

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

In the Matter of the Accusation Against:

**EZ SMOG TEST ONLY**

**LY VAN LY, Owner**

14841 Dillow Street, Suite B  
Westminster, California 92683

Automotive Repair Dealer Registration

No. ARD 253180

Smog Check Test Only Station License

No. TC 253180

and

**LY VAN LY**

8691 Madison Avenue  
Midway City, California 92655

Advanced Emission Specialist Technician

License No. EA 023483

Respondents.

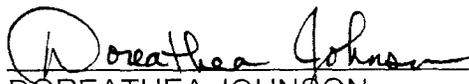
Case No. 79/10-09

**DECISION**

The attached Stipulated Revocation 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 on 9/7/10.

DATED: July 30, 2010

  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 EDMUND G. BROWN JR.  
 Attorney General of California  
 2 JAMES M. LEDAKIS  
 Supervising Deputy Attorney General  
 3 RON ESPINOZA  
 Deputy Attorney General  
 4 State Bar No. 176908  
 110 West "A" Street, Suite 1100  
 5 San Diego, CA 92101  
 P.O. Box 85266  
 6 San Diego, CA 92186-5266  
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*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. 79/10-09

13 **EZ SMOG TEST ONLY**  
 14 14841 Dillow Street, Suite B  
 Westminster, California 92683  
 15 **LY VAN LY, OWNER**  
 Automotive Repair Dealer Registration No.  
 ARD 253180  
 16 Smog Check Test Only Station License No.  
 TC 253180,

**STIPULATED REVOCATION AND  
 DISCIPLINARY ORDER**

17 and

18 **LY VAN LY**  
 19 8691 Madison Avenue  
 Midway City, California 92655  
 20 Advanced Emission Specialist Technician  
 License No. EA 023483  
 21

22 Respondents.

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

25 PARTIES

26 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She  
 27 brought this action solely in her official capacity and is represented in this matter by Edmund G.  
 28

1 Brown Jr., Attorney General of the State of California, by Ron Espinoza, Deputy Attorney  
2 General.

3 2. EZ Smog Test Only and Ly Van Ly (Respondents) are represented in this proceeding  
4 by attorney Michael Marshall, Esq., whose address is Law Offices of Jeffrey T. Osborn, 16152  
5 Beach Blvd., Ste. 250, Huntington Beach, CA 92647.

6 3. On a date uncertain in 2007, the Bureau of Automotive Repair (Bureau) issued  
7 Automotive Repair Dealer Registration Number ARD 253180 to Ly Van Ly, doing business as  
8 EZ Smog Test Only. The registration was in full force and effect at all times relevant to the  
9 charges brought in Accusation No. 79/10-09, and expired on December 31, 2009.

10 4. On or about January 22, 2008, the Bureau issued Smog Check Test Only Station  
11 License Number TC 253180 to EZ Smog Test Only. The station license was in full force and  
12 effect at all times relevant to the charges brought in Accusation No. 79/10-09, and expired on  
13 December 31, 2010.

14 5. On a date uncertain in 2002, the Bureau issued Advanced Emission Specialist  
15 Technician License Number EA 023483 to Ly Van Ly. The technician license was in full force  
16 and effect at all times relevant to the charges brought in Accusation No. 79/10-09, and will expire  
17 on October 31, 2010, unless renewed.

18 6. Ly Van Ly has been and is authorized to enter into this stipulated revocation on  
19 behalf of Respondent EZ Smog Test Only.

20 JURISDICTION

21 7. Accusation No. 79/10-09 was filed before the Director of Consumer Affairs  
22 (Director), for the Bureau of Automotive Repair, and is currently pending against Respondents.  
23 The Accusation and all other statutorily required documents were properly served on  
24 Respondents on August 28, 2009. Respondents timely filed their Notice of Defense contesting  
25 the Accusation. A copy of Accusation No. 79/10-09 is attached as Exhibit A and incorporated  
26 herein by reference.

