

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

In the Matter of the Accusation Against:

**TONY K. KIM, Owner, dba EXPRESS LUBE**

10717 Carmenita Road

Whittier, CA 90605

Automotive Repair Dealer Registration No. ARD 228180

Smog Check Station License No. RC 228180

and

**TONY K. KIM**

10717 Carmenita Road

Whittier, CA 90605

Smog Check Inspector License No. EO 152289

Smog Check Repair Technician EI 152289

Respondents.

Case No. 79/19-12148


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**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 June 9, 2020.

DATED: 4/28/2020

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

1 XAVIER BECERRA  
Attorney General of California  
2 SHAWN P. COOK  
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7 *Attorneys for Complainant*

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

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14 In the Matter of the Accusation Against:

Case No. 79/19-12148

15 **TONY K. KIM, Owner dba EXPRESS**  
16 **LUBE**  
17 **10717 Carmenita Road**  
**Whittier, CA 90605**

OAH No. 2019110613

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18 **Automotive Repair Dealer Registration No.**  
19 **ARD 228180**  
**Smog Check Station License No. RC 228180**

20 **and**

21 **TONY K. KIM**  
22 **10717 Carmenita Road**  
23 **Whittier, CA 90605**

24 **Smog Check Inspector License No. EO**  
**152289**

25 **Smog Check Repair Technician License No.**  
26 **EI 152289**

27 Respondents.

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

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair  
5 (Bureau). He brought this action solely in his official capacity and is represented in this matter by  
6 Xavier Becerra, Attorney General of the State of California, by Mario Cuahutle, Deputy Attorney  
7 General.

8 2. Respondents Tony K. Kim dba Express Lube and Tony K. Kim are represented in this  
9 proceeding by attorney William D. Ferreira Esq., whose address is: 555 California Street, Suite  
10 4925, San Francisco, CA 94104.

11 3. In or about 2003, the Bureau of Automotive Repair issued Automotive Repair Dealer  
12 Registration Number ARD 228180 to Tony K. Kim dba Express Lube, (Respondent Express  
13 Lube). The Automotive Repair Dealer Registration was in full force and effect at all times  
14 relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.

15 4. On or about January 25, 2005, the Bureau of Automotive Repair issued Smog Check  
16 Station License Number RC 228180 to Respondent Express Lube. The Smog Check Station  
17 License was in full force and effect at all times relevant to the charges brought herein and will  
18 expire on June 30, 2020, unless renewed.

19 5. On or about January 2, 2014, the Bureau of Automotive Repair issued STAR Station  
20 Certification to Respondent Express Lube.

21 6. In or about 2005, the Bureau of Automotive Repair issued Advanced Emission  
22 Specialist Technician License Number EA 152289 to Tony K. Kim (Respondent Kim). The  
23 Advanced Emission Specialist Technician License was cancelled on December 12, 2013.

24 7. On or about December 12, 2013, the Bureau of Automotive Repair issued Smog  
25 Check Inspector License Number EO 152289 to Respondent Kim. The Smog Check Inspector  
26 License was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on January 31, 2020, unless renewed.

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 228180  
3 and Smog Check Station License No. RC 228180 issued to Respondent Express Lube, Tony K.  
4 Kim are revoked.

5 IT IS HERE FURTHER ORDERED that Smog Check Inspector License No. EO 152289  
6 and Smog Check Repair Technician License No. EI 152289 issued to Respondent Tony K. Kim  
7 are revoked.

8 However, the revocations are stayed and Respondents are placed on probation for three (3)  
9 years on the following terms and conditions.

10 1. **Obey All Laws.** During the period of probation, Respondents shall comply with all  
11 federal and state statutes, regulations and rules governing all BAR registrations and licenses held  
12 by Respondents.

13 2. **Quarterly Reporting.** During the period of probation, Respondents shall report  
14 either by personal appearance or in writing as determined by BAR on a schedule set by BAR, but  
15 no more frequently than once each calendar quarter, on the methods used and success achieved in  
16 maintaining compliance with the terms and conditions of probation.

17 3. **Report Financial Interests.** Respondents shall, within 30 days of the effective date  
18 of the decision and within 30 days from the date of any request by BAR during the period of  
19 probation, report any financial interest which any Respondents or any partners, officers, or  
20 owners of any Respondent's facility may have in any other business required to be registered  
21 pursuant to Section 9884.6 of the Business and Professions Code.

