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7

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

12 In the Matter of the Accusation Against:

Case No. 79/23-3580

13 **THONG CONG TRUONG**
14 **DBA MT SMOG CHECK-STAR STATION**
210 San Jose Ave., Suite 3
San Jose, CA 95125

ACCUSATION

15 **Mailing Address**
16 445 Easter Ave.
Milpitas, CA 95035

17 Automotive Repair Dealer No. ARD 271677
18 Smog Check Station License No. TC 271677
Smog Check Inspector License No. EO 634361

19 **ROBERT THANH PHAM**
20 210 San Jose Ave., Suite 3
San Jose, CA 95125

21 Smog Check Inspector License No. EO 633121
22 Smog Check Repair Technician No. EI 633121

23 **CHINH NGUYEN**
24 210 San Jose Ave., # 3
San Jose, CA 95125

25 Smog Check Inspector License No. EO 636469

26 Respondents.
27
28

PARTIES

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

4 2. On or about February 7, 2013, the Bureau of Automotive Repair issued Automotive
5 Repair Dealer Registration Number ARD 271677 to Thong Cong Truong, dba MT Smog Check-
6 Star Station (Respondent Truong). The Automotive Repair Dealer Registration was in full force
7 and effect at all times relevant to the charges brought herein and will expire on February 29,
8 2024, unless renewed.

9 3. On or about February 15, 2013, the Bureau of Automotive Repair issued Smog
10 Check, Test Only, Station Number TC 271677 to Respondent Truong dba MT Smog Check-Star
11 Station. The Smog Check, Test Only, Station was in full force and effect at all times relevant to
12 the charges brought herein and will expire on February 29, 2024, unless renewed.

13 4. On or about April 19, 2013, Respondent Truong's Smog Check Station was certified
14 as a STAR Station.

15 5. On or about June 13, 2012, the Bureau issued Advanced Emission Specialist
16 Technician License Number EA 634361 to Respondent Truong. The Advanced Emission
17 Specialist Technician License was cancelled on July 14, 2014. Pursuant to California Code of
18 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to
19 respondent's election, as Smog Check Inspector License Number EO 634361 and Smog Check
20 Repair Technician License Number EI 634361, effective July 14, 2014. The Smog Check
21 Inspector license was in full force and effect at all times relevant to the charges brought herein
22 and will expire on July 31, 2024, unless renewed. The Smog Check Repair Technician License
23 expired on July 31, 2016, and has not been renewed.

24 6. On or about May 16, 2011, the Bureau issued Advanced Emission Specialist
25 Technician License Number EA 633121 to Respondent Robert Thanh Pham (Respondent Pham).
26 The Advanced Emission Specialist Technician License was cancelled on July 5, 2013. Pursuant to
27 California Code of Regulations, title 16, section 3340.28, subdivision (e), the license was
28 renewed, pursuant to respondent's election, as Smog Check Inspector License Number EO

1 633121 and Smog Check Repair Technician License Number EI 633121, effective July 5, 2013.
2 The Smog Check Inspector license was in full force and effect at all times relevant to the charges
3 brought herein and will expire on September 30, 2025, unless renewed. The Smog Check Repair
4 Technician license expired on September 30, 2023, and has not been renewed

5 7. On or about January 21, 2014, the Bureau of Automotive Repair issued Smog Check
6 Inspector license Number EO 636469 to Chinh Nguyen (Respondent Nguyen). The Smog Check
7 Inspector license was in full force and effect at all times relevant to the charges brought herein
8 and will expire on January 31, 2024, unless renewed.

9 **JURISDICTION**

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

12 **STATUTORY PROVISIONS FOR ACCUSATION**

13 9. Section 118, subdivision (b), of the Business and Professions Code (Code) provides
14 that the suspension/expiration/surrender/cancellation of a license shall not deprive the
15 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
16 within which the license may be renewed, restored, reissued or reinstated.

17 10. Section 9884.7 of the Code states:

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

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

24 ...

25 (4) Any other conduct that constitutes fraud.

26 ...

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

28 ...

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

6 ...

7 (e) For purposes of this section, "fraud" includes, but is not limited to,
8 violations of this chapter involving misrepresentations and all of the following:

9 (1) Any act or omission that is included within the definition of either "actual
10 fraud" or "constructive fraud," as those terms are defined in Sections 1572 and 1573
11 of the Civil Code.

12 (2) A misrepresentation in any manner, whether intentionally false or due to
13 gross negligence, of a material fact.

14 (3) A promise or representation not made honestly and in good faith.

15 (4) An intentional failure to disclose a material fact.

16 (5) Any act in violation of Section 484 of the Penal Code.

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

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

24 13. Section 44012 of the Health and Safety Code states:

25 The test at the smog check stations shall be performed in accordance with
26 procedures prescribed by the department, pursuant to Section 44013, shall require, at
27 a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed
28 testing in all other program areas, and shall ensure all of the following:

...
29

30 14. Section 44032 of the Health and Safety Code states:

31 No person shall perform, for compensation, tests or repairs of emission control
32 devices or systems of motor vehicles required by this chapter unless the person
33 performing the test or repair is a qualified smog check technician and the test or
34 repair is performed at a licensed smog check station. Qualified technicians shall
35 perform tests of emission control devices and systems in accordance with Section
36 44012.

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15. 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.

16. 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.

17. 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.

18. 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.

19. Section 44072.10, subdivision (c), of the Health and Safety Code states:

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

- 1 (1) Clean piping, as defined by the department.
- 2 (2) Tampering with a vehicle emission control system or test analyzer system.
- 3 (3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass
or falsely fail an inspection.
- 4 (4) Intentional or willful violation of this chapter or any regulation, standard, or
5 procedure of the department implementing this chapter.

