

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
Attorneys for Complainant
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. 79/22-11141

13 **JASMINE SAGE**
14 **AKA JASMINE SAGE JUAREZ**
15 **DBA MD SMOG CHECK**
16 **193 Barnard Ave., Ste. 8**
17 **San Jose, CA 95125**

ACCUSATION

18 **Automotive Repair Dealer Registration No. ARD 297326**
19 **Smog Check, Test Only, Station License No. TC 297326**

20 **JASMINE SAGE JUAREZ**
21 **264 La Pala Dr. #11**
22 **San Jose, CA 95127**

23 **Smog Check Inspector License No. EO 644061,**

24 **and**

25 **TUNG T. NGUYEN**

26 **2006 Autumn Gold Dr.**
27 **San Jose, CA 95131**

28 **Smog Check Inspector License No. EO 129006**
Smog Check Repair Technician No. EI 129006

Respondents.

PARTIES

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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 June 3, 2020, the Bureau of Automotive Repair issued Automotive
5 Repair Dealer Registration Number ARD 297326 to Jasmine Sage dba MD Smog Check
6 (Respondent Sage). The Automotive Repair Dealer Registration was cancelled on December 21,
7 2022.

8 3. On or about July 22, 2020, the Bureau of Automotive Repair issued Smog Check,
9 Test Only, Station License Number TC 297326 to Respondent Sage. The Smog Check, Test
10 Only, Station License was cancelled on December 21, 2022.

11 4. On or about December 9, 2022, the Bureau of Automotive Repair issued Smog Check
12 Inspector License Number EO 644061 to Respondent Sage under the name Jasmine Sage Juarez.
13 The Smog Check Inspector License was in full force and effect at all times relevant to the charges
14 brought herein and will expire on November 30, 2024, unless renewed.

15 5. In 2002, the Bureau issued Advanced Emission Specialist Technician License
16 Number EA 129006 to Respondent Tung T. Nguyen (Respondent Nguyen). The Advanced
17 Emission Specialist Technician License was cancelled on March 18, 2013. Pursuant to California
18 Code of Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant
19 to respondent's election, as Smog Check Inspector License Number EO 129006, and Smog Check
20 Repair Technician License Number EI 129006. The Smog Check Inspector License and Smog
21 Check Repair Technician License were in full force and effect at all times relevant to the charges
22 brought herein. The Smog Check inspector License will expire on February 28, 2025. The Smog
23 Check Repair Technician License expired on February 28, 2021, and has not been renewed.

JURISDICTION PROVISIONS FOR ACCUSATION

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25 6. This Accusation is brought before the Director of the Department of Consumer
26 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

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STATUTORY PROVISIONS FOR ACCUSATION

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

8. Section 9884.7 of the Code states:

(a) The director, if 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.

...

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

...

(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.

...

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

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

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

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

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

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

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9. 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.

10. 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.

11. Section 44012 of the Health and Safety Code states:

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

...

12. Section 44032 of the Health and Safety Code states:

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

13. 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.

14. 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.

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

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

4 16. Section 44072.2 of the Health and Safety Code states:

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

8 (a) Violates any section of this chapter [the Motor Vehicle Inspection Program
9 (Health and Saf. Code, “ 44000, et seq.)] and the regulations adopted pursuant to it,
10 which related to the licensed activities.

11 ...

12 (c) Violates any of the regