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

10 **In the Matter of the Accusation Against:**

Case No. 79/15-93

11 **SAN BRUNO 76**
12 **STEPHEN NG, Owner**
401 San Mateo Ave.
13 San Bruno, CA 94066
Mailing address:
14 1181 Chess Dr. Ste. 203
Foster City, CA 94404

A C C U S A T I O N

15 **Automotive Repair Dealer Registration No. ARD 254572**
16 **Smog Check, Station License No. RC 254572**
17 **Brake Adjusting Station License No. BS 254572, Class C**
Lamp Adjusting Station License No. LS 254572, Class A

18 **GIANG DONG DO**
401 San Mateo Avenue.
19 San Bruno, CA 94066

20 **Smog Check Inspector (EO) License No. 151716**
Smog Check Repair Technician (EI) License No. 151716
(Formerly Advanced Emission Specialist Technician
21 **License No. EA 151716)**
22 **Brake Adjuster License No. BA 151716, Class C**
Lamp Adjuster License No. LA 151716, Class A

23 **JOSE MANUEL DEJESUS**
16280 Galtway Ct.
24 San Lorenzo, CA 94580

25 **Smog Check Inspector License No. EO 144807**
26 **Smog Check Repair Technician License No. EI 144807**
(Formerly Advanced Emission Specialist Technician
27 **License No. EA 144807)**

28 **Respondents.**

1 Complainant alleges:

2 **PARTIES**

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

5 **SAN BRUNO 76**

6 2. On or about April 22, 2008, the Bureau of Automotive Repair issued Automotive
7 Repair Dealer Registration Number ARD 254572 to San Bruno 76 Stephen Ng, Owner
8 ("Respondent San Bruno 76"). The Automotive Repair Dealer Registration was in full force and
9 effect at all times relevant to the charges brought herein and will expire on April 30, 2015, unless
10 renewed.

11 3. On or about June 13, 2008, the Bureau of Automotive Repair issued Smog Check
12 Station License Number RC 254572 ("Smog Station License") to Respondent San Bruno 76. The
13 Smog Check Station License was in full force and effect at all times relevant to the charges
14 brought herein and will expire on April 30, 2015, unless renewed. Respondent San Bruno Smog
15 76 was certified as a STAR station on or about July 17, 2013.

16 4. On or about May 23, 2008, the Bureau of Automotive Repair issued Brake Station
17 License Number BS 254572, Class C, ("Brake Station License") to Respondent San Bruno 76.
18 The Brake Station License was in full force and effect at all times relevant to the charges brought
19 herein and will expire on April 30, 2015, unless renewed.

20 5. On or about May 23, 2008, the Bureau of Automotive Repair issued Lamp Station
21 License Number LS 254572, Class A, ("Lamp Station License") to Respondent San Bruno 76.
22 The Lamp Station License was in full force and effect at all times relevant to the charges brought
23 herein and will expire on April 30, 2015, unless renewed.

24 **GIANG DONG DO**

25 6. In or about 2005, the Bureau of Automotive Repair issued Advanced Emissions
26 Specialist License No. EA 151716 to Giang Dong Do (Respondent Do). The Advanced Emissions
27 Specialist (EA) License was due to expire on November 30, 2013. Pursuant to California Code of
28 Regulations, title 16, section 3340.28, subsection (e), the license was renewed, pursuant to

1 Respondent's election, as Smog Check Inspector License Number License No. EO 151716 and
2 Smog Check Repair Technician License No. EI 151716¹. The Smog Check Inspector (EO) and
3 Smog Check Repair Technician (EI) Licenses are due to expire on November 30, 2015, unless
4 renewed.

5 7. In or about 2007, the Bureau of Automotive Repair issued Brake Adjuster License
6 No. BS 151716, class C, to Respondent Do. The Brake Adjuster License expired on November
7 30, 2011, and has not been renewed.

8 8. In or about 2007, the Bureau of Automotive Repair issued Lamp Inspector License
9 No. LS 151716, class A, to Respondent Do. The Lamp Adjuster License expired on November
10 30, 2011, and was cancelled on January 1, 2012.

11 **JOSE MANUEL DEJESUS**

12 9. In or about 2002, the Bureau of Automotive Repair issued Advanced Emissions
13 Specialist License No. EA 144807 to Jose Manual DeJesus (Respondent DeJesus). The Advanced
14 Emissions Specialist (EA) License was due to expire on July 31, 2012. Pursuant to California
15 Code of Regulations, title 16, section 3340.28, subsection (e), the license was renewed, pursuant
16 to Respondent's election, as Smog Check Inspector License Number License No. EO 144807 and
17 Smog Check Repair Technician License No. EI 144807. The Smog Check Inspector (EO) and
18 Smog Check Repair Technician (EI) Licenses are due to expire on July 31, 2016, unless renewed.

