

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 M. TRAVIS PEERY  
Deputy Attorney General  
4 State Bar No. 261887  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-0962  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

16-139

12 **CHANG SIK KIM DBA KIMS AUTO**  
13 **REPAIR**  
14 **5121 E. Florence Ave.**  
15 **Bell, CA 90201**

ACCUSATION

smog check

16 **Automotive Repair Dealer Registration No.**  
17 **ARD 99676**  
18 **Brake Station License No. BS 99676**  
19 **Lamp Station License No. LS 99676**  
20 **Smog Check Test and Repair Station**  
21 **License No. RC 99676**

22 **Smog Check Inspector License No.**  
23 **EO 111109**  
24 **Smog Check Repair Technician License No.**  
25 **EI 111109 (formerly Advanced Emission**  
26 **Specialist Technician EA 111109)**  
27 **Brake Adjuster License No. BA 111109-C**  
28 **Lamp Adjuster License No. LA 111109-A**

Respondent.

Complainant alleges:

**PARTIES**

1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

1           2.     In 1983, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer  
2 Registration Number ARD 99676 to Chang Sik Kim dba Kims Auto Repair (Respondent). The  
3 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
4 charges brought herein and will expire on January 31, 2017, unless renewed.

5           3.     On or about September 19, 1988, the Bureau issued Brake Station License Number  
6 BS 99676, class C, to Respondent. The Brake Station License was in full force and effect at all  
7 times relevant to the charges brought herein and will expire on January 31, 2017, unless renewed.

8           4.     On or September 19, 1988, the Bureau issued Lamp Station License Number LS  
9 99676, class A, to Respondent. The Lamp Station License was in full force and effect at all times  
10 relevant to the charges brought herein and will expire on January 31, 2017, unless renewed.

11          5.     On or about September 12, 2007, the Bureau issued Smog Check Test and Repair  
12 Station License Number RC 99676 to Respondent. The Smog Check Station License was in full  
13 force and effect at all times relevant to the charges brought herein and will expire on January 31,  
14 2017, unless renewed.

15          6.     In 1996, the Bureau issued Advanced Emission Specialist Technician License EA  
16 111109 to Respondent. Said license expired on July 31, 2012, was cancelled the same day, and  
17 renewed pursuant to Respondent's election as Smog Check Inspector License No. EO 111109 and  
18 Smog Check Repair Technician License No. EI 111109, effective July 31, 2012. Smog Check  
19 Inspector License EO 111109 and Smog Check Repair Technician License No. EI 111109 were  
20 in full force and effect at all times relevant to the charges brought herein and will expire on July  
21 31, 2018, unless renewed.<sup>1</sup>

22          7.     In 1988, the Bureau issued Brake Adjuster License Number BA 111109, class C to  
23 Respondent. The Brake Adjuster License will expire on July 31, 2017, unless renewed.

24          8.     In 1988, the Bureau issued Lamp Adjuster License Number LA 111109, class A to  
25 Respondent. The Lamp Adjuster License will expire on July 31, 2017, unless renewed.

26                 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28, 3340.29 and  
27 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist  
28 Technician (EA) license and Basic Area (EB) Technician license to Smog Check Inspector (EO) license  
and and/or Smog Check Repair Technician (EI) license.

1 **JURISDICTION**

2 9. Business and Professions Code (“Bus. & Prof. Code”) section 9884.13 provides, in  
3 pertinent part, that the expiration of a valid registration shall not deprive the Director of  
4 jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to  
5 render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

6 10. Bus. & Prof. Code section 9889.1 provides, in pertinent part, that the Director may  
7 suspend or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of  
8 the Automotive Repair Act.

9 11. Bus. & Prof. Code section 9889.7 provides, in pertinent part, that the expiration or  
10 suspension of a license by operation of law or by order or decision of the Director or a court of  
11 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to  
12 proceed with any disciplinary proceedings.

13 12. Health and Safety Code (“Health & Saf. Code”) section 44002 provides, in pertinent  
14 part, that the Director has all the powers and authority granted under the Automotive Repair Act  
15 for enforcing the Motor Vehicle Inspection Program.