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ADVISEMENT AND WAIVERS

1  
2 8. Ly Van Ly has carefully read, fully discussed with counsel, and understands the  
3 charges and allegations in Accusation No. 79/10-09. Ly Van Ly has also carefully read, fully  
4 discussed with counsel, and understands the effects of this Stipulated Revocation and Disciplinary  
5 Order.

6 9. Respondents are fully aware of their legal rights in this matter, including the right to a  
7 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
8 the witnesses against them; the right to present evidence and to testify on their own behalf; the  
9 right to the issuance of subpoenas to compel the attendance of witnesses and the production of  
10 documents. the right to reconsideration and court review of an adverse decision; and all other  
11 rights accorded by the California Administrative Procedure Act and other applicable laws.

12 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
13 every right set forth above.

CULPABILITY

14  
15 11. Respondents admit the truth of each and every charge and allegation in Accusation  
16 No. 79/10-09.

17 12. Respondents agree that Automotive Repair Dealer Registration Number ARD  
18 253180, Smog Check Test Only Station License Number TC 253180, and Advanced Emission  
19 Specialist Technician License Number EA 023483 are subject to discipline and agree to be bound  
20 by the Director's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

21  
22 13. The admissions made by Respondents herein are only for the purposes of this  
23 proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of  
24 Automotive Repair, or other professional licensing agency are involved, and shall not be  
25 admissible in any other criminal or civil proceeding.

COST RECOVERY

26  
27 14. Complainant and Respondents understand and agree that the \$7,751.02 in costs for  
28 investigation and enforcement of this matter are waived unless and until Respondents ever

1 re-apply for licensure or petition for reinstatement for any license or registration from the Bureau  
2 of Automotive Repair, in which case they shall pay these costs in full at the time when such  
3 application or petition is made.

4 CONTINGENCY

5 15. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
6 his designee. Respondents understand and agree that counsel for Complainant and the staff of the  
7 Bureau of Automotive Repair may communicate directly with the Director and staff of the  
8 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or  
9 participation by Respondents or their counsel. By signing the stipulation, Ly Van Ly understands  
10 and agrees that neither he nor EZ Smog Test Only may withdraw this agreement or seek to  
11 rescind the stipulation prior to the time the Director considers and acts upon it. If the Director  
12 fails to adopt this stipulation as the Decision and Order, the Stipulated Revocation and  
13 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible  
14 in any legal action between the parties, and the Director shall not be disqualified from further  
15 action by having considered this matter.

16 16. The parties understand and agree that facsimile copies of this Stipulated Revocation  
17 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
18 effect as the originals.

19 17. This Stipulated Revocation and Disciplinary Order is intended by the parties to be an  
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
22 negotiations, and commitments (written or oral). This Stipulated Revocation and Disciplinary  
23 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
24 writing executed by an authorized representative of each of the parties.

25 18. In consideration of the foregoing admissions and stipulations, the parties agree that  
26 the Director may, without further notice or formal proceeding, issue and enter the following  
27 Disciplinary Order:

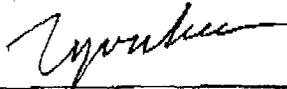
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**DISCIPLINARY ORDER**

**IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration Number ARD 253180, Smog Check Test Only Station License Number TC 253180, and Advanced Emission Specialist Technician License Number EA 023483 are revoked.

**ACCEPTANCE**

I have carefully read the above Stipulated Revocation and Disciplinary Order and have fully discussed it with my attorney, Michael Marshall, Esq. I understand the stipulation and the effect it will have on Automotive Repair Dealer Registration Number ARD 253180, Smog Check Test Only Station License Number TC 253180, and Advanced Emission Specialist Technician License Number EA 023483. I enter into this Stipulated Revocation and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 04/19/2010   
LY VAN LY, Individually and on behalf of  
EZ SMOG TEST ONLY  
Respondents

I have read and fully discussed with Ly Van Ly the terms and conditions and other matters contained in the above Stipulated Revocation and Disciplinary Order. I approve its form and content.