19 **JURISDICTION & STATUTORY PROVISIONS**

20 10. This Accusation is brought before the Director of Consumer Affairs (Director) for the
21 Bureau of Automotive Repair, under the authority of the following laws.

22 11. Section 118 of the Business and Professions Code states:

23 “(a) The withdrawal of an application for a license after it has been filed with a board in the
24 department shall not, unless the board has consented in writing to such withdrawal, deprive the
25 board of its authority to institute or continue a proceeding against the applicant for the denial of

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28,
27 3340.29 and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist 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 the license upon any ground provided by law or to enter an order denying the license upon any
2 such ground.

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

10 “(c) As used in this section, “board” includes an individual who is authorized by any
11 provision of this code to issue, suspend, or revoke a license, and “license” includes “certificate,”
12 “registration,” and “permit.”

13 12. Section 9884.5 of the Business and Professions Code states:

14 "A registration that is not renewed within three years following its expiration shall not be
15 renewed, restored, or reinstated thereafter, and the delinquent registration shall be canceled
16 immediately upon expiration of the three-year period.

17 "An automotive repair dealer whose registration has been canceled by operation of this
18 section shall obtain a new registration only if he or she again meets the requirements set forth in
19 this chapter relating to registration, is not subject to denial under Section 480, and pays the
20 applicable fees.

21 "An expired registration may be renewed at any time within three years after its expiration
22 upon the filing of an application for renewal on a form prescribed by the bureau and the payment
23 of all accrued renewal and delinquency fees. Renewal under this section shall be effective on the
24 date on which the application is filed and all renewal and delinquency fees are paid. If so
25 renewed, the registration shall continue in effect through the expiration date of the current
26 registration year as provided in Section 9884.3, at which time the registration shall be subject to
27 renewal."

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13. Section 9884.7 of the Business and Professions Code states:

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

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

• • •

(4) Any other conduct that constitutes fraud.

• • •

"(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by 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."

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

15. Section 9889.1 of the Business and Professions Code states:

“Any license issued pursuant to Articles 5 and 6, may be suspended or revoked by the director. The director may refuse to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.”

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16. Section 9889.3 of the Business and Professions Code states:

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

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

• • •

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

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

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17. Section 9889.7 of the Business and Professions Code states:

“The expiration or suspension of a license by operation of law or by order or decision of the director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with any investigation of or action or disciplinary proceedings against such licensee, or to render a decision suspending or revoking such license.”

18. Section 9889.9 of the Business and Professions Code states:

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

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

20. Section 44014 of the Health and Safety Code states:

"(a) Except as otherwise provided in this chapter, the testing and repair 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 chapter.

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21. Section 44059 of the Health and Safety Code states:

“The willful making of any false statement or entry with regard to a 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 Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

22. Section 44072.2 of the Health and Safety Code states:

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

"(a) Violates any section of this chapter [the Motor Vehicle Inspection 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.

• • •

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

23. 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 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

24. Section 44072.8 of the Health and Safety Code states:

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

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1 **REGULATIONS AND OTHER AUTHORITY**

2 25. California Code of Regulations, title 16, section 3340.41, states:

3 ". . .(b) No person shall enter into the emissions inspection system any access or
4 qualification number other than as authorized by the bureau, nor in any way tamper with the
5 emissions inspection system.

6 . . .

7 26. California Code of Regulations, title 16, section 3340.45 states:

8 (a) All Smog Check inspections shall be performed in accordance with requirements and
9 procedures prescribed in the following:

10 (1) Smog Check Inspection Procedures Manual, dated August 2009, which is hereby
11 incorporated by reference. This manual shall be in effect until subparagraph (2) is implemented.

12 (2) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This
13 manual shall become effective on or after January 1, 2013.

14 27. Smog Check Manual, dated 2013, which is incorporated by reference in California
15 Code of Regulations, title 16, section 3340.45 states:

16 "1.1.0 Inspector Access

17 "Entering both an Inspector's license number and access code provide access into the BAR-
18 97 Emissions Inspection System (EIS) or OBD Inspection System (OIS) Smog Check inspection
19 mode, as applicable. Follow the EIS or OIS prompts to access the Smog Check inspection mode.