22 4. **Access to Examine Vehicles and Records.** Respondents shall provide BAR  
23 representatives unrestricted access to examine all vehicles (including parts) undergoing service,  
24 inspection, or repairs, up to and including the point of completion. Respondents shall also provide  
25 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

26 5. **Tolling of Probation.** If, during probation, Respondents leave the jurisdiction of  
27 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction  
28 of California, Respondents shall notify BAR in writing within 10 days of the dates of departure

1 and return, and of the dates of cessation and resumption of business in California. All provisions  
2 of probation other than cost reimbursement requirements, restitution requirements, training  
3 requirements, and that Respondents obey all laws, shall be held in abeyance during any period of  
4 time of 30 days or more in which Respondents are not residing or engaging in business within the  
5 jurisdiction of California. All provisions of probation shall recommence on the effective date of  
6 resumption of business in California. Any period of time of 30 days or more in which  
7 Respondents are not residing or engaging in business within the jurisdiction of California shall  
8 not apply to the reduction of this probationary period or to any period of actual suspension not  
9 previously completed. Tolling is not available if business or work relevant to the probationary  
10 license or registration is conducted or performed during the tolling period.

11       **6. Violation of Probation.** If Respondents violate or fail to comply with the terms and  
12 conditions of probation in any respect, the Director, after giving notice and opportunity to be  
13 heard may set aside the stay order and carry out the disciplinary order provided in the decision.  
14 Once Respondents are served notice of BAR's intent to set aside the stay, the Director shall  
15 maintain jurisdiction, and the period of probation shall be extended until final resolution of the  
16 matter.

17       **7. Maintain Valid License.** Respondents shall, at all times while on probation,  
18 maintain a current and active registration and/or license(s) with BAR, including any period during  
19 which suspension or probation is tolled. If Respondent's registration or licenses are expired at the  
20 time the decision becomes effective, the registration or licenses must be renewed by Respondents  
21 within 30 days of that date. If Respondent's registration or licenses expire during a term of  
22 probation, by operation of law or otherwise, then upon renewal Respondent's registration or  
23 licenses shall be subject to any and all terms and conditions of probation not previously satisfied.  
24 Failure to maintain a current and active registration and/or license during the period of probation  
25 shall also constitute a violation of probation.

26       **8. Cost Recovery.** Respondents shall pay the Bureau of Automotive Repair \$3,600 for  
27 the reasonable costs of the investigation and enforcement of case No. 79/19-12148. Respondent  
28 shall make such payment as follows: 24 equal monthly payments in the amount of \$150.00

1 beginning on the effective date of the decision. Any agreement for a scheduled payment plan  
2 shall require full payment to be completed no later than twelve (12) months before probation  
3 terminates. Respondents shall make payment by check or money order payable to the Bureau of  
4 Automotive Repair and shall indicate on the check or money order that it is for cost recovery  
5 payment for case No. 79/19-12148. Any order for payment of cost recovery shall remain in effect  
6 whether or not probation is tolled. Probation shall not terminate until full cost recovery payment  
7 has been made. BAR reserves the right to pursue any other lawful measures in collecting on the  
8 costs ordered and past due, in addition to taking action based upon the violation of probation.

9       **9. Completion of Probation.** Upon successful completion of probation, Respondent's  
10 affected registration and/or licenses will be fully restored or issued without restriction, if  
11 Respondents meets all current requirements for registration or licensure and has paid all  
12 outstanding fees, monetary penalties, or cost recovery owed to BAR.

13       **10. License Surrender.** Following the effective date of a decision that orders a stay of  
14 invalidation or revocation, if Respondents cease business operations or is otherwise unable to  
15 satisfy the terms and conditions of probation, Respondents may request that the stay be vacated.  
16 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right  
17 to evaluate the Respondent's request and to exercise discretion whether to grant the request or  
18 take any other action deemed appropriate or reasonable under the circumstances. Upon formal  
19 granting of the request, the Director will vacate the stay order and carry out the disciplinary order  
20 provided in the decision. Respondents may not petition the Director for reinstatement of the  
21 surrendered registration and/or license, or apply for a new registration or license under the  
22 jurisdiction of BAR at any time before the date of the originally scheduled completion of  
23 probation. If Respondents apply to BAR for a registration or license at any time after that date,  
24 Respondents must meet all current requirements for registration or licensure and pay all  
25 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

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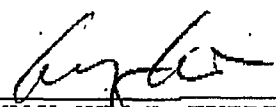
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ACCEPTANCE

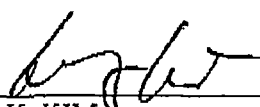
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William D. Ferreira Esq. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration and Smog Check Station License. I enter into this Stipulated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

DATED: 4-22-20

  
TONY K. KIM dba EXPRESS LUBE  
*Respondent*


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William D. Ferreira Esq. I understand the stipulation and the effect it will have on my 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 Consumer Affairs.

DATED: 4-22-20

  
TONY K. KIM  
*Respondent*

I have read and fully discussed with Respondents Tony K. Kim dba Express Lube and Tony K. Kim the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 4-22-20

  
WILLIAM D. FERREIRA ESQ.  
*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 Consumer Affairs.

DATED: April 22, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
SHAWN P. COOK  
Supervising Deputy Attorney General

*/s/Mario Cuahutle*  
MARIO CUAHUTLE  
Deputy Attorney General  
*Attorneys for Complainant*

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