6 **REGULATORY PROVISIONS FOR ACCUSATION**

7 20. California Code of Regulations, title 16, section 3340.24, states:

8 (a) Any disciplinary or reinstatement proceeding under this article involving
9 licensed stations, licensed technicians, or fleet owners licensed pursuant to section
10 44020 of the Health and Safety Code shall be conducted in accordance with chapter 5
11 (commencing with section 11500) of division 3, Title 2 of the Government Code.

12 ...

13 (c) The bureau may suspend or revoke the license of or pursue other legal
14 action against a licensee, if the licensee falsely or fraudulently issues or obtains a
15 certificate of compliance or a certificate of noncompliance.

16 ...

17 21. California Code of Regulations, title 16, section 3340.30, states:

18 A smog check technician shall comply with the following requirements at all
19 times while licensed.

20 (a) A licensed technician shall inspect, test and repair vehicles in accordance
21 with section 44012 of the Health and Safety Code, section 44035 of the Health and
22 Safety Code, and section 3340.42 of this article.

23 ...

24 22. California Code of Regulations, title 16, section 3340.35, states:

25 ...

26 (b) A licensed station shall not sell or otherwise transfer unused certificates to
27 another licensed station, to a new owner of the business, or to any person other than a
28 customer whose vehicle has been inspected in accordance with the procedures
specified in section 3340.42 of this article.

(c) A licensed station shall issue a certificate of compliance or noncompliance
to the owner or operator of any vehicle that has been inspected in accordance with the
procedures specified in section 3340.42 of this article and has all the required
emission control equipment and devices installed and functioning correctly. The
following conditions shall apply:

(1) Customers shall be charged the same price for certificates as that paid by
the licensed station; and

1 (2) Sales tax shall not be assessed on the price of certificates.

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

3 ...

4 (c) No person shall enter any vehicle identification information or emission
5 control system identification data for any vehicle other than the one being tested
6 into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false
7 information about the vehicle being tested.

8 ...

9 (h) No licensed station shall have in the approved testing area at any time
10 any electronic device or software capable of simulating the OBD data stream from a
11 vehicle or manipulating OBD VIN, calibration identification, calibration verification
12 number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle
13 during a Smog Check Inspection.

14 ...

15 24. California Code of Regulations, title 16, section 3340.42, states:

16 Smog check inspection methods are prescribed in the Smog Check Manual,
17 referenced by section 3340.45.

18 (a) All vehicles subject to a smog check inspection, shall receive one of the
19 following test methods:

20 ...

21 (3) An OBD-focused test, shall be the test method used to inspect gasoline-
22 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998
23 model-year and newer. The OBD test failure criteria are specified in section
24 3340.42.2.

25 (b) In addition to subsection (a), all vehicles subject to the smog check program
26 shall receive the following:

27 (1) A visual inspection of emission control components and systems to verify
28 the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the
Smog Check Manual, referenced by section 3340.45, which may include an OBD
test, to verify their proper operation.

25. California Code of Regulations, title 16, section 3340.45¹, stated:

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

¹ This regulation and the Smog Check Manual have been updated. This was the version of
the Regulation and applicable Smog Check Manual at the time of the alleged violations.

1 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
2 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons, Carbon
3 Monoxide, Oxides of Nitrogen, Carbon Dioxide, and Oxygen. The inspection involves a test of
4 the vehicle's tailpipe emissions on a dynamometer. In Basic areas of the State, or depending on a
5 vehicle's configuration (all-wheel drive, traction control issue), a similar test called a Two Speed
6 Idle (TSI) test is performed, but instead of applying a load to the vehicle's drive wheels with a
7 dynamometer, the EIS measures the emissions at idle as well as 2500 revolutions per minute
8 (RPM).

9 31. The inspector also performs visual and functional tests on the vehicle as outlined in
10 the Smog Check Manual. The visual inspection of the emission control components verifies the
11 required emission control devices are present and properly connected. Functional tests are also
12 performed which, depending on the vehicle, may include checking the ignition timing,
13 malfunction indicator light (MIL), Exhaust Gas Recirculation (EGR) system, a low pressure test
14 of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas
15 cap.

16 32. On March 9, 2015, the Bureau implemented a statewide regulatory change requiring
17 the use of the On Board Diagnostic Inspection System (OIS) instead of the EIS for the smog
18 testing of 2000 model year and newer gas powered and 1998 and newer diesel vehicles. Most
19 older vehicles require the ASM or TSI test on the EIS. Gas powered vehicles with a gross vehicle
20 weight rating over 14,000 pounds require an inspection on the EIS.

21 33. The newer OIS smog inspection uses a Data Acquisition Device (DAD), a computer,
22 a bar code scanner, and printer. The DAD is a scan tool that retrieves data from a vehicle's On
23 Board Diagnostic-generation II (OBD II) computer. The DAD connects the BAR OIS computer
24 to the vehicle's diagnostic link connector (DLC) to retrieve the data from the vehicle. The bar
25 code scanner is used to input technician information, the vehicle identification number (VIN), and
26 DMV renewal information. The printer is used to print Vehicle Inspection Reports.

27 34. Data retrieved and recorded during a OIS smog check includes: the eVIN, which is
28 the digitally stored VIN programmed into the vehicle's Powertrain Control Module (PCM); the

1 communication protocol, which is the manufacturer/vehicle's specific "language" the PCM uses
2 to relay information; and the number of Parameter Identifications (PIDs), which is the number of
3 specific data values each PCM uses related to emissions controls.

