 P.O. Box 70550
 Oakland, CA 94612-0550
 6 Telephone: (510) 622-2129
 Facsimile: (510) 622-2270
 7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 79/11-35

12 **480 KEYES TEST ONLY**
 13 **480 Keyes Street**
San Jose, CA 95112
 14 **HOANG NGUYEN, OWNER**

STIPULATED REVOCATION OF
AUTOMOTIVE REPAIR DEALER
REGISTRATION AND SMOG CHECK
TEST ONLY LICENSE AND
STIPULATED SETTLEMENT FOR
ADVANCED EMISSION SPECIALIST
TECHNICIAN LICENSE AND
DISCIPLINARY ORDER

15 **Automotive Repair Dealer Registration No.**
ARD 253934

16 **Smog Check Test Only Station License No.**
 17 **TC 253934**

18 **AND**

19 **HOANG NGUYEN**
 20 **480 Keyes Street**
San Jose, CA 95112

21 **Advanced Emission Specialist Technician**
 22 **License No. EA 154713**

23 Respondent.

24
 25
 26 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
 27 entitled proceedings that the following matters are true:

28 *///*

1 PARTIES

2 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair
3 (Bureau). She brought this action solely in her official capacity and is represented in this matter
4 by Kamala D. Harris, Attorney General of the State of California, by Shana A. Bagley, Deputy
5 Attorney General.

6 2. Respondent Hoang Nguyen doing business as 480 Keyes Test Only is represented in
7 this proceeding by attorney William D. Ferreira, Esq., whose address is: Automotive Defense
8 Specialists, 582 Market Street, Suite 1608, San Francisco, CA 94104 .

9 3. On or about February 29, 2008, the Bureau issued Automotive Repair Dealer
10 Registration No. ARD 253934 (Registration) to Hoang Nguyen doing business as 480 Keyes Test
11 Only (Respondent). The Registration expired on January 31, 2010, and has not been renewed.

12 4. On or about March 25, 2008, the Bureau issued Smog Check Test Only Station
13 License No. TC 253934 (Station License) to Respondent. The Station License expired on
14 January 31, 2010, and has not been renewed.

15 5. On a date uncertain in 2007, the Bureau issued Advanced Emissions Specialist
16 License No. EA 154713 (Technician License) to Respondent. The Technician License was in full
17 force and effect at all times relevant to the charges brought in Accusation No. 79/11-35 and will
18 expire on June 30, 2013, unless renewed.

19 JURISDICTION

20 6. Accusation No. 79/11-35 was filed before the Bureau, and is currently pending
21 against Respondent. The Accusation and all other statutorily required documents were properly
22 served on Respondent on December 2, 2010. Respondent timely filed his Notice of Defense
23 contesting the Accusation. A copy of Accusation No. 79/11-35 is attached as Exhibit "A" and
24 incorporated by reference.

25 ADVISEMENT AND WAIVERS

26 7. Respondent has carefully read and understands the charges and allegations in
27 Accusation No. 79/11-35. Respondent has also carefully read, fully discussed with counsel, and
28 understands the effects of this Stipulated Revocation of Automotive Repair Dealer Registration

1 and Smog Check Test Only License and Stipulated Settlement for Advanced Emission Specialist
2 Technician License and Disciplinary Order.

3 8. Respondent is fully aware of his legal rights in this matter, including the right to a
4 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
5 his own expense; the right to confront and cross-examine the witnesses against them; the right to
6 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
7 the attendance of witnesses and the production of documents; the right to reconsideration and
8 court review of an adverse decision; and all other rights accorded by the California
9 Administrative Procedure Act and other applicable laws.

10 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
11 every right set forth above.

12 **CULPABILITY**

13 10. Respondent admits the truth of each and every charge and allegation in Accusation
14 No. 79/11-35.

15 11. Respondent agrees that his Automotive Repair Dealer Registration, Smog Check Test
16 Only Station License, and Advanced Emission Specialist Technician License are subject to
17 discipline and he agrees to be bound by the Bureau's probationary terms as set forth in the
18 Disciplinary Order below.