16 13. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or  
17 suspension of a license by operation of law, or by order or decision of the Director of Consumer  
18 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director  
19 of jurisdiction to proceed with disciplinary action.

20 **STATUTORY PROVISIONS**

21 14. Bus. & Prof. Code section 9884.7 states, in pertinent part:

22 (a) The director, where the automotive repair dealer cannot show there  
23 was a bona fide error, may deny, suspend, revoke or place on probation the  
24 registration of an automotive repair dealer for any of the following acts or omissions  
25 related to the conduct of the business of the automotive repair dealer, which are done  
26 by the automotive repair dealer or any automotive technician, employee, partner,  
27 officer, or member of the automotive repair dealer.

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

.....

1 (3) Failing or refusing to give to a customer a copy of any document  
requiring his or her signature, as soon as the customer signs the document

2 (4) Any other conduct that constitutes fraud.

3 (5) Conduct constituting gross negligence.

4 (6) Failure in any material respect to comply with the provisions of this  
5 chapter or regulations adopted pursuant to it.

6 . . . .

7 (c) Notwithstanding subdivision (b), the director may suspend, revoke or  
8 place on probation the registration for all places of business operated in this state by  
9 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,  
engaged in a course of repeated and willful violations of this chapter, or regulations  
adopted pursuant to it.

10 15. Bus. & Prof. Code section 9889.3 states, in pertinent part:

11 The director may suspend, revoke, or take other disciplinary action  
12 against a license as provided in this article [Article 7 (commencing with section  
13 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
director thereof:

14 (a) Violates any section of the Business and Professions Code which  
relates to his or her licensed activities.

15 (b) Is convicted of any crime substantially related to the qualifications,  
16 functions, or duties of the licenseholder in question.

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

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

20 . . . .

21 (h) Violates or attempts to violate the provisions of this chapter relating  
to the particular activity for which he or she is licensed . . .

22 16. Bus. & Prof. Code section 9889.16 states:

23 Whenever a licensed adjuster in a licensed station upon an inspection or  
24 after an adjustment, made in conformity with the instructions of the bureau,  
determines that the lamps or the brakes upon any vehicle conform with the  
25 requirements of the Vehicle Code, he shall, when requested by the owner or driver of  
the vehicle, issue a certificate of adjustment on a form prescribed by the director,  
26 which certificate shall contain the date of issuance, the make and registration number  
of the vehicle, the name of the owner of the vehicle, and the official license of the  
27 station.

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1 17. Bus. & Prof. Code section 9889.22 states:

2 The willful making of any false statement or entry with regard to a  
3 material matter in any oath, affidavit, certificate of compliance or noncompliance, or  
4 application form which is required by this chapter [the Automotive Repair Act] or  
Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health  
and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

5 18. Bus. & Prof. Code section 9889.9 states that “[w]hen any license has been revoked or  
6 suspended following a hearing under the provisions of this article [Article 7 (commencing with  
7 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and  
8 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the  
9 director.”

10 19. Health & Saf. Code section 44014 states, in pertinent part:

11 (a) Except as otherwise provided in this chapter, the testing and repair  
12 portion of the program shall be conducted by smog check stations licensed by the  
department, and by smog check technicians who have qualified pursuant to this  
13 chapter.

14 20. Health & Saf. Code section 44032 states, in pertinent part:

15 No person shall perform, for compensation, tests or repairs of emission  
16 control devices or systems of motor vehicles required by this chapter unless the  
person performing the test or repair is a qualified smog check technician and the test  
17 or repair is performed at a licensed smog check station. Qualified technicians shall  
perform tests of emission control devices and systems in accordance with Section  
18 44012.

19 21. Health & Saf. Code section 44059 states, in pertinent part:

20 The willful making of any false statement or entry with regard to a  
21 material matter in any oath, affidavit, certificate of compliance or noncompliance, or  
application form which is required by this chapter or Chapter 20.3 (commencing with  
22 Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury  
and is punishable as provided in the Penal Code.

23 22. Health & Saf. Code section 44072.2 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  
director thereof, does any of the following:

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

28 ...

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

2 23. Health & Saf. Code section 44072.8 states that when a license has been revoked or  
3 suspended following a hearing under this article, any additional license issued under this chapter  
4 in the name of the licensee may be likewise revoked or suspended by the director.