20 "The access code is assigned by BAR and is unique to each inspector. Each Inspector must
21 maintain the security of his or her access code. Disclosure of one's access code or use of Another
22 inspector's access code or license information is prohibited and such conduct will result in
23 disciplinary action. If the security of your access code has been compromised, or you suspect
24 another person is using your access code, you must contact your local BAR field office
25 immediately."

26 **COSTS**

27 28. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **FACTUAL BACKGROUND**

6 29. STAR stations are Smog Check stations that meet higher performance standards
7 established by the Bureau of Automotive Repair. Some STAR stations are licensed only to
8 perform tests, while others are licensed to perform both tests and repairs.

9 30. The Follow-up Pass Rate (FPR) is a long-term STAR performance measure that
10 evaluates the performance of both stations and smog inspectors. It is the only performance
11 measure that evaluates the performance of an inspector to determine a station's eligibility for the
12 STAR program. For this reason, FPR scores are given to both Smog Check stations and
13 inspectors. While both Smog Check stations and inspectors are given FPR scores, the process for
14 determining whether a station is eligible for the STAR program- both on initial application and
15 after becoming STAR certified - rests, in large part, on the FPR score of the inspector(s)
16 performing inspections at that station. In other words, the inspector FPR score is considered first
17 when determining a station's eligibility for the STAR Program. The only time a station FPR score
18 is considered is when an inspector does not have an FPR score, either because that inspector is a
19 new licensee or does not have enough data to establish an FPR score.

20 31. Respondent DeJesus is not a STAR Smog Check Inspector. His FPR performance
21 rating, at the times relevant to this accusation, were too low to perform smog inspections at a
22 STAR certified station. Respondent DeJesus was not authorized to perform smog inspections at
23 Respondent San Bruno 76's station.

24 32. Each licensed Smog Check Inspector is issued a unique access code allowing access
25 to the Emissions Inspection System (EIS), the equipment used to perform a smog check. This
26 access code is assigned by the Bureau of Automotive Repair. Each Smog Check Inspector must
27 maintain the security of his of her access code. Disclosure of one's code or use of another Smog
28 Check Inspector 's access code is prohibited.

1 33. In or about June, 2014, The Bureau of Automotive Repair conducted an investigation
2 of Respondent San Bruno 76. The investigation revealed that Respondent DeJesus was
3 performing smog inspections at Respondent San Bruno 76's smog check station. Respondent
4 DeJesus performed the smog inspections at Respondent San Bruno 76's smog check station by
5 using the access code of Respondent Do. Respondent Do willingly gave his access code to
6 Respondent DeJesus. Respondent Do instructed Respondent DeJesus to use Respondent Do's
7 license and access code to perform smog inspections at Respondent San Bruno 76's station.

8 34. Between June 15, and June 24, 2014, Respondent DeJesus performed 38 smog
9 inspections at Respondent San Bruno 76's smog check station by using Respondent Do's access
10 code. Respondent San Bruno 76 issued 36 certificates of compliance based on the smog
11 inspections performed by Respondent DeJesus using Respondent Do's license and access code.

12 35. Respondent DeJesus forged the signature of Respondent Do on Vehicle Inspection
13 Reports. Respondent DeJesus falsely certified under penalty of perjury that the smog inspections
14 were performed by Respondent Do.

15 **FIRST CAUSE FOR DISCIPLINE**

16 (Fraud, Dishonesty, or Deceit)

17 36. Respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician
18 licenses are subject to disciplinary action under section 44072.2, subsection (d), of the Health and
19 Safety Code in that he committed acts involving dishonesty, fraud, or deceit whereby another is
20 injured. The circumstances are described in paragraphs 29-35, above.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Violation of Regulations)

23 37. Respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician
24 licenses are subject to disciplinary action under section 44072.2, subsections (a) and/or (c), of the
25 Health and Safety Code in that he violated a regulation adopted by the director of the Department
26 of Consumer Affairs. Respondent DeJesus violated California Code of Regulations, title 16,
27 section 3340.41 subsection (b) by entering the access code of another technician into the EIS.
28 The circumstances are further described in paragraphs, 29-35, above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Violation of Chapter)

3 38. Respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician
4 licenses are subject to disciplinary action under section 44072.2, subsections (a) and/or (h), of the
5 Health and Safety Code in that he violated a section of the Motor Vehicle Inspection Program.
6 Respondent DeJesus violated Health and Safety Code section 44014. Respondent DeJesus
7 performed smog inspections at Respondent San Bruno 76's station. Respondent DeJesus was not
8 qualified nor authorized to perform smog inspections at Respondent San Bruno 76's station. The
9 circumstances are further described in paragraphs 29-35, above