DATED 04/19/10   
MICHAEL MARSHALL, ESQ.  
Attorney for Respondents

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ENDORSEMENT

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

Dated: 4-19-10

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General



RON ESPINOZA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/10-09**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ALFREDO TERRAZAS  
Special Assistant Attorney General  
3 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
4 State Bar No. 101336  
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P.O. Box 85266  
6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
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**FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
10 **STATE OF CALIFORNIA**

11 79/10-09

12 In the Matter of the Accusation Against:

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13 **EZ SMOG TEST ONLY**  
14 **14841 Dillow Street, Suite B**  
**Westminster, California 92683**  
15 **LY VAN LY, OWNER**  
**Automotive Repair Dealer Registration No.**  
16 **ARD 253180**  
**Smog Check Test Only Station License No.**  
17 **TC 253180,**

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

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

18 and

19 **LY VAN LY**  
**8691 Madison Avenue**  
20 **Midway City, California 92655**  
**Advanced Emission Specialist Technician**  
21 **License No. EA 023483**

22 Respondents.

23  
24 Complainant alleges:

25 **PARTIES**

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

28 ///

1           **Automotive Repair Dealer Registration**

2           2.     On a date uncertain in 2007, the Bureau issued Automotive Repair Dealer  
3 Registration Number ARD 253180 (“registration”) to Ly Van Ly (“Respondent”) doing business  
4 as EZ Smog Test Only. The registration was in full force and effect at all times relevant to the  
5 charges brought herein and will expire on December 31, 2009, unless renewed.

6           **Smog Check Test Only Station License**

7           3.     On or about January 22, 2008, the Bureau issued Smog Check Test Only Station  
8 License Number TC 253180 (“station license”) to Respondent. The station license was in full  
9 force and effect at all times relevant to the charges brought herein and will expire on  
10 December 31, 2009, unless renewed.

11           **Advanced Emission Specialist Technician License**

12           4.     On a date uncertain in 2002, the Bureau issued Advanced Emission Specialist  
13 Technician License Number EA 023483 (“technician license”) to Respondent. The technician  
14 license was in full force and effect at all times relevant to the charges brought herein and will  
15 expire on October 31, 2010, unless renewed.

16   **STATUTORY PROVISIONS**

17           5.     Section 9884.7 of the Business and Professions Code (“Code states”):

18                                   (a) The director, where the automotive repair dealer cannot show there  
19 was a bona fide error, may refuse to validate, or may invalidate temporarily or  
20 permanently, the registration of an automotive repair dealer for any of the following  
21 acts or omissions related to the conduct of the business of the automotive repair  
22 dealer, which are done by the automotive repair dealer or any automotive technician,  
23 employee, partner, officer, or member of the automotive repair dealer.

24                                   (1) Making or authorizing in any manner or by any means whatever any  
25 statement written or oral which is untrue or misleading, and which is known, or which  
26 by the exercise of reasonable care should be known, to be untrue or misleading.

27                                   (4) Any other conduct which constitutes fraud.

28                                   (b) Except as provided for in subdivision (c), if an automotive repair  
dealer operates more than one place of business in this state, the director pursuant to  
subdivision (a) shall only invalidate temporarily or permanently the registration of the  
specific place of business which has violated any of the provisions of this chapter.  
This violation, or action by the director, shall not affect in any manner the right of the  
automotive repair dealer to operate his or her other places of business.

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1 (c) Notwithstanding subdivision (b), the director may invalidate  
2 temporarily or permanently, the registration for all places of business operated in this  
3 state by an automotive repair dealer upon a finding that the automotive repair dealer  
4 has, or is, engaged in a course of repeated and willful violations of this chapter, or  
5 regulations adopted pursuant to it.