5 **REGULATIONS**

6 24. California Code of Regulations, title 16, section 3305, subdivision (a), states:

7 All adjusting, inspecting, servicing, and repairing of brake systems and  
8 lamp systems for the purpose of issuing any certificate of compliance or adjustment  
9 shall be performed in official stations, by official adjusters, in accordance with the  
10 following, in descending order of precedence, as applicable:

11 (1) Vehicle Manufacturers' current standards, specifications and  
12 recommended procedures, as published in the manufacturers' vehicle service and  
13 repair manuals.

14 (2) Current standards, specifications, procedures, directives, manuals,  
15 bulletins and instructions issued by vehicle and equipment or device manufacturers.

16 (3) Standards, specifications and recommended procedures found in  
17 current industry-standard reference manuals and periodicals published by nationally  
18 recognized repair information providers.

19 (4) The bureau's Handbook for Brake Adjusters and Stations, February  
20 2003, which is hereby incorporated by reference.

21 (5) The bureau's Handbook for Lamp Adjusters and Stations, February  
22 2003, which is hereby incorporated by reference.

23 25. California Code of Regulations, title 16, section 3321, subdivision (c), states in  
24 pertinent part:

25 Effective April 1, 1999, licensed stations shall purchase certificates of  
26 adjustment from the bureau for a fee of three dollars and fifty cents (\$3.50) and shall  
27 not purchase or otherwise obtain such certificates from any other source. A licensed  
28 station shall not sell or otherwise transfer unused certificates of adjustment. Full  
payment is required at the time certificates are ordered. Certificates are not  
exchangeable following delivery. Issuance of a brake adjustment certificate shall be  
in accordance with the following provisions:

...

(2) Where the entire brake system on any vehicle has been inspected or  
tested and found to be in compliance with all requirements of the Vehicle Code and  
bureau regulations, and the vehicle has been road-tested, the certificate shall certify  
that the entire system meets all such requirements.

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1 26. California Code of Regulations, title 16, section 3340.35 states, in pertinent part:

2 (d) No person shall sell, issue, cause or permit to be issued any certificate  
3 purported to be a valid certificate of compliance or noncompliance unless duly  
4 licensed to do so.

4 27. California Code of Regulations, title 16, section 3373, states:

5 No automotive repair dealer or individual in charge shall, in filling out an  
6 estimate, invoice, or work order, or record required to be maintained by section  
7 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or  
8 information which will cause any such document to be false or misleading, or where  
9 the tendency or effect thereby would be to mislead or deceive customers, prospective  
10 customers, or the public.

### 9 **COST RECOVERY**

10 28. Bus. & Prof. Code section 125.3 provides, in pertinent part, that the Bureau may  
11 request the administrative law judge to direct a licentiate found to have committed a violation or  
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
13 and enforcement of the case.

### 14 **UNDERCOVER OPERATION #1: 2000 HONDA**

15 29. On January 15, 2015, a Bureau undercover operator (operator) took the Bureau's  
16 2000 Honda to Kims Auto Repair and requested brake, lamp, and smog inspections on the  
17 vehicle. At that time, the 2000 Honda had the following documented defective conditions: the  
18 right front brake rotor was machined to undersized dimensions and was no longer within the  
19 manufacturer's minimum thickness specifications, the left front headlamp was misaimed, and a  
20 non-operational rear license plate light was installed. Due to the presence of these defects, the  
21 vehicle was incapable of passing a brake or lamp inspection.