10 **FOURTH CAUSE FOR DISCIPLINE**

11 (Violation of Chapter)

12 39. Respondent DeJesus's Smog Check Inspector and Smog Check Repair Technician
13 licenses are subject to disciplinary action under section 44072.2, subsection (a) and/or (h), of the
14 Health and Safety Code in that he violated a section of the Motor Vehicle Inspection Program.
15 Respondent DeJesus violated Health and Safety Code section 44059. Respondent DeJesus
16 willfully made false statements on the certificates of compliance and vehicle inspection reports as
17 described in paragraphs 29-35, above.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 (Misleading/Untrue Statements)

20 40. Respondent San Bruno 76's ARD Registration is subject to disciplinary action under
21 section 9884.7, subsection (a)(1), of the Business and Professions Code in that Respondent San
22 Bruno 76 made or authorized statements that were untrue or misleading, and which Respondent
23 San Bruno 76 knew or should have known were untrue or misleading. Respondent San Bruno 76
24 issued 36 certificates of compliance that all falsely state that the smog inspections were performed
25 by Respondent Do when in fact they were performed by Respondent DeJesus. Respondent San
26 Bruno 76 issued 38 Vehicle Inspection Reports that falsely state that the smog inspections were
27 performed Respondent Do when in fact they were performed by Respondent DeJesus. The
28 circumstances are further described in paragraphs 29-35, above.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 (Fraud)

3 41. Respondent San Bruno 76's ARD Registration is subject to disciplinary action under
4 section 9884.7, subsection (a)(4), of the Business and Professions Code in that Respondent San
5 Bruno 76 committed acts that constitute fraud. The circumstances are described in paragraphs 29-
6 35, and 40, above.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 (Fraud, Dishonesty, or Deceit)

9 42. Respondent San Bruno 76's Smog Station License subject to disciplinary action under
10 section 44072.2, subsection (d), of the Health and Safety Code in that it committed acts involving
11 dishonesty, fraud, or deceit whereby another is injured. The circumstances are described in
12 paragraphs 29-35, and 40, above.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 (Violation of Chapter)

15 43. Respondent San Bruno 76's Smog Station License is subject to disciplinary action
16 under section 44072.2, subsections (a) and/or (h), of the Health and Safety Code in that it violated
17 a section of the Motor Vehicle Inspection Program. Respondent San Bruno 76 violated Health
18 and Safety Code section 44014. Respondent San Bruno 76 performed smog inspections with a
19 smog inspector who was not qualified nor authorized to perform inspections at Respondent San
20 Bruno 76. The circumstances are further described in paragraphs 29-35, and 40, above.

21 **NINTH CAUSE FOR DISCIPLINE**

22 (Violation of Chapter)

23 44. Respondent San Bruno 76's Smog Station License is subject to disciplinary action
24 under section 44072.2, subsections (a) and/or (h), of the Health and Safety Code in that it violated
25 a section of the Motor Vehicle Inspection Program. Respondent San Bruno 76 violated Health
26 and Safety Code section 44059. Respondent San Bruno 76 willfully made false statements on the
27 certificates of compliance and vehicle inspection reports as described in paragraphs 29-35, and
28 40, above.

1 and Respondent San Bruno 76's smog station. The circumstances are further described in
2 paragraphs 29-35, and 40, above.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 (Fraud, Dishonesty, or Deceit)

5 49. Respondent Do's Brake Adjuster License and Lamp Adjuster License are subject to
6 disciplinary action under section 9889.3, subsection (d), of the Business and Professions Code in
7 that he committed acts involving dishonesty, fraud, or deceit whereby another is injured. The
8 circumstances are described in paragraphs 29-35, and 40, above.

9 **OTHER MATTERS**

10 50. Pursuant to Health & Safety Code section 44072.8, if Respondent DeJesus's Smog
11 Check Inspector License or Smog Check Repair Technician License is revoked or suspended, any
12 additional license issued under this chapter in the name of said licensee may be likewise revoked
13 or suspended by the director.

14 51. Pursuant to Health & Safety Code section 44072.8, if Respondent Do's Smog Check
15 Inspector License or Smog Check Repair Technician License is revoked or suspended, any
16 additional license issued under this chapter in the name of said licensee may be likewise revoked
17 or suspended by the director.