19 **CIRCUMSTANCES IN MITIGATION**

20 12. Respondent has never been the subject of any disciplinary action. He is admitting
21 responsibility at an early stage in the proceedings.

22 **CONTINGENCY**

23 13. The parties understand and agree that facsimile copies of this Stipulated Revocation
24 of Automotive Repair Dealer Registration and Smog Check Test Only License and Stipulated
25 Settlement for Advanced Emission Specialist Technician License and Disciplinary Order,
26 including facsimile signatures thereto, shall have the same force and effect as the originals.

27 ///

28 ///

1 14. This Stipulated Revocation of Automotive Repair Dealer Registration and Smog
2 Check Test Only License and Stipulated Settlement for Advanced Emission Specialist Technician
3 License and Disciplinary Order is intended by the parties to be an integrated writing representing
4 the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior
5 or contemporaneous agreements, understandings, discussions, negotiations, and commitments
6 (written or oral). This Stipulated Revocation of Automotive Repair Dealer Registration and
7 Smog Check Test Only License and Stipulated Settlement for Advanced Emission Specialist
8 Technician License and Disciplinary Order may not be altered, amended, modified,
9 supplemented, or otherwise changed except by a writing executed by an authorized representative
10 of each of the parties.

11 15. In consideration of the foregoing admissions and stipulations, the parties agree that
12 the Bureau may, without further notice or formal proceeding, issue and enter the following
13 Disciplinary Orders:

14 **DISCIPLINARY ORDER AS TO AUTOMOBILE REPAIR**
15 **DEALER REGISTRATION ARD 216681 AND**
16 **AS TO SMOG CHECK TEST ONLY STATION LICENSE TC 253934**

17 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration Number ARD
18 253934 and Smog Check Test Only Station License Number TC 253934 issued to Hoang Nguyen
19 doing business as 480 Keyes Test Only are revoked.

20 1. The revocation of this Registration and Station License shall constitute the imposition
21 of discipline against Respondent. This stipulation constitutes a record of the discipline and shall
22 become a part of Respondent's license history with the Bureau.

23 2. Respondent shall lose all rights and privileges as a registered Automotive Repair
24 Dealer and Smog Check Test Only Station as of the effective date of the Director's Decision and
25 Order.

26 3. Respondent shall cause to be delivered to the Bureau all of his registration and station
27 license and wall and pocket certificates on or before the effective date of the Decision and Order.
28

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

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

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

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

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

17 7. **Jurisdiction.** If an accusation or a petition to revoke probation is filed against any
18 Respondent during the term of probation, the Director of Consumer Affairs shall have continuing
19 jurisdiction over this matter until the final decision on the accusation or petition to revoke
20 probation, and the period of probation shall be extended until such decision.

21 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that any
22 Respondent Nguyen has failed to comply with the terms and conditions of probation, the
23 Department may, after giving notice and opportunity to be heard permanently invalidate the
24 registration and licenses.

25 9. **Continuing Education Courses.** During the period of probation, Respondent
26 Nguyen shall attend and successfully complete a Bureau-certified 64-hour clean air car course.
27 Said course shall be completed and proof of completion submitted to the Bureau within 60 days
28 of the effective date of this decision and order. If proof of completion of the course is not

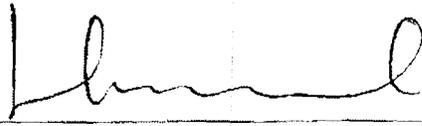
1 furnished to the Bureau within the 60-day period, Respondent Nguyen's license shall be
2 immediately suspended until such proof is received.