22 30. Respondent informed the operator that the total charge for the smog check inspection  
23 and the brake and lamp inspections would be \$128.00. The operator agreed to the price and  
24 Respondent provided a written estimate which the operator signed and received a copy of.  
25 Respondent then sat in the waiting area in the same room as Respondent while work was being  
26 done on the vehicle. From this vantage point the operator observed that Respondent did not do  
27 the brake, lamp, or smog check inspections on the vehicle and that instead, the work was  
28 performed by an unidentified male. The operator observed the unidentified male drive the vehicle

1 from the front of the building to the rear at a very slow speed then park the vehicle approximately  
2 ten feet in front of a white screen. The unidentified male then walked around the vehicle with a  
3 flashlight looking at the tires and turned on the lights and turn signals. The vehicle was never  
4 road tested and the operator never saw any equipment connected to the vehicle, never saw the  
5 hood of the vehicle opened for a visual inspection, and never saw the wheels removed. After  
6 sitting in the waiting area for approximately ten minutes, Respondent informed the operator that  
7 the vehicle had passed all the inspections. Respondent handed the operator an invoice, Brake  
8 Certificate of Adjustment [REDACTED], Lamp Certificate of Adjustment [REDACTED], and a  
9 Vehicle Inspection Report (VIR). The operator paid \$128.00 in cash for the inspections and left  
10 the shop in the vehicle. All certificates of adjustment were signed by Respondent under penalty  
11 of perjury. The lamp certificate of adjustment indicated that a screen was used for adjustment,  
12 various lights were inspected, and the inspection was for a reconstructed vehicle. The brake  
13 certificate of adjustment indicated that an inspection of the parking brake, brake pads, and rotors  
14 was performed to register a salvaged vehicle. The VR indicated that Respondent conducted the  
15 smog inspection of the 2000 Honda.

16 31. On or about January 16, 2015, the Bureau re-inspected the 2000 Honda and found  
17 that it should not have received a Certificate of Brake Adjustment since the right front brake rotor  
18 was still below the manufacturer's thickness specification and the tamper indicators were still  
19 intact on all four wheels indicating the wheels were not removed and the brakes were never  
20 properly inspected. The Bureau found that the 2000 Honda was eligible for a Certificate of Lamp  
21 Adjustment since the left headlamp had been adjusted and the non-operational rear license plate  
22 light had been replaced.

### 23 **UNDERCOVER OPERATION #2: 2002 HONDA**

24 32. On February 12, 2015, a Bureau undercover operator (operator) took the Bureau's  
25 2002 Honda to Kims Auto Repair and requested brake, lamp, and smog inspections on the  
26 vehicle. At that time, the 2002 Honda had the following documented defective conditions: the  
27 right front brake rotor was machined to be undersized and no longer within the manufacturer's  
28 specifications, the left front headlamp was misaimed, and a non-operational rear license plate

1 light was installed. Due to the presence of these defects, the vehicle was incapable of passing a  
2 brake or lamp inspection.

3 33. Respondent agreed to perform the brake, lamp, and smog inspections for \$128.00.  
4 The operator observed Respondent get in the vehicle and move it at a very slow rate of speed to  
5 the back of the building where Respondent sat in the vehicle while an unidentified male standing  
6 near the rear of the vehicle checked the lights. Respondent then informed the operator that one  
7 license plate light was inoperative and it would cost an additional \$5.00 to repair it. The operator  
8 authorized Respondent to replace the bulb and, at Respondent's request, wrote his personal  
9 information and signed an invoice. The operator handed the paperwork back to Respondent who  
10 walked away with it and placed it on the dashboard of the vehicle. The operator then observed  
11 the unidentified male adjusting the headlights with the vehicle eight to ten feet in front of a white  
12 screen and repairing the license plate light. The operator also observed Respondent walk around  
13 the vehicle once and look into the wheels with a flashlight at the brakes. Respondent never  
14 removed the wheels from the vehicle or physically inspected any of the brakes and the car was  
15 never road tested. The operator paid Respondent \$133.00 in cash and Respondent provided the  
16 operator with a copy of the invoice, a Vehicle Inspection Report, Brake Certificate of Adjustment  
17 [REDACTED], and Lamp Certificate of Adjustment [REDACTED]. Both certificates of adjustment  
18 were signed by Respondent under penalty of perjury. The lamp certificate of adjustment  
19 indicated that a screen was used for adjustment, various lamps were inspected, and the inspection  
20 was for a reconstructed vehicle. The brake certificate of adjustment indicated that an inspection  
21 of the parking brake, brake pads, and rotors was performed to register a salvaged vehicle.