4 35. PIDs are data points reported by the vehicle on-board computer to a scan tool or
5 BAR-OIS. Examples of PIDs are engine speed, vehicle speed, engine temperature, and other
6 input and output values utilized by the vehicle's on-board computer.

7 36. As part of the OIS smog inspections, the technician also performs a visual and
8 functional test on the vehicle being inspected. The visual inspection of the emission control
9 components verifies the required emission control devices are present and properly connected and
10 a functional test is performed of the malfunction indicator light (MIL). The OIS software makes
11 the determination whether or not the vehicle passes the inspection based on the results of the
12 OBD, visual and functional tests. If the vehicle passes the inspection a certificate of compliance
13 is issued. The information from the smog inspection is then transmitted to the Vehicle
14 Information Data (VID).

15 37. The Bureau can access the VID to view test data on smog check inspections
16 performed at any Smog Check Station, or search for, retrieve, and print a test record for a
17 particular vehicle which has been tested. The VID has an internal clock that is set to Pacific
18 Standard Time and records the time and date for each inspection. If a vehicle passes the Smog
19 Inspection, the vehicle information and test results are electronically transmitted to Department of
20 Motor Vehicles.

21 38. During an OIS inspection, engine operating parameters are retrieved from the
22 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
23 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when
24 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 25 a. Engine speed in revolutions per minute (RPM),
- 26 b. Throttle position as measured by a throttle position sensor (TPS) mounted onto the
27 throttle shaft. The throttle position is measured in a percentage of opening from 0% at idle to up
28 to 100% at full throttle.

1 c. Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
2 connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a
3 normally aspirated vehicle are as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle,
4 and 101 kpa at full throttle (atmospheric pressure at sea level).

5 d. Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
6 air intake tract. Air flow is measured in grams per second (gps).

7 39. The Bureau has become aware of methods some Smog Check stations and Smog
8 Check inspectors use to issue smog certificates to vehicles that will not pass a Smog Check test
9 on their own, or in some instances, are not even present during the time the test is performed.

10 40. One method is known as "clean plugging." "Clean plugging" is the act of using one
11 vehicle's properly functioning OBDII system, or another source such as an electronic defeat
12 device, to generate passing data readings or diagnostic information for the purpose of issuing a
13 smog certificate of compliance to a vehicle that is not in smog compliance and/or not being
14 tested. The vehicle being certified is not being tested.

15 41. Defeat devices attempt to simulate engine operation during a Smog Check inspection
16 by transmitting OBD II data to the VID which has been modified or replaced entirely for the
17 purportedly inspected vehicle during the functional portion of the OIS inspection. The use of a
18 defeat device during a Smog Check inspection is clean plugging and is strictly prohibited.

19 42. On October 8, 2020, The Bureau conducted a Station Inspection at MT Smog Check-
20 Star Station. A Bureau Representative observed Huy Dinh, Smog Check Inspector EO639499,
21 logged into the station's OIS platform under the license and login for Respondent Nguyen's
22 Smog Check Inspector license. Huy Dinh told a Bureau Representative that Respondent Nguyen
23 provided Dinh with Respondent Nguyen's personal access code. The program representative also
24 found:

- 25 a. An electronic device connected to the OBDII interface of DAD AP003461.
- 26 b. Multiple devices connected to the OBDII interface of DAD AP003461.
- 27 c. a PICO scope connected to the OBDII interface of DAD AP003461.
- 28 d. "Docklight" software.

- 1 e. Simulation tool software in use on laptop computer inside MT Smog Check-Star
2 Station.
- 3 f. Handwritten instructions to perform fraudulent inspections.
- 4 g. Multiple BAR issued Smog Check Inspector badges.
- 5 h. A computer generated bar code affixed to laptop computer for Smog Check Inspector
6 license No. EO 636469.
- 7 i. Computer generated bar codes affixed to laptop computer for Smog Check Inspector
8 licenses Nos. EO 636499, EO 633121, and EO 636469.
- 9 j. a LPFET calibration tank modified to connect directly to LPFET test hose.
- 10 k. A Smog Check Inspector badge for Respondent Nguyen.
- 11 43. On November 04, 2021, The Bureau conducted a Station Inspection at MT Smog
12 Check-Star Station. During the inspection the Bureau Representative found:
- 13 a. electronic devices connected to a laptop computer.
- 14 b. multiple devices connected to another laptop computer.
- 15 c. An MT Smog Check-Star Station invoice dated 11/04/2021 under the laptop
16 computer.
- 17 d. OIS data link connector leading to rear area of MT Smog Check-Star Station
18 additional laptop computer.
- 19 e. OBDII diagnostic link connector with split connectors.
- 20 f. OBDwiz software in use on a laptop computer.
- 21 g. additional OBDwiz software in use on another laptop computer.
- 22 h. Laptop computers with an extra-long OBDII connector cable
- 23 i. additional electronic devices
- 24 44. A bureau representative performed a detailed review of the VID data for the Smog
25 Check inspections performed at MT Smog Check-Star Station. The review showed a pattern of
26 vehicles being certified with engine operating parameters not corresponding to normal engine
27 operation. Those vehicles received smog certificates but were not tested during the OBD II
28 functional test. They were clean plugged.

1 45. Respondents clean plugged and issued certificates of compliance to 14
2 vehicles using an electronic defeat device and a vehicle simulator computer program. None of
3 the 14 vehicles that were issued a certificate of compliance were legitimately inspected. All of
4 the “inspections” were performed at Respondent Truong’s smog check station MT Smog Check-
5 Star Station. Respondent Truong issued all of the certificates of compliance. Six of the vehicles
6 were tested and certified by under Respondent Pham’s Smog Inspector license. Eight of the
7 vehicles were tested and certified under Respondent Nguyen’s Smog Inspector license.