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

10 7. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
11 "commission," "committee," "department," "division," "examining committee," "program," and  
12 "agency." "License" includes certificate, registration or other means to engage in a business or  
13 profession regulated by the Code.

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

17 9. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

28 (f) Aids or abets unlicensed persons to evade the provisions of this  
chapter.

10. Section 44072.10, subdivision (c) states, in pertinent part:

(c) The department shall revoke the license of any smog check technician  
or station license who fraudulently certifies vehicles or participates in the fraudulent  
inspection of vehicles....

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None of those vehicles were in the test bay at the time of the inspections. Respondent also allowed John Doe #1 to perform an inspection on vehicle no. 2 , and John Doe #2 to perform inspections on vehicle nos. 11, 12, 13, and 14, without Respondent's assistance and by using Respondent's personal access code to enter information into the Emission Inspection Sytem ("EIS") in order to perform those inspections. Those inspections also resulted in the issuance of electronic certificates of compliance. Further, Respondent allowed John Doe #1 to assist him with the inspection of vehicle no. 3, and John Doe #2 with vehicle no. 10, both inspections resulting in the issuance of electronic certificates of compliance.

**Table 1**

Vehicle No.	Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued	Details
1	4/15/2009 1519 hours to 1526 hours	2005 Toyota Lic. No. 5LJT917	2003 Toyota Lic. No. 5L0M020	VZ279955C	Inspection performed by Respondent and John Doe #1. Certified vehicle not seen.
2	4/15/2009 1530 hours to 1536 hours	2003 Toyota Lic. No. 5L0M020	2003 Toyota Lic. No. 5L0M020	VZ279956C	Inspection performed by John Doe #1.
3	4/15/2009 1542 hours to 1550 hours	2003 Toyota Lic. No. 5AWM042	2003 Toyota Lic. No. 5AWM042	VZ279957	Inspection performed by Respondent and John Doe #1.
4	4/15/2009 1555 hours to 1605 hours	1996 Nissan Lic. No. 4KKP130	1997 Infiniti Lic. No. 4ZZF906	VZ279958C	Inspection performed by Respondent & John Doe #1. Certified vehicle not seen.
5	4/15/2009 1609 hours to 1619 hours	1996 Nissan Lic. No. 5MOM860	1997 Infiniti Lic. No. 4ZZF906	VZ279959C	Inspection performed by Respondent & John Doe #1. Certified vehicle not seen.

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6	4/15/2009 1623 hours to 1630 hours	2006 Chevrolet No Lic. Plate	1997 Infiniti Lic. No. 4ZZF906	VZ279960C	Inspection performed by Respondent & John Doe #1. Certified vehicle not seen.
7	4/15/2009 1704 hours to 1719 hours	2001 Dodge Lic. No. 6P61841	1999 Toyota Lic. No. 4GDU093	VZ279962C	Inspection performed by Respondent. Certified vehicle not seen.
8	4/15/2009 1838 hours to 1845 hours	1996 Dodge Lic. No. 4KGL770	1998 Dodge Lic. No. 4BIC676	VZ279965C	Inspection performed by Respondent. Certified vehicle not seen.
9	4/15/2009 1851 hours to 1858 hours	1993 Toyota Lic. No. 3UVZ634	1998 Dodge Lic. No. 4BIC676	VZ279966C	Inspection performed by Respondent & John Doe #2. Certified vehicle not seen.
10	4/15/2009 1902 hours to 1909 hours	1998 Dodge Lic. No. 4BIC676	1998 Dodge Lic. No. 4BIC676	VZ279967C	Inspection performed by Respondent & John Doe #2.
11	4/15/2009 1916 hours to 1924 hours	1990 Jeep Lic. No. 5DMJ797	1998 Dodge Lic. No. 4BIC676	VZ279968C	Inspection performed by John Doe #2. Certified vehicle not seen.
12	4/15/2009 1928 hours to 1934 hours	2003 Chevrolet Lic. No. 7D75864	2003 Chevrolet Lic. No. 7D75864	VZ279969C	Inspection performed by John Doe #2.
13	4/15/2009 1941 hours to 1952 hours	1993 Plymouth Lic. No. M44HBK	1997 Infiniti Lic. No. 4ZZF906	VZ279970C	Inspection performed by John Doe #2. Certified vehicle not seen.
14	4/15/2009 1956 hours to 2003 hours	1993 Chrysler Lic. No. 3CNN254	1997 Infiniti Lic. No. 4ZZF906	VZ279971C	Inspection performed by John Doe #2. Certified vehicle not seen.