22 34. On or about February 17, 2015, the Bureau re-inspected the 2002 Honda and found  
23 that it should not have received a Certificate of Brake Adjustment since the right front brake rotor  
24 was still below the manufacturer's thickness specification and the tamper indicators were still  
25 intact on all four wheels indicating the wheels were not removed and the brakes were never  
26 properly inspected. The Bureau found that the 2002 Honda was eligible for a Certificate of Lamp  
27 Adjustment since the left headlamp had been adjusted and the non-operational rear license plate  
28 light had been replaced.

**UNDERCOVER OPERATION #3: 2002 HONDA**

1  
2       35. On February 13, 2015, a Bureau undercover operator (operator) took the Bureau's  
3 2002 Honda to Kims Auto Repair and requested brake, lamp, and smog inspections on the  
4 vehicle. At that time, the 2002 Honda had the following documented defective conditions: the  
5 right front brake rotor was machined to be undersized and no longer within the manufacturer's  
6 specifications, the right front headlamp was misaimed, and a non-operational rear license plate  
7 light was installed. Due to the presence of these defects, the vehicle was incapable of passing a  
8 brake or lamp inspection.

9       36. Respondent agreed to perform the brake, lamp, and smog inspections for \$118.00.  
10 The operator observed an unidentified male get in the vehicle and move it at a very slow rate of  
11 speed to the back of the building. The operator walked through the building and sat in a position  
12 to see the vehicle and who was working on it. The operator observed the unidentified male  
13 checking the vehicle's lights while the vehicle was parked six to eight feet from a white screen.  
14 The operator then signed a work order at the unidentified male's request but never received an  
15 estimate copy. Respondent then informed the operator that the license plate light was not  
16 working. The operator then observed the unidentified male adjusting the left headlight against the  
17 white screen and repairing the license plate light. Respondent then walked to the vehicle and  
18 flashed a light at the left front wheel but never removed the wheels from the vehicle or physically  
19 inspected any of the brakes. The car was never road tested. The operator paid Respondent  
20 \$120.00 in cash for the inspections and the repair of the license plate light and Respondent  
21 provided the operator with a copy of the invoice, a Vehicle Inspection Report, Brake Certificate  
22 of Adjustment [REDACTED], and Lamp Certificate of Adjustment [REDACTED]. Both certificates  
23 of adjustment were signed by Respondent under penalty of perjury. The lamp certificate of  
24 adjustment indicated that a screen was used for adjustment, various lamps were inspected, and the  
25 inspection was for a reconstructed vehicle. The brake certificate of adjustment indicated that an  
26 inspection of the parking brake, brake pads, and rotors was performed to register a salvaged  
27 vehicle.

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1 accordance with the specifications, instructions, and directives issued by the Bureau or the  
2 vehicles' manufacturer.

3 b. **Section 3321, subdivision (c)(2)**: Respondent issued brake certificates for the  
4 Bureau's 2000 Honda, 2002 Honda, and 2002 Honda when the brake systems on those vehicles  
5 had not been completely tested or inspected in that the wheels were never removed and the  
6 vehicles were never road tested.

7 c. **Section 3340.35, subdivision (d)**: Respondent issued or caused to be issued a  
8 smog check certificate to the Bureau's 2000 Honda during undercover run #1 on January 15,  
9 2015, when the test was conducted by an unidentified male using Respondent's technician access  
10 code.

11 d. **Section 3373**: Respondent filled out and issued a false or misleading VIR for  
12 the Bureau's 2000 Honda and false or misleading brake and lamp certificates of adjustment for  
13 the Bureau's 2000 Honda, 2002 Honda, and 2002 Honda.

14 43. Complainant refers to, and by this reference incorporates, the allegations set forth  
15 above in paragraphs 29 through 37, inclusive, as though fully set forth herein.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with the Bus. & Prof. Code)**

18 44. Respondent's brake and lamp station licenses are subject to disciplinary action  
19 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the  
20 provisions of Bus. & Prof. Code sections 9884.7, subdivision (a)(3), 9884.7, subdivision (a)(5),  
21 9889.16, and 9889.22 relating to Respondent's licensed activities, as set forth in paragraphs 40  
22 and 41 above.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations)**

25 45. Respondent's brake and lamp station licenses are subject to disciplinary action  
26 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
27 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3321,  
28 subdivision (c)(2), 3340.35, subdivision (d), and 3373, as set forth in paragraphs 42 and 43 above.