8 **Clean Plug 1:**

9 46. On or about November 11, 2022, Respondent Truong issued smog certificate #
10 SY899300C to a 2002 GMC Denali, VIN # 1GKEK63U22J323954. Respondent Pham
11 performed the inspection. However, he did not perform a legitimate smog inspection on the
12 vehicle. Respondent Pham used an electronic defeat device to cause the OIS and Respondent
13 Truong to issue a fraudulent certificate of compliance to this vehicle.

14 47. The Dynamic PID Chart for the 2002 Denali shows between time stamp 355 and
15 47139 engine speed was steady at around 600 RPM. During this time the throttle is fixed at 8.6%
16 opening. The MAP was fixed at 37kpa. The MAF was also fixed at 6.14gps. Between time
17 stamp 47530 and 49812 the engine speed was accelerated then held steady at around 1600 RPM.
18 During the steady elevated engine RPM, the throttle was fixed at 8.6% opening. The MAP was
19 fixed at 37kpa. The MAF was also fixed at 6.14gps. The steady idle and steady elevated engine
20 speeds with the associated fixed throttle positions and subsequent fixed MAF readings with the
21 same as idle speed parameters are not characteristic or expected for normal engine operation.

22 **Clean Plug 2:**

23 48. On or about December 03, 2022, Respondent Truong issued smog certificate
24 TA549759C to a 2000 GMC Sierra C2500, VIN # 1GTGC24R0YR102724. Respondent Nguyen
25 performed the inspection. However, he did not perform a legitimate smog inspection on the
26 vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent
27 Truong to issue a fraudulent certificate of compliance to this vehicle.

1 49. The Dynamic PID Chart for the 2000 Sierra shows between time stamp 337 and
2 27966 engine speed was steady at around 625 RPM. During this time the throttle was fixed at 0%
3 opening. The MAP was fixed at 31kpa. The MAF was also fixed at 6.92gps. Between time
4 stamp 27966 and 28386 the engine speed was accelerated then held steady at around 1725 RPM.
5 During the steady elevated engine RPM, the throttle was fixed at 0% opening. The MAP was
6 fixed at 31kpa. The MAF was also fixed at 6.92gps. The steady idle and steady elevated engine
7 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
8 with the same as idle speed parameters are not characteristic or expected for normal engine
9 operation.

10 **Clean Plug 3:**

11 50. On or about December 03, 2022, Respondent Truong issued smog certificate #
12 TA549766C to a 2005 Hummer H2, VIN # 5GRGN23U45H121437. Respondent Pham
13 performed the inspection. However, he did not perform a legitimate smog inspection on the
14 vehicle. Respondent Pham used an electronic defeat device to cause the OIS and Respondent
15 Truong to issue a fraudulent certificate of compliance to this vehicle.

16 51. The Dynamic PID Chart for the 2005 Hummer shows between time stamp 364
17 and 31243 engine speed was steady at around 560 RPM. During this time the throttle was fixed at
18 7.8% opening. The MAP was fixed at 36kpa. The MAF was also fixed at 5.96gps. Between time
19 stamp 31624 and 32008 the engine speed was accelerated then held steady at around 1325 RPM.
20 During the steady elevated engine RPM, the throttle was fixed at 7.8% opening. The MAP was
21 fixed at 36kpa. The MAF was also fixed at 5.96gps. The steady idle and steady elevated engine
22 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
23 with the same as idle speed parameters are not characteristic or expected for normal engine
24 operation.

25 **Clean Plug 4:**

26 52. On or about December 19, 2022, Respondent Truong issued smog certificate #
27 TA946366C to a 2002 Cadillac Escalade Luxury, VIN # 1GYEC63T22R152165. Respondent
28 Pham performed the inspection. However, he did not perform a legitimate smog inspection on

1 the vehicle. Respondent Pham used an electronic defeat device to cause the OIS and Respondent
2 Truong to issue a fraudulent certificate of compliance to this vehicle.

3 53. The Dynamic PID Chart for the 2002 Escalade shows between time stamp 354 and
4 18039 engine speed was steady at around 550 RPM. During this time the throttle is fixed at 6.7%
5 opening. The MAP is fixed at 35kpa. The MAF is also. Between time stamp 18422 and 20778 the
6 engine speed is accelerated then held steady at around 1625 RPM. During the steady elevated
7 engine RPM, the throttle is fixed at 6.7% opening. The MAP is fixed at 35kpa. The MAF is also
8 fixed at 4.92gps. The steady idle and steady elevated engine speeds with the associated fixed
9 throttle positions and subsequent fixed MAP and MAF readings with the same as idle speed
10 parameters are not characteristic or expected for normal engine operation.

11 **Clean Plug 5:**

12 54. On or about December 24, 2022, Respondent Truong issued smog certificate #
13 TA946398C to a 2000 Chevrolet Express G2500, VIN # 1GCFG25R0Y1151516. Respondent
14 Nguyen performed the inspection. However, he did not perform a legitimate smog inspection on
15 the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and
16 Respondent Truong to issue a fraudulent certificate of compliance to this vehicle.

17 55. The Dynamic PID Chart for the 2000 G2500 shows between time stamps 330 and
18 24141 engine speed was steady at around 675 RPM. During this time the throttle was fixed at 0%
19 opening. The MAP was fixed at 31kpa. The MAF was also fixed at 6.28gps. Between time
20 stamp 24524 and 26028 the engine speed was accelerated then held steady at around 1750 RPM.
21 During the steady elevated engine RPM, the throttle was fixed at 0% opening. The MAP was
22 fixed at 31kpa. The MAF was also fixed at 6.28gps. The steady idle and steady elevated engine
23 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
24 with the same as idle speed parameters are not characteristic or expected for normal engine
25 operation.