1 FIRST CAUSE FOR DISCIPLINE

2 (Misleading Statements)

3 15. Respondent has subjected his registration to discipline under Code section 9884.7,  
4 subdivision (a)(1), in that on or about April 15, 2009, regarding the vehicles set forth in Table 1,  
5 above, he made statements which he knew or which by exercise of reasonable care he should  
6 have known were untrue or misleading, as follows:

7 a. Respondent issued electronic certificates of compliance for vehicle nos. 1, 4, 5, 6, 7,  
8 8, and 9, certifying that those vehicles were in compliance with applicable laws and regulations  
9 when, in fact, those vehicles had been clean piped.

10 b. Respondent issued electronic certificates of compliance for vehicles 2, 3, 10, 11, 12,  
11 13, and 14, certifying that the vehicles had been inspected by a licensed technician when, in fact,  
12 John Doe #1 and John Doe #2, both unlicensed persons, performed those inspections.

13 SECOND CAUSE FOR DISCIPLINE

14 (Fraud)

15 16. Respondent has subjected his registration to discipline under Code section 9884.7,  
16 subdivision (a)(4), in that on or about April 15, 2009, he committed acts which constitute fraud by  
17 issuing electronic certificates of compliance for the vehicles set forth in Table 1, above, without  
18 performing bona fide inspections of the emission control devices and systems on those vehicles,  
19 thereby depriving the People of the State of California of the protection afforded by the Motor  
20 Vehicle Inspection Program.

21 THIRD CAUSE FOR DISCIPLINE

22 (Violation of the Motor Vehicle Inspection Program)

23 17. Respondent has subjected his station license to discipline under Health and Safety  
24 Code section 44072.2, subdivision (a), in that on or about April 15, 2009, regarding the vehicles  
25 set forth in Table 1, above, he violated sections of that Code, as follows:

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



1 FIFTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 19. Respondent has subjected his station license to discipline under Health and Safety  
4 Code section 44072.2, subdivision (d), in that on or about April 15, 2009, regarding the vehicles  
5 set forth in Table 1, above, he committed acts involving dishonesty, fraud or deceit whereby  
6 another was injured by issuing electronic certificates of compliance for those vehicles without  
7 performing bona fide inspections of the emission control devices and systems on those vehicles,  
8 thereby depriving the People of the State of California of the protection afforded by the Motor  
9 Vehicle Inspection Program.

10 SIXTH CAUSE FOR DISCIPLINE

11 (Aiding and Abetting Unlicensed Activity)

12 20. Respondent has subjected his station license to discipline under Health and Safety  
13 Code section 44072.2, subdivision (f), in that on or about April 15, 2009, he aided and abetted  
14 John Doe #1 and John Doe #2, both unlicensed persons, to evade the provisions of the Motor  
15 Vehicle Inspection Program by allowing them to perform and/or assist in the performance of  
16 smog tests and inspections on the vehicles set forth in Table 1, above, when those persons were  
17 not licensed to do so.