3 10. **Cost Recovery.** Respondent Nguyen shall pay to the Bureau, pursuant to Business
4 and Professions Code section 125.3, 50 % of the costs of investigation and enforcement in this
5 matter in the amount of \$1,344.00. Respondent will agree to pay equal monthly payments with
6 first payment due within 30 days of the effective date of the decision. Respondent agrees to pay
7 monthly installments thereafter, until paid in full 6 months prior to the end of probation. Failure
8 to comply with this payment schedule within this period shall constitute a violation of probation
9 which may subject Respondent's license to outright revocation; however, the Director or the
10 Director's Bureau of Automotive Repair designee may elect to continue probation until such time
11 as reimbursement of the entire cost recovery amount has been made to the Bureau.

12 ACCEPTANCE

13 I have carefully read the Stipulated Revocation of Automotive Repair Dealer Registration
14 and Smog Check Test Only License and Stipulated Settlement for Advanced Emission Specialist
15 Technician License and Disciplinary Order and have fully discussed it with my attorney, William
16 D. Ferreira, Esq. I understand the stipulation and the effect it will have on my Automotive Repair
17 Dealer Registration and Smog Check Test Only Station License. I enter into this Stipulated
18 Revocation of Automotive Repair Dealer Registration and Smog Check Test Only License and
19 Stipulated Settlement for Advanced Emission Specialist Technician License and Disciplinary
20 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
21 of the Bureau.

22
23 DATED: 08/11/2011



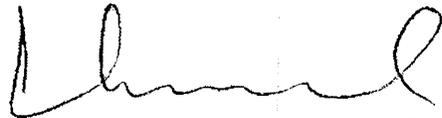
24 480 KEYES TEST ONLY
25 HOANG NGUYEN, Owner
Respondent

26 ///

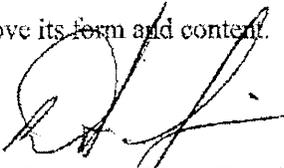
27 ///

28 ///

1 I have carefully read the Stipulated Revocation of Automotive Repair Dealer Registration
 2 and Smog Check Test Only License and Stipulated Settlement for Advanced Emission Specialist
 3 Technician License and Disciplinary Order and have fully discussed it with my attorney, William
 4 D. Ferreira, Esq. I understand the stipulation and the effect it will have on my Automotive Repair
 5 Dealer Registration, and Smog Check Test Only Station License, and Smog Technician -
 6 Advanced Emissions Specialist License. I enter into this Stipulated Revocation of Automotive
 7 Repair Dealer Registration and Smog Check Test Only License and Stipulated Settlement for
 8 Advanced Emission Specialist Technician License and Disciplinary Order voluntarily,
 9 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Bureau.

10
 11 DATED: 08/11/2011 
 12 HOANG NGUYEN
 13 Respondent

14 I have read and fully discussed with Respondent Hoang Nguyen doing business as 480
 15 Keyes Test Only the terms and conditions and other matters contained in the above Stipulated
 16 Settlement and Disciplinary Order. I approve its form and content.

17
 18 DATED: 3/23/11 
 19 William D. Ferreira, Esq.
 20 Attorney for Respondent

21 ///
 22 ///
 23 ///
 24 ///
 25 ///
 26 ///
 27 ///

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

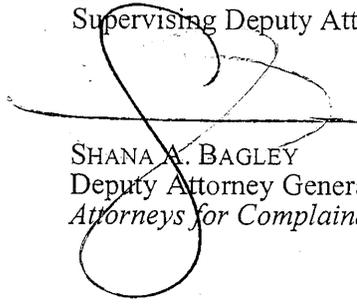
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Bureau.

Dated: 26 AUGUST 2011

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



A handwritten signature in black ink, appearing to read 'Shana A. Bagley', is written over a horizontal line. The signature is stylized and loops around the line.

