BEFORE THE DIRECTOR OF THE

DEPARTMENT OF CONSUMER AFFAIRS

BUREAU OF AUTOMOTIVE REPAIR

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

NGOC VAN NGUYEN dba CALIFORNIA SMOG TEST CENTER

7515 Alondra Blvd.

Paramount, CA 90723

Automotive Repair Dealer Registration No. ARD 292395

Smog Check Test Only Station License No. TC 292395

and

NGOC VAN NGUYEN

7515 Alondra Blvd.

Paramount, CA 90723

Mailing Address:

8911 Larson Ave.

Garden Grove, CA 92844

Smog Check Inspector License No. EO 140979

Smog Check Repair Technician License No. EI 140979

Respondents.

Case No. 79/22-4845

OAH No. 2023050171

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on May 24, 2024.

IT IS SO ORDERED April 16, 2024.

GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General
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Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **NGOC VAN NGUYEN DBA CALIFORNIA SMOG TEST CENTER** **7515 Alondra Blvd** **Paramount, CA 90723** **Automotive Repair Dealer Registration No. ARD 292395** **Smog Check Test Only Station License No. TC 292395,** **and** **NGOC VAN NGUYEN** **7515 Alondra Blvd** **Paramount, CA 90723** **<u>Mailing Address:</u>** **8911 Larson Ave** **Garden Grove, CA 92844** **Smog Check Inspector License No. EO 140979** **Smog Check Repair Technician License No. EI 140979** Respondent.	Case No. 79/22-4845 OAH No. 2023050171 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair (Bureau). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by M. Travis Peery, Deputy Attorney General.

2. Respondent Ngoc Van Nguyen dba California Smog Test Center (Respondent) is represented in this proceeding by attorney Sarkis V. Paronyan, whose address is: 500 N. Central Avenue, Suite 940, Glendale, CA 91203.

3. On or about October 22, 2018, the Bureau issued Automotive Repair Dealer Registration No. ARD 292395 to Respondent. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/22-4845, and will expire on October 31, 2024, unless renewed.

4. On or about October 30, 2018, the Bureau issued Smog Check Test Only Station License Number TC 292395 to Respondent. The Smog Check Test Only Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/22-4845, and will expire on October 31, 2024, unless renewed.

5. On or about March 1, 2019, the Bureau certified California Smog Test Center as a STAR Station. The STAR certification will remain active unless the Automotive Repair Dealer registration and/or Smog Check Test Only Station license is revoked, cancelled, licenses become delinquent, or certification is suspended

6. In 2004, the Bureau issued Advanced Emission Specialist Technician License Number EA 140979 to Respondent. The License was due to expire on November 30, 2013, but was cancelled on August 13, 2013 and renewed pursuant to Respondent's election as Smog Check Inspector License Number EO 140979 and Smog Check Repair Technician License Number EI 140979, effective August 13, 2013. The Smog Check Repair Technician License expired on November 30, 2017. The Smog Check Inspector License was in full force and effect

at all times relevant to the charges brought in Accusation No. 79/22-4845, and will expire on November 30, 2025, unless renewed.

JURISDICTION

7. Accusation No. 79/22-4845 was filed before the Director of the Department of Consumer Affairs (Director), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 31, 2023. Respondent timely filed his Notice of Defense contesting the Accusation.

8. A copy of Accusation No. 79/22-4845 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

9. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 79/22-4845. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

12. Respondent understands and agrees that the charges and allegations in Accusation No. 79/22-4845, if proven at a hearing, constitute cause for imposing discipline upon his Automotive Repair Dealer Registration, Smog Check Test Only Station License, Smog Check Inspector License, and Smog Check Repair Technician License.

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13. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

14. Respondent agrees that his Automotive Repair Dealer Registration, Smog Check Test Only Station License, Smog Check Inspector License, and Smog Check Repair Technician License are subject to discipline and he agrees to be bound by the Director's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

15. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Director of the Department of Consumer Affairs, Bureau of Automotive Repair, or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

16. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

17. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 292395, Smog Check Test Only Station License No. TC 292395, Smog Check Inspector License No. EO 140979, and Smog Check Repair Technician License No. EI 140979, all issued to Respondent, are revoked.

1. Respondent shall lose all rights and privileges as an Automotive Repair Dealer, Smog Check Test Only Station, Smog Check Inspector, and Smog Check Repair Technician in California as of the effective date of the Director's Decision and Order.

2. Respondent shall cause to be delivered to the Bureau his Automotive Repair Dealer, Smog Check Test Only Station, Smog Check Inspector, and Smog Check Repair Technician wall certificates on or before the effective date of the Decision and Order.

3. The Bureau shall treat Respondent's future application for registration or license to the Bureau or petition for reinstatement of registration or license by the Bureau, if any, as a new application for registration or license. Respondent must comply with all the laws, regulations, and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 79/22-4845 shall be deemed to be true, correct, and admitted by Respondent when the Bureau determines whether to grant or deny the application or petition.

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4. Respondent shall pay the Bureau its cost of investigation and enforcement in the amount of $12,250.00 prior to application, if and when he submits an application for a new registration or license.

5. Respondent shall not apply for registration or licensure for one (1) year from the effective date of the Director's Decision and Order.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Sarkis V. Paronyan. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Test Only Station License, Smog Check Inspector License, and Smog Check Repair Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

DATED: 02/01/2024

Signed Copy on File

NGOC VAN NGUYEN DBA CALIFORNIA SMOG TEST CENTER
Respondent

I have read and fully discussed with Respondent Ngoc Van Nguyen dba California Smog Test Center the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 02/01/2024

Signed Copy on File

SARKIS V. PARONYAN
Attorney for Respondent

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ENDORSEMENT

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

DATED: 02/02/2024

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

Signed Copy on File

M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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