26 **Clean Plug 6:**

27 56. On or about December 30, 2022, Respondent Truong issued smog certificate #
28 TC231251C to a 2000 Chevrolet Suburban C1500, VIN# 3GNEC16T9YG209014. Respondent

1 Nguyen performed the inspection. However, he did not perform a legitimate smog inspection on
2 the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and
3 Respondent Truong to issue a fraudulent certificate of compliance to this vehicle.

4 57. The Dynamic PID Chart for the 2000 Suburban shows between time stamp 346 and
5 21986 engine speed was steady at around 575 RPM. During this time the throttle was fixed at
6 5.1% opening. The MAP was fixed at 37kpa. The MAF was also fixed at 5.18gps. Between
7 time stamp 22372 and 24349 the engine speed was accelerated then held steady at around 1500
8 RPM. During the steady elevated engine RPM, the throttle is fixed at 5.1% opening. The MAP
9 was fixed at 37kpa. The MAF was also fixed at 5.18gps. The steady idle and steady elevated
10 engine speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF
11 readings with the same as idle speed parameters are not characteristic or expected for normal
12 engine operation.

13 **Clean Plug 7:**

14 58. On or about January 5, 2023, Respondent Truong issued smog certificate #
15 TC231291C to a 2007 GMC Canyon, VIN # 1GTCS149778176691. Respondent Pham
16 performed the inspection. However, he did not perform a legitimate smog inspection on the
17 vehicle. Respondent Pham used an electronic defeat device to cause the OIS and Respondent
18 Truong to issue a fraudulent certificate of compliance to this vehicle.

19 59. The Dynamic PID Chart for the 2007 Canyon shows between time stamp 345 and
20 33756 engine speed was steady at around 800 RPM. During this time the throttle was fixed at
21 22% opening. The MAP was fixed at 36kpa. The MAF was also fixed at 4.18gps. Between time
22 stamp 34159 and 36063 the engine speed was accelerated then held steady at around 1700 RPM.
23 During the steady elevated RPM, the throttle was fixed at 22% opening. The MAP was fixed at
24 36kpa. The MAF was also fixed at 4.18gps. The steady idle and steady elevated engine speeds
25 with the associated fixed throttle positions and subsequent fixed MAP and MAF readings with the
26 same as idle speed parameters are not characteristic or expected for normal engine operation.

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1 **Clean Plug 8:**

2 60. On or about January 10, 2023, Respondent Truong issued smog certificate #
3 TC412268C to a 2000 GMC New Sierra C1500, VIN # 1GTEC19V8YZ319574. Respondent
4 Nguyen performed the inspection. However, he did not perform a legitimate smog inspection on
5 the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and
6 Respondent Truong to issue a fraudulent certificate of compliance to this vehicle.

7 61. The Dynamic PID Chart for the 2000 C1500 shows between time stamp 358 and
8 18007 engine speed was steady at around 600 RPM. During this time the throttle was fixed at 0%
9 opening. The MAP was fixed at 32kpa. The MAF was also fixed at 5.01gps. Between time
10 stamp 18397 and 19923 the engine speed was accelerated then held steady at around 1700 RPM.
11 During the steady elevated engine RPM, the throttle was fixed at 0% opening. The MAP was
12 fixed at 32kpa. The MAF was also fixed at 5.01gps. The steady idle and steady elevated engine
13 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
14 with the same as idle speed parameters are not characteristic or expected for normal engine
15 operation.

16 **Clean Plug 9:**

17 62. On or about January 13, 2023 Respondent Truong issued smog certificate #
18 ZX355250C to a 2003 Chevrolet Silverado C2500 Heavy Duty, VIN # 1GCHC23U13F175220.
19 Respondent Nguyen performed the inspection. However, he did not perform a legitimate smog
20 inspection on the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS
21 and Respondent Truong to issue a fraudulent certificate of compliance to this vehicle.

22 63. The Dynamic PID Chart for the 2003 Silverado shows between time stamp 375 and
23 18150 engine speed was steady at around 600 RPM. During this time the throttle was fixed at 9%
24 opening. The MAP was fixed at 37kpa. The MAF was also fixed at 8.21gps. Between time
25 stamp 18482 and 20671 the engine speed was accelerated then held steady at around 1700 RPM.
26 During the steady elevated engine RPM, the throttle was fixed at 9% opening. The MAP was
27 fixed at 37kpa. The MAF was also fixed at 8.21gps. The steady idle and steady elevated engine
28 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings

1 with the same as idle speed parameters are not characteristic or expected for normal engine
2 operation.

3 **Clean Plug 10:**

4 64. On or about January 16, 2023, Respondent Truong issued smog certificate #
5 TC569872C to a 2001 Chevrolet Tahoe K1500, VIN # 1GNEK13T71J164599. Respondent
6 Pham performed the inspection. However, he did not perform a legitimate smog inspection on
7 the vehicle. Respondent Pham used an electronic defeat device to cause the OIS and Respondent
8 Truong to issue a fraudulent certificate of compliance to this vehicle.