SHANA A. BAGLEY
Deputy Attorney General
Attorneys for Complainant

SF2010200519/ Stipulation.rtf

1 EDMUND G. BROWN JR.
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
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. 79/11-35

13 480 KEYES TEST ONLY
480 Keyes Street
San Jose, CA 95112
14 HOANG NGUYEN, OWNER
Automotive Repair Dealer Registration No.
15 ARD 253934
Smog Check Test Only Station License No.
16 TC 253934

17 **ACCUSATION**
18 **SMOG CHECK**

17 HOANG NGUYEN
480 Keyes Street
18 San Jose, CA 95112
Advanced Emission Specialist Technician
19 License No. EA 154713

20 Respondents.

21
22 Complainant alleges:

23 PARTIES

24 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as
25 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

26 ///

27 ///

28 ///

1 engaged in a course of repeated and willful violations of this chapter, or regulations
2 adopted pursuant to it.

3 6. Code section 118, subdivision (b) states:

4 The suspension, expiration, or forfeiture by operation of law of a license
5 issued by a board in the department, or its suspension, forfeiture, or cancellation by
6 order of the board or by order of a court of law, or its surrender without the written
7 consent of the board, shall not, during any period in which it may be renewed,
8 restored, reissued, or reinstated, deprive the board of its authority to institute or
9 continue a disciplinary proceeding against the licensee upon any ground provided by
10 law or to enter an order suspending or revoking the license or otherwise taking
11 disciplinary action against the licensee on any such ground.

12 7. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
13 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
14 proceeding against an automotive repair dealer or to render a decision invalidating a registration
15 temporarily or permanently.

16 8. 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 9. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
21 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
22 the Motor Vehicle Inspection Program.

23 10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

27 (a) Violates any section of this chapter [the Motor Vehicle Inspection
28 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted
pursuant to it, which related to the licensed activities.

(c) Violates any of the regulations adopted by the director pursuant to
this chapter.

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

11. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
expiration or suspension of a license by operation of law, or by order or decision of the Director

1 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
2 the Director of jurisdiction to proceed with disciplinary action.

3 12. Section 44072.8 of the Health and Safety Code states:

4 When a license has been revoked or suspended following a hearing under
5 this article, any additional license issued under this chapter in the name of the
6 licensee may be likewise revoked or suspended by the director.

7 COST RECOVERY

8 13. Code section 125.3 provides, in pertinent part, that a Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 UNDERCOVER OPERATION - JANUARY 9, 2010

13 12. On or about January 9, 2010, a Bureau undercover operator drove a Bureau-
14 documented 1996 Honda Accord to Respondent's facility and requested a smog inspection. The
15 vehicle could not pass the visual portion of a smog inspection because the vehicle's fuel
16 evaporative canister (EVAP) system was missing. The operator signed a work order and was
17 provided with a copy of the document. Respondent performed the smog inspection and issued
18 electronic Certificate of Compliance No. NQ271907 for that vehicle. The operator paid \$58.25
19 for the smog inspection and received a copy of Invoice No. 3434 and the Vehicle Inspection
20 Report ("VIR").

21 FIRST CAUSE FOR DISCIPLINE

22 (Misleading Statements)

23 13. Respondent has subjected his registration to discipline under Code section 9884.7,
24 subdivision (a)(1), in that on or about January 9, 2010, he made statements which he knew or
25 which by exercise of reasonable care he should have known were untrue or misleading when he
26 issued electronic Certificate of Compliance No. NQ271907 for the 1996 Honda Accord,
27 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
28 the vehicle's EVAP system was missing.

///

1 FOURTH CAUSE FOR DISCIPLINE

2 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

3 16. Respondent has subjected his station license to discipline under Health and Safety
4 Code section 44072.2, subdivision (c), in that on or about January 9, 2010, regarding the 1996
5 Honda Accord, he violated sections of the California Code of Regulations, title 16, as follows:

6 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently issued
7 electronic Certificate of Compliance No. NQ271907 without performing a bona fide inspection of
8 the emission control devices and systems on that vehicle as required by Health and Safety Code
9 section 44012.

10 b. Section 3340.35, subdivision (c): Respondent issued electronic Certificate of
11 Compliance No. NQ271907 even though that vehicle had not been inspected in accordance with
12 section 3340.42 of that Code.

