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

12 In the Matter of the Petition to Revoke
Probation Against:

Case No. 79/20-11816

13 **SMOGSTER, JOGINDER SINGH**
14 **(OWNER)**
6928 Reseda Blvd.
15 Reseda, CA 91335
Automotive Repair Dealer Registration No.
16 ARD 274480
Smog Check Station License No. RC 274480

PETITION TO REVOKE PROBATION

17 **JOGINDER SINGH**
18 9950 Topanga Canyon Blvd., #5
Chatsworth, CA 91311
19 Smog Check Inspector License No. EO 143313

20 **and**

21 **BAO HOANG TANG**
22 21930 Valerio St. #15
Canoga Park, CA 91303

23 Mailing Address:
24 7203 Rubio Ave. #205
Lake Balboa, CA 91406

25 Smog Check Inspector License No. EO 148730
26 Smog Check Repair Technician License No. EI
148730

27 Respondents.
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1 Complainant alleges:

2 **PARTIES**

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

6 **Joginder Sing, dba Smogster**

7 **Automotive Repair Dealer Registration**

8 2. On or about October 11, 2013, the Bureau issued Automotive Repair Dealer
9 Registration Number ARD 274480 to Joginder Sing, dba Smogster (Respondent Smogster). The
10 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
11 charges brought herein and will expire on October 31, 2021.

12 **Smog Station License**

13 3. On or about December 7, 2015, the Bureau issued Smog Check Station License
14 Number RC 274480 to Respondent Smogster. The Smog Check Station License was in full force
15 and effect at all times relevant to the charges brought herein and will expire on October 31, 2021.

16 4. On or about December 14, 2015, the Bureau issued STAR Certification to
17 Respondent Smogster. The STAR Station Certification was in full force and effect at all times
18 relevant to the charges brought herein and will remain active unless the ARD registration and/or
19 the Smog Check Station license is revoked, cancelled, or the licenses become delinquent or
20 certification is invalidated.

21 **Joginder Singh**

22 **Smog Check Inspector License**

23 5. On or about November 25, 2013, the Bureau issued Smog Check Inspector License
24 Number EO 143313 to Joginder Singh (Respondent Singh). The Smog Check Inspector License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 June 30, 2021.

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1 **Bao Hoang Tang**

2 **Smog Check Inspector License**

3 6. On or about August 18, 2015, the Bureau issued Smog Check Inspector License
4 Number EO 148730 to Bao Hoang Tang (Respondent Tang). The Smog Check Inspector License
5 was in full force and effect at all times relevant to the charges brought herein and will expire on
6 July 31, 2021.

7 **Smog Check Repair Technician License**

8 7. On or about August 17, 2015, the Bureau issued Smog Check Repair Technician
9 License Number EI 148730 to Respondent Tang). The Smog Check Repair Technician License
10 was in full force and effect at all times relevant to the charges brought herein and will expire on
11 July 31, 2021.

12 8. In a disciplinary action titled "*In the Matter of Accusation Against Joginder Singh*
13 *dba Smogster; Joginder Singh; Bao Hoang Tang*," Case No. Board Case No. 79/18-588, OAH
14 No. 2018100325, the Director of the Department of Consumer Affairs (Director) for the Bureau,
15 issued a decision, effective June 17, 2019, in which Respondent Smogster's Automotive Repair
16 Dealer Registration and Smog Check Station License were revoked. Additionally, Respondent
17 Singh's Smog Check Inspector License and Respondent Tang's Smog Check Repair Inspector
18 and Technician Licenses were revoked. However, the revocations were stayed. Respondent
19 Smogster's Automotive Repair Dealer Registration was placed on probation for a period of three
20 (3) years with certain terms and conditions. Additionally, Respondent Singh's Smog Check
21 Inspector License and Respondent Tang's Smog Check Repair Inspector and Technician Licenses
22 were placed on probation for a period of three (3) years with certain terms and conditions. A copy
23 of that decision is attached as Exhibit A and is incorporated by reference.

24 **JURISDICTION**

25 9. This Petition to Revoke Probation is brought before the Director for the Bureau,
26 under the authority of the Bureau's Decision and Order *In the Matter of the Accusation Against:*
27 *Joginder Singh dba Smogster; Joginder Singh; Bao Hoang Tang*," Case No. Board Case No.
28 79/18-588, OAH No. 2018100325 (Order).

10. Condition 6 of the Order states:

VIOLATION OF PROBATION. If a Respondent violates or fails to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard may set aside the stay order and carry out the disciplinary order provided in the decision. Once the Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extending until final resolution of the matter.

11. Grounds exist to revoke Respondents Singh, and Tang's probation under the authority of Condition 6 of the Order in that Respondents Singh and Respondent Tang did not comply with the terms and conditions of their probation, as set forth below.

CAUSE TO REVOKE PROBATION

(COST RECOVERY)

12. At all times after the effective date of Respondents' probation, Condition 8 stated:

COST RECOVERY. Respondents shall pay the Bureau of Automotive Repair, jointly and severally, \$2,036.64 for the reasonable costs of the investigation and enforcement of case No. 79/18-588. Respondents shall make such payment as follows: Respondents shall make such payment by making monthly payments over a period of twenty-four (24) months. Respondents shall make twenty-three (23) monthly installments of \$84.86 with a final payment (48th monthly installment) of \$84.86 due no later than twelve (12) months prior to the termination of probation. Respondents shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for case No. 79/18-588. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. BAR reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

13. Respondents Singh and Tang's probation are subject to revocation because their probation is subject to revocation because they failed to comply with Probation Condition 8, referenced above. Respondents Singh and Tang have not made any payments and collectively have an outstanding balance of \$436.64, in violation of the terms and conditions of their probation.

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PRAYER

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

1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 79/18-588, OAH No. 2018100325 and imposing the disciplinary order that was stayed thereby revoking Automotive Repair Dealer Registration No. ARD 274480 issued to Respondent Smogster;

2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 274480, issued to Respondent Smogster;

3. Revoking or suspending Smog Check Station License No. RC 274480, issued to Respondent Smogster.

4. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. Board Case No. 79/18-588, OAH No. 2018100325 and imposing the disciplinary order that was stayed thereby revoking Smog Check Inspector License No. EO 143313 issued to Respondent Singh;

5. Revoking or suspending Smog Check Inspector License No. EO 143313, issued to Respondent Singh;

6. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. Board Case No. 79/18-588, OAH No. 2018100325 and imposing the disciplinary order that was stayed thereby revoking Smog Check Inspector License No. EO 148730 issued to Respondent Tang;

7. Revoking or suspending Smog Check Inspector License No. EO 148730, and Smog Check Repair Technician License no. EI 148730, issued to Respondent Tang;

8. Revoking or suspending Smog Check Repair Technician License No. EI 148730, issued to Respondent Tang; and

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

DATED: February 10, 2021

Signature on file

PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

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Exhibit A

In the Matter of the Accusation Against: Joginder Singh dba Smogster; Joginder Singh; Bao Hoang Tang

Case No. 79/18-588, OAH No. 2018100325

Decision and Order