9 65. The Dynamic PID Chart for the 2001 Tahoe shows between time stamp 346 and
10 45244 engine speed was steady at around 600 RPM. During this time the throttle was fixed at
11 0.4% opening. The MAP was fixed at 35kpa. The MAF was also fixed at 5.03gps. Between
12 time stamp 45591 and 47364 the engine speed was accelerated then held steady at around 1650
13 RPM. During the steady elevated engine RPM, the throttle was fixed at 0.4% opening. The MAP
14 was fixed at 35kpa. The MAF was also fixed at 5.03gps. The steady idle and steady elevated
15 engine speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF
16 readings with the same as idle speed parameters are not characteristic or expected for normal
17 engine operation.

18 **Clean Plug 11:**

19 66. On or about January 25, 2023, Respondent Truong issued smog certificate #
20 TC757890C to a 2001 Chevrolet Suburban K1500, VIN # 1GNFK16T91J198558. Respondent
21 Nguyen performed the inspection. However, he did not perform a legitimate smog inspection on
22 the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and
23 Respondent Truong to issue a fraudulent certificate of compliance to this vehicle.

24 67. The Dynamic PID Chart for the 2001 Suburban shows between time stamp 360 and
25 24666 engine speed was steady at around 625 RPM. During this time the throttle was fixed at 0%
26 opening. The MAP was fixed at 35kpa. The MAF was also fixed at 5.28gps. Between time
27 stamp 24666 and 25020 the engine speed was accelerated then held steady at around 1550 RPM.
28 During the steady elevated engine RPM, the throttle was fixed at 0% opening. The MAP was

1 fixed at 35kpa. The MAF was also fixed at 5.28gps. The steady idle and steady elevated engine
2 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
3 with the same as idle speed parameters are not characteristic or expected for normal engine
4 operation.

5 **Clean Plug 12:**

6 68. On or about February 1, 2023 Respondent Truong issued smog certificate # IR987351C
7 to a 2003 GMC New Sierra C1500, VIN# 1GTEC14X33Z320942. Respondent Nguyen
8 performed the inspection. However, he did not perform a legitimate smog inspection on the
9 vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent
10 Truong to issue a fraudulent certificate of compliance to this vehicle.

11 69. The Dynamic PID Chart for the 2003 New Sierra shows between time stamp 351 and
12 37317 engine speed was steady at around 650 RPM. During this time the throttle was fixed at 0%
13 opening. The MAP was fixed at 33kpa. The MAF was also fixed at 5.38gps. Between time
14 stamp 37669 and 38402 the engine speed was accelerated then held steady at around 1700 RPM.
15 During the elevated engine RPM, the throttle was fixed at 0% opening. The MAP was fixed at
16 33kpa. The MAF was also fixed at 5.38gps. The steady idle and steady elevated engine speeds
17 with the associated fixed throttle positions and subsequent fixed MAP and MAF readings with the
18 same as idle speed parameters are not characteristic or expected for normal engine operation.

19 **Clean Plug 13:**

20 70. On or about February 15, 2023, Respondent Truong issued smog certificate #
21 TE166001C to a 2003 GMC Yukon, VIN #1GKEC13V43R178153. Respondent Nguyen
22 performed the inspection. However, he did not perform a legitimate smog inspection on the
23 vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent
24 Truong to issue a fraudulent certificate of compliance to this vehicle.

25 71. The Dynamic PID Chart for the 2003 Yukon shows between time stamp 356 and
26 33135 engine speed was steady at around 525 RPM. During this time the throttle was fixed at
27 8.2% opening. The MAP was fixed at 38kpa. The MAF was also fixed at 4.82gps. Between
28 time stamp 33510 and 36449 the engine speed was accelerated then held steady at around 1625

1 RPM. During the elevated engine RPM, the throttle was fixed at 8.2% opening. The MAP was
2 fixed at 38kpa. The MAF was also fixed at 4.82gps. The steady idle and steady elevated engine
3 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
4 with the same as idle speed parameters are not characteristic or expected for normal engine
5 operation.

6 **Clean Plug 14:**

7 72. On or about February 16, 2023, Respondent Truong issued smog certificate #
8 TE166015C to a 2002 GMC Denali XL K1500, VIN # 1GKFK66U12J215468. Respondent
9 Pham performed the inspection. However, he did not perform a legitimate smog inspection on
10 the vehicle. Respondent Pham used an electronic defeat device to cause the OIS and Respondent
11 Truong to issue a fraudulent certificate of compliance to this vehicle.

12 73. The Dynamic PID Chart for the 2002 Denali shows between time stamp 366 and
13 68931 engine speed was steady at around 600 RPM. During this time the throttle was fixed at
14 5.1% opening. The MAP was fixed at 35kpa. The MAF was also fixed at 5.37gps. Between
15 time stamp 69290 and 70756 the engine speed was accelerated then held steady at around 1550
16 RPM. During the elevated engine RPM, the throttle was fixed at 5.1% opening. The MAP was
17 fixed at 35kpa. The MAF was also fixed at 5.37gps. The steady idle and steady elevated engine
18 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
19 with the same as idle speed parameters are not characteristic or expected for normal engine
20 operation.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements - Registration)**

23 74. Respondent Truong has subjected his Automotive Repair Dealer Registration to
24 discipline under Code section 9884.7, subdivision (a)(1), in that Respondent Truong made
25 statements which he knew or which by exercise of reasonable care should have known were
26 untrue or misleading, as set forth above in paragraphs 42-73, above. Respondent Truong
27 purported to test vehicles, and certified that the vehicles passed inspection and were in
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1 compliance with applicable laws and regulations. In fact, Respondent Truong conducted the
2 inspections on those vehicles using clean-plugging methods.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud - Registration)**

5 75. Respondent Truong has subjected his Automotive Repair Dealer Registration to
6 discipline under Code section 9884.7, subdivision (a)(4), in that he committed acts which
7 constitute fraud, as set forth above in paragraphs 42-73, above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(False or Misleading Records-Registration)**