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

15 FIFTH CAUSE FOR DISCIPLINE

16 (Dishonesty, Fraud or Deceit)

17 17. Respondent subjected his station license to discipline under Health and Safety Code
18 section 44072.2, subdivision (d), in that on or about January 9, 2010, regarding the 1996 Honda
19 Accord, he committed acts involving dishonesty, fraud or deceit whereby another was injured by
20 issuing electronic Certificate of Compliance No. NQ271907 without performing a bona fide
21 inspection of the emission control devices and system on that vehicle, thereby depriving the
22 People of the State of California of the protection afforded by the Motor Vehicle Inspection
23 Program.

24 SIXTH CAUSE FOR DISCIPLINE

25 (Violations of the Motor Vehicle Inspection Program)

26 18. Respondent has subjected his technician license to discipline under Health and Safety
27 Code section 44072.2, subdivision (a), in that on or about January 9, 2010, regarding the 1996
28 Honda Accord, he violated sections of that Code, as follows:

1 a. Section 44012, subdivision (a): Respondent failed to determine that all emission
2 control devices and systems required by law were installed and functioning correctly in
3 accordance with test procedures.

4 b. Section 44012, subdivision (f): Respondent failed to perform emission control tests
5 on that vehicle in accordance with procedures prescribed by the department.

6 c. Section 44032: Respondent failed to perform tests of the emission control devices
7 and systems on that vehicle in accordance with section 44012 of that Code.

8 d. Section 44059: Respondent willfully made false entries for electronic Certificate of
9 Compliance No. NQ271907, certifying that the vehicle had been inspected as required when, in
10 fact, it had not.

11 SEVENTH CAUSE FOR DISCIPLINE

12 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

13 19. Respondent has subjected his technician license to discipline under Health and Safety
14 Code section 44072.2, subdivision (c), in that on or about January 9, 2010, regarding the 1996
15 Honda Accord, he violated sections of the California Code of Regulations, title 16, as follows:

16 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently issued
17 electronic Certificate of Compliance No. NQ271907 without performing a bona fide inspection of
18 the emission control devices and systems on that vehicle as required by Health and Safety Code
19 section 44012.

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

22 c. Section 3340.41, subdivision (c): Respondent entered false information into the
23 Emission Inspection System for electronic Certificate of Compliance No. NQ271907 by entering
24 "Pass" for the visual inspection portion of the smog inspection when, in fact, the vehicle should
25 not have passed the visual portion of the smog inspection because the vehicle's EVAP system
26 was missing.

27 d. Section 3340.42: Respondent failed to conduct the required smog tests and
28 inspections on that vehicle in accordance with the Bureau's specifications.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 20. Respondent has subjected his technician license to discipline under Health and Safety
4 Code section 44072.2, subdivision (d), in that on or about January 9, 2010, regarding the 1996
5 Honda Accord, he committed acts involving dishonesty, fraud or deceit whereby another was
6 injured by issuing electronic Certificate of Compliance No. NQ271907 without performing a
7 bona fide inspection of the emission control devices and systems on that vehicle, thereby
8 depriving the People of the State of California of the protection afforded by the Motor Vehicle
9 Inspection Program.

10 PRIOR CITATIONS

11 21. To determine the degree of penalty, if any, to be imposed upon Respondent,
12 Complainant alleges as follows:

13 a. On September 12, 2008, the Bureau issued Citation No. C09-0238 to Respondent
14 against his registration and station licenses for violations of Health and Safety Code section
15 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
16 and California Code of Regulations, title 16, ("Regulation"), section 3340.35, subdivision (c)
17 (issuing a certificate of compliance to a vehicle improperly tested). Respondent issued a
18 certificate of compliance to a Bureau vehicle with a non-functional exhaust gas recirculation
19 valve. The Bureau assessed a civil penalty of \$500. Respondent complied with this citation on
20 September 29, 2008.