1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 46. Respondent's brake and lamp station licenses are subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that he committed acts  
5 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 29  
6 through 37 above.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 **(Violations of the Motor Vehicle Inspection Program)**

9 47. Respondent's smog check test and repair station license is subject to disciplinary  
10 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to  
11 comply with the following sections of that Code in the following material respects:

12 a. **Section 44014, subdivision (a)**: Respondent failed to ensure that the smog  
13 check inspection of the Bureau's 2000 Honda during undercover run #1 on January 15, 2015, was  
14 conducted by a licensed technician who was qualified pursuant to this chapter.

15 b. **Section 44059**: Respondent committed perjury by issuing a smog check  
16 certificate to the Bureau's 2000 Honda during undercover run #1 on January 15, 2015, indicating  
17 that he had conducted the smog test on that vehicle when in fact that test was conducted by an  
18 unidentified male.

19 48. Complainant refers to, and by this reference incorporates, the allegations set forth  
20 above in above in paragraph 30 as though fully set forth herein.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Motor Vehicle Inspection Program)**

23 49. Respondent's smog check inspector and smog check repair technician licenses are  
24 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in  
25 that he failed to comply with sections 44014, subdivision (a), and 44059 of that code as set forth  
26 in paragraphs 47 and 48, above.

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with the Bus. & Prof. Code)**

3 50. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the  
5 provisions of Bus. & Prof. Code sections 9884.7, subdivisions (a)(3) and (a)(5), 9889.16 and  
6 9889.22 relating to his licensed activities, as set forth in paragraphs 40 and 41 above.

7 **TENTH CAUSE FOR DISCIPLINE**

8 **(Violations of Regulations)**

9 51. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
10 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
11 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3321,  
12 subdivision (c)(2), 3340.35, subdivision (d), and 3373, as set forth in paragraphs 42 and 43 above.

13 **ELEVENTH CAUSE FOR DISCIPLINE**

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

15 52. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
16 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that he committed acts  
17 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 29  
18 through 37 above.

19 **PRAYER**

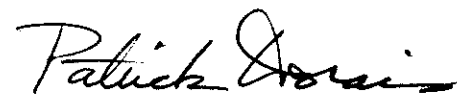
20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
21 and that following the hearing, the Director of Consumer Affairs issue a decision:

- 22 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
23 99676, issued to Chang Sik Kim dba Kims Auto Repair;
- 24 2. Revoking or suspending Smog Check Test and Repair Station License No. RC 99676,  
25 issued to Chang Sik Kim dba Kims Auto Repair;
- 26 3. Revoking or suspending Brake Station License No. BS 99676, issued to Chang Sik  
27 Kim dba Kims Auto Repair;

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- 1           4.    Revoking or suspending Lamp Station License No. LS 99676, issued to Chang Sik
- 2 Kim dba Kims Auto Repair;
- 3           5.    Revoking or suspending Smog Check Inspector License No. EO 111109 and Smog
- 4 Check Repair Technician License No. EI 111109, issued to Chang Sik Kim;
- 5           6.    Revoking or suspending Brake Adjuster License No. BA 111109-C, issued to Chang
- 6 Sik Kim;
- 7           7.    Revoking or suspending Lamp Adjuster License No. LA 111109-A, issued to Chang
- 8 Sik Kim;
- 9           8.    Revoking or suspending any and all licenses issued under Articles 5 and 6 of the
- 10 Automotive Repair Act in the name of Chang Sik Kim pursuant to section 9889.9 of the Business
- 11 and Professions Code;
- 12           9.    Revoking or suspending any and all licenses issued under the Motor Vehicle
- 13 Inspection Program in the name of Chang Sik Kim pursuant to section 44072.8 of the Health and
- 14 Safety Code;
- 15           10.   Ordering Chang Sik Kim to pay the Bureau of Automotive Repair the reasonable
- 16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
- 17 Code section 125.3; and
- 18           11.   Taking such other and further action as deemed necessary and proper.

19  
20 DATED: June 15, 2016

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

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