18 SEVENTH CAUSE FOR DISCIPLINE

19 (Violations of the Motor Vehicle Inspection Program)

20 21. Respondent has subjected his technician license to discipline under Health and Safety  
21 Code section 44072.2, subdivision (a), in that on or about April 15, 2009, regarding the vehicles  
22 set forth in Table 1, above, he violated sections of that Code, as follows:

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

26 b. Section 44012, subdivision (f): Respondent failed to perform emission control tests  
27 in accordance with procedures prescribed by the department.

28 ///

1 c. Section 44014, subdivision (a): Respondent allowed John Doe #1 and John Doe #2  
2 both unlicensed persons, to perform and/or assist in the performance of smog inspections for  
3 those vehicles.

4 d. Section 44032: Respondent failed to perform tests of the emission control devices  
5 and systems in accordance with section 44012 of that Code, in that those vehicles had been clean  
6 piped.

7 e. Section 44059: Respondent willfully made false entries for the electronic certificates  
8 of compliance, certifying that those vehicles had been inspected as required when, in fact, they  
9 had not.

#### 10 EIGHTH CAUSE FOR DISCIPLINE

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

12 22. Respondent has subjected his technician license to discipline under Health and Safety  
13 Code section 44072.2, subdivision (c), in that on or about April 15, 2009, regarding the vehicles  
14 set forth in Table 1, above, he violated sections of the California Code of Regulations, title 16, as  
15 follows:

16 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently issued  
17 electronic certificates of compliance without performing bona fide inspections of the emission  
18 control devices and systems on those vehicles as required by Health and Safety Code section  
19 44012.

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

22 c. Section 3340.41, subdivision (c): Respondent entered false information into the EIS  
23 for the electronic certificates of compliance by entering vehicle identification information or  
24 emission control information for vehicles other than the vehicles being certified.

25 d. Section 3340.42: Respondent failed to conduct the required smog tests and  
26 inspections in accordance with the Bureau's specifications.

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1 NINTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 23. Respondent has subjected his technician license to discipline under Health and Safety  
4 Code section 44072.2, subdivision (d), in that on or about April 15, 2009, he committed acts  
5 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic  
6 certificates of compliance for the vehicles set forth in Table 1, above, without performing bona  
7 fide inspections of the emission control devices and systems on those vehicles, thereby depriving  
8 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
9 Program.

10 TENTH CAUSE FOR DISCIPLINE

11 (Aiding and Abetting Unlicensed Activity)

12 24. Respondent has subjected his technician license to discipline under Health and Safety  
13 Code section 44072.2, subdivision (f), in that on or about April 15, 2009, he aided and abetted  
14 John Doe #1 and John Doe #2, both unlicensed persons, to evade the provisions of the Motor  
15 Vehicle Inspection Program by allowing them to perform and/or assist in the performance of  
16 smog tests and inspections on the vehicles set forth in Table 1, above, when those persons were  
17 not licensed to do so.

18 OTHER MATTERS

19 25. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily  
20 or permanently or refuse to validate, the registrations for all places of business operated in this  
21 state by Ly Van Ly doing business as EZ Smog Test Only, upon a finding that he has, or is,  
22 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
23 automotive repair dealer.

24 26. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station  
25 License Number TC 253180, issued to Ly Van Ly doing business as EZ Smog Test Only, is  
26 revoked or suspended, any additional license issued under this chapter in the name of said  
27 licensee may be likewise revoked or suspended by the director.

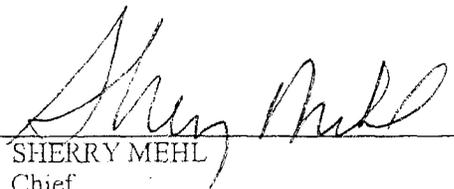
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1           7.     Ordering Ly Van Ly to pay the Bureau of Automotive Repair the reasonable costs of  
2 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
3 125.3; and,

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

5  
6  
7     DATED: 8/17/09



8           SHERRY MEHL  
9           Chief  
10          Bureau of Automotive Repair  
11          Department of Consumer Affairs  
12          State of California  
13          Complainant

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