10 76. Respondent Truong has subjected his Automotive Repair Dealer Registration to
11 discipline under Code section 9884.7, subdivision (a)(6), in that he violated California Code of
12 Regulations title 16, section 3373, by creating and issuing false or misleading certificates of
13 compliance and vehicle inspection reports for the 14 vehicles that were clean plugged as set forth
14 above in paragraphs 42-73, above. The certificates and inspection reports indicated the vehicles
15 were tested in accordance with all bureau requirements and the vehicles were qualified to receive
16 certificates of compliance. This was false as the vehicles were clean plugged.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Dishonesty, Fraud or Deceit – Smog Licenses)**

19 77. Respondent Truong has subjected his Smog Check Station, Smog Check Inspector
20 and Smog Check Repair Technician Licenses to discipline under Health and Safety Code sections
21 44072.10 and/or 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud
22 or deceit, whereby another was injured by issuing electronic certificates of compliance for
23 vehicles without performing bona fide inspections of the emission control devices and systems on
24 the vehicles, thereby depriving the People of the State of California of the protection afforded by
25 the Motor Vehicle Inspection Program, as set forth above in paragraphs 42-73, above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program- Smog Licenses)**

3 78. Respondent Truong has subjected his Smog Check Station, Smog Check Inspector
4 and Smog Check Repair Technician Licenses to discipline under Health and Safety Code sections
5 44072.10 and/or 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and
6 applicable regulations, through conduct described in paragraphs 42-73, as follows:

7 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
8 on vehicles in accordance with procedures prescribed by the department.

9 b. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
10 electronic certificates of compliance to certain vehicles without performing bona fide inspections
11 of the emission control devices and systems on those vehicles.

12 c. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
13 accordance with Health and Safety Code section 44012 and California Code of Regulations title
14 16, section 3340.42.

15 d. **Section 3340.41, subdivision (c):** Respondent entered false information about
16 vehicles being tested into OIS.

17 e. **Section 3340.41, subdivision (h):** Respondent had electronic devices or software
18 capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration
19 identification, calibration verification number, MIL status, readiness, or diagnostic trouble codes
20 collected from a vehicle during a Smog Check Inspection in the approved testing area of the
21 station.

22 f. **Section 3340.42:** Respondent failed to conduct the required smog tests and
23 inspections on certain vehicles in accordance with the Bureau's specifications.

24 g. **Section 3340.45** Respondent violated the procedures contained in the Smog Check
25 Manual by entering vehicle identification information for a vehicle that was not being tested.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit – Smog Licenses)**

3 79. Respondent Nguyen has subjected his Smog Check Inspector License to discipline
4 under Health and Safety Code sections 44072.10 and 44072.2, subdivision (d), in that he
5 committed acts involving dishonesty, fraud or deceit, whereby another was injured by issuing
6 electronic certificates of compliance for vehicles without performing bona fide inspections of the
7 emission control devices and systems on the vehicles, thereby depriving the People of the State of
8 California of the protection afforded by the Motor Vehicle Inspection Program, as set forth above
9 in paragraphs 42-73, above.

10 **SEVENTH CAUSE FOR DISCIPLINE**

11 **(Violation of the Motor Vehicle Inspection Program-Smog Licenses)**

12 80. Respondent Nguyen has subjected his Smog Check Inspector License to discipline
13 under Health and Safety Code sections 44072.10 and 44072.2, subdivisions (a) and (c), in that he
14 violated sections of that Code and applicable regulations, through conduct described in
15 paragraphs 42-73, as follows:

16 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
17 on vehicles in accordance with procedures prescribed by the department.

18 b. **Section 44059:** Respondent willfully made false statements in issuing the Smog
19 Certificates of compliance and on the Vehicle Inspection Reports

20 c. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
21 electronic certificates of compliance to certain vehicles without performing bona fide inspections
22 of the emission control devices and systems on those vehicles.

23 d. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
24 accordance with Health and Safety Code section 44012 and California code of Regulations title
25 16, section 3340.42.

26 e. **Section 3340.41, subdivision (c):** Respondent entered false information about
27 vehicles being tested into OIS.
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1 f. **Section 3340.42:** Respondent failed to conduct the required smog tests and
2 inspections on certain vehicles in accordance with the Bureau’s specifications.

3 g. **Section 3340.45** Respondent violated the procedures contained in the Smog Check
4 Manual by entering vehicle identification information for a vehicle that was not being tested.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit – Smog Licenses)**

7 81. Respondent Pham has subjected his Smog Check Inspector License and Smog Check
8 Repair Technician License to discipline under Health and Safety Code sections 44072.10 and
9 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud or deceit, whereby
10 another was injured by issuing electronic certificates of compliance for vehicles without
11 performing bona fide inspections of the emission control devices and systems on the vehicles,
12 thereby depriving the People of the State of California of the protection afforded by the Motor
13 Vehicle Inspection Program, as set forth above in paragraphs 42-73, above.

14 **TENTH CAUSE FOR DISCIPLINE**

15 **(Violation of the Motor Vehicle Inspection Program-Smog Licenses)**

16 82. Respondent Pham has subjected his Smog Check Inspector License and Smog Check
17 Repair Technician License to discipline under Health and Safety Code sections 44072.10 and
18 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and applicable
19 regulations, through conduct described in paragraphs 42-73, as follows:

20 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
21 on vehicles in accordance with procedures prescribed by the department.

22 b. **Section 44059:** Respondent willfully made false statements in issuing the Smog
23 Certificates of compliance and on the Vehicle Inspection Reports

24 c. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
25 electronic certificates of compliance to certain vehicles without performing bona fide inspections
26 of the emission control devices and systems on those vehicles.

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1 d. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
2 accordance with Health and Safety Code section 44012 and California Code of Regulations title
3 16, section 3340.42.

4 e. **Section 3340.41, subdivision (c):** Respondent entered false information about
5 vehicles being tested into OIS.

6 f. **Section 3340.42:** Respondent failed to conduct the required smog tests and
7 inspections on certain vehicles in accordance with the Bureau's specifications.

8 g. **Section 3340.45** Respondent violated the procedures contained in the Smog Check
9 Manual by entering vehicle identification information for a vehicle that was not being tested.

10 **DISCIPLINARY CONSIDERATIONS**

11 83. To determine the degree of discipline, if any, to be imposed on Respondent Truong,
12 Complainant alleges that in 2018, the Bureau issued Citation Number M2018-1791 and ordered
13 Respondent to take a training course. The citation was based on Respondent's issuance of a
14 certificate of compliance to a vehicle that did not qualify for such a certificate. That Citation is
15 now final and is incorporated by reference as if fully set forth herein.

16 84. To determine the degree of discipline, if any, to be imposed on Respondent Truong,
17 Complainant alleges that in 2019, the Bureau issued Citation Number C2019-806 and ordered
18 Respondent to pay a \$1,000.00 fine. The citation was based on Respondent's issuance of a
19 certificate of compliance to a vehicle that did not qualify for such a certificate. That Citation is
20 now final and is incorporated by reference as if fully set forth herein.

21 85. To determine the degree of discipline, if any, to be imposed on Respondent Truong,
22 Complainant alleges on or about October 8, 2020 a Program Representative conducted a Station
23 Inspection at Respondent Truong's station MT Smog Check-Star Station. During the inspection,
24 Respondent Truong was advised to comply with the Automotive Repair Act and to perform smog
25 inspections pursuant the Smog Check Manual and Health and Safety Code section 44012.

26 86. To determine the degree of discipline, if any, to be imposed on Respondent Nguyen,
27 Complainant alleges on or about October 9, 2020, a Program Representative conducted a
28 proactive conference with Respondent Nguyen. Respondent Nguyen was advised his access code

1 had been compromised. Respondent Nguyen was informed that his smog inspections would be
2 monitored by the Bureau. Respondent Nguyen was advised to comply with the Automotive
3 Repair Act and to perform smog inspections pursuant the Smog Check Manual and Health and
4 Safety Code section 44012. Respondent Nguyen was warned that future violations of the law
5 may result in disciplinary action.

6 87. To determine the degree of discipline, if any, to be imposed on Respondent Truong
7 and Respondent Pham, Complainant alleges on or about November 4, 2021, a Program
8 Representative conducted a Station Inspection at Respondent Truong's station MT Smog Check-
9 Star Station. Respondent Pham was present during the inspection. Respondent Truong and Pham
10 were advised to comply with the Automotive Repair Act and to perform smog inspections
11 pursuant the Smog Check Manual and Health and Safety Code section 44012.

12 88. To determine the degree of discipline, if any, to be imposed on Respondent Truong,
13 Complainant alleges on or about February 14, 2022, a Program Representative conducted an
14 office conference with Respondent Truong. Respondent Truong was advised that smog
15 inspections at his station were being performed with electronic defeat devices. Respondent
16 Truong was informed that his station would be monitored by the Bureau. Respondent Truong
17 was advised to comply with the Automotive Repair Act and the laws applicable to the Smog
18 Check program. Respondent Truong was warned that any violations of the law may result in
19 disciplinary action.

20 89. To determine the degree of discipline, if any, to be imposed on Respondents Truong
21 and Nguyen, Complainant alleges on or about November 22, 2022, a Program Representative
22 conducted a proactive conference with Respondent Nguyen during a station inspection at
23 Respondent Truong's station MT Smog Check-Star Station. Respondent Truong and Nguyen
24 were advised that following the laws and regulations under the Automotive Repair Act were
25 mandatory. Respondents were advised to perform smog inspections pursuant the Smog Check
26 Manual and applicable laws and regulations.

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OTHER MATTERS

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2 90. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
3 or place on probation the registration for all places of business operated in this state by
4 Respondent Truong, upon a finding that Respondent Truong has, or is, engaged in a course of
5 repeated and willful violations of the laws and regulations pertaining to an automotive repair
6 dealer.

7 91. Pursuant to Health & Safety Code section 44072.8, if Respondent Truong’s Station
8 License or Smog Check Inspector License is revoked or suspended, any additional license issued
9 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said
10 licensee may be likewise revoked or suspended by the director.

11 92. Pursuant to Health & Safety Code section 44072.8, if Respondent Nguyen’s Smog
12 Check Inspector license is revoked or suspended, any additional license issued under Chapter 5 of
13 Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise
14 revoked or suspended by the director.

15 93. Pursuant to Health & Safety Code section 44072.8, if either Respondent Pham’s
16 Smog Check Inspector or Smog Check Repair Technician license is revoked or suspended, any
17 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code
18 in the name of said licensee may be likewise revoked or suspended by the director.

PRAYER

19
20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Director of the Department of Consumer Affairs issue a
22 decision:

23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
24 271677 issued to Thong Cong Truong, dba MT Smog Check-Star Station;

25 2. Revoking or suspending Smog Check, Test Only, Station License Number TC
26 271677, issued to Thong Cong Truong, dba MT Smog Check-Star Station;

27 3. Revoking or suspending Smog Check Inspector License Number EO 634361, issued
28 to Thong Cong Truong;

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