18 52. Pursuant to Business and Professions Code section 9889.9, if Respondent Do's Lamp
19 Adjuster License or Brake Adjuster License is revoked or suspended, any additional license issued
20 under this chapter in the name of said licensee may be likewise revoked or suspended by the
21 director.

22 53. Pursuant to Health & Safety Code section 44072.8, if Respondent San Bruno 76's
23 Smog Station License is revoked or suspended, any additional license issued under this chapter in
24 the name of said licensee may be likewise revoked or suspended by the director.

25 54. Pursuant to Business and Professions Code 9884.7(c), the director may suspend,
26 revoke, or place on probation the registration for all places of business operated in this state by
27 San Bruno 76 upon a finding that the San Bruno 76 has, or is, engaged in a course of repeated and
28 willful violations of this chapter, or regulations adopted pursuant to it.

55. Pursuant to Business and Professions Code section 9889.9, if Respondent San Bruno 76's Lamp Station License or Brake Station License is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

DISCIPLINARY CONSIDERATIONS

56. To determine the degree of discipline, if any, to be imposed on Respondent San Bruno 76, Complainant alleges that on or about March 27, 2012, Respondent San Bruno 76 was issued Citation No. C2012-1282 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable. The citation was paid on May 31, 2012.

57. To determine the degree of discipline, if any, to be imposed on Respondent Do, Complainant alleges that on or about March 27, 2012, Respondent Do was issued Citation No. M2012-1283 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable. The training course ordered by the citation was completed on May 6, 2012.

58. To determine the degree of discipline, if any, to be imposed on Respondent San Bruno 76 and Respondent Do, Complainant alleges that a Bureau or Automotive Repair representative had an conference with both Respondent San Bruno 76 and Respondent Do concerning the performance of Brake and/or Lamp inspections after Respondent Do's Brake and Lamp adjuster licenses had expired. Respondent San Bruno 76 and Respondent Do were warned that further violations of the Automotive Repair Act may lead to formal legal action.

59. To determine the degree of discipline, if any, to be imposed on Respondent DeJesus, Complainant alleges that on or about April 20, 2012, Respondent DeJesus was issued Citation No. M2012-1406 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable. The training course ordered by the citation was completed on May 10, 2012.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 254572, issued to San Bruno 76, Stephen Ng, owner;
2. Revoking or suspending Smog Check Station License Number RC 254572, issued to San Bruno 76, Stephen Ng, owner;
3. Revoking or suspending Brake Station License Number BS 254572, Class C, issued to San Bruno 76, Stephen Ng, owner;
4. Revoking or suspending Lamp Station License Number LS 254572, Class A, issued to San Bruno 76, Stephen Ng, owner;
5. Revoking or suspending any additional Automotive Repair Dealer registration, Smog Check Station, Smog Check Inspector, Smog Check Repair Technician, Brake Station, Lamp Station, Brake Adjuster, or Lamp Adjuster license issued to Stephen Ng;
6. Revoking or suspending Smog Check Inspector License Number License No. EO 151716 issued to Giang Dong Do;
7. Revoking or suspending Smog Check Repair Technician License No. EI 151716 issued to Giang Dong Do;
8. Revoking or suspending Brake Adjuster License No. BA 151716 issued to Giang Dong Do;
9. Revoking or suspending Lamp Inspector License No. LA 151716 issued to Giang Dong Do;
10. Revoking or suspending any additional Smog Check Station, Smog Check Inspector, Smog Check Repair Technician, Brake Station, Lamp Station, Brake Adjuster, or Lamp Adjuster license issued to Giang Dong Do;
11. Revoking or suspending Smog Check Inspector License Number License No. EO 144807 issued to Jose Manuel DeJesus;

1 12. Revoking or suspending Smog Check Repair Technician License No. EI 144807
2 issued to Jose Manuel DeJesus;

3 13. Revoking or suspending any additional Smog Check Station, Smog Check Inspector,
4 or Smog Check Repair Technician license issued to Jose Manuel DeJesus;

5 14. Ordering San Bruno 76, Stephen Ng, owner to pay the Bureau of Automotive Repair
6 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
7 Professions Code section 125.3;

8 15. Ordering Giang Dong Do to pay the Bureau of Automotive Repair the reasonable
9 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
10 section 125.3;

11 16. Ordering Jose Manuel DeJesus to pay the Bureau of Automotive Repair the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;

14 17. Taking such other and further action as deemed necessary and proper.
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17 DATED: January 28, 2015 Patrick Doraïs
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PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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