21 b. On March 23, 2009, the Bureau issued Citation No. C09-1092 to Respondent against
22 his registration and station licenses for violations of Health and Safety Code section 44012,
23 subdivision (f) (failure to perform a visual/functional check of emission control devices) and
24 Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
25 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with the
26 ignition timing adjusted beyond the manufacturer's specifications. The Bureau assessed a civil
27 penalty of \$1,000. Respondent complied with this citation on April 17, 2009.

28 ///

1 c. On September 28, 2009, the Bureau issued Citation No. C2010-0246 to Respondent
2 against his registration and station licenses for violations of Health and Safety Code section
3 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
4 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
5 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with the
6 ignition timing adjusted beyond the manufacturer's specifications. The Bureau assessed a civil
7 penalty of \$2,000. Respondent complied with this citation on October 19, 2009.

8 d. On September 12, 2008, the Bureau issued Citation No. M09-0239 to Respondent
9 against his technician license for violations of Health and Safety Code section 44032, (qualified
10 technicians shall perform tests of emission control systems and devices in accordance with
11 section 44012 of that Code) and Regulation, section 3340.30, subdivision (a) (qualified
12 technicians shall inspect, test, and repair vehicles in accordance with sections 44012 and 44035 of
13 the Health and Safety Code, and Regulation section 3340.42). Respondent issued a certificate of
14 compliance to a Bureau vehicle with a non-functional exhaust gas recirculation system.
15 Respondent was required to attend an 8-hour training course. Respondent complied with this
16 citation on October 8, 2008.

17 e. On March 23, 2009, the Bureau issued Citation No. M09-1093 to Respondent against
18 his technician license for violations of Health and Safety Code section 44032, (qualified
19 technicians shall perform tests of emission control systems and devices in accordance with
20 section 44012 of that Code) and Regulation, section 3340.30, subdivision (a) (qualified
21 technicians shall inspect, test, and repair vehicles in accordance with sections 44012 and 44035 of
22 the Health and Safety Code, and Regulation, section 3340.42). Respondent issued a certificate of
23 compliance to a Bureau vehicle with the ignition timing adjusted beyond the manufacturer's
24 specifications. Respondent was required to attend a 16-hour training course. Respondent
25 complied with this citation on May 5, 2009.

26 OTHER MATTERS

27 22. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
28 or permanently or refuse to validate, the registrations for all places of business operated in this

1 state by to Hoang Nguyen doing business as 480 Keyes Test Only, upon a finding that he has, or
2 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to
3 an automotive repair dealer.

4 23. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
5 License Number TC 253934, issued to Hoang Nguyen doing business as 480 Keyes Test Only, is
6 revoked or suspended, any additional license issued under this chapter in the name of said
7 licensee including, but not limited to Advanced Emission Specialist Technician License Number
8 EA 154713, may be likewise revoked or suspended by the director.

9 PRAYER

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

12 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
13 Registration Number ARD 253934, issued to Hoang Nguyen doing business as 480 Keyes Test
14 Only;

15 2. Revoking, suspending, or placing on probation any other automotive repair dealer
16 registration issued in the name of Hoang Nguyen;

17 3. Revoking or suspending Smog Check Test Only Station License Number TC 253934,
18 issued to Hoang Nguyen doing business as 480 Keyes Test Only;

19 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
20 & Safety Code in the name of Hoang Nguyen;

21 5. Revoking or suspending Advanced Emission Specialist Technician License Number
22 EA 154713, issued to Hoang Nguyen;

23 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
24 & Safety Code in the name of Hoang Nguyen;

25 ///

26 ///

27 ///

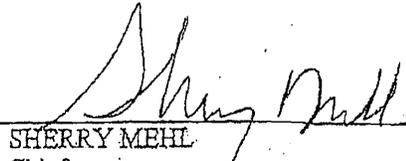
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. Ordering Hoang 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,

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

DATED: 11-16-10



SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

SE2010200519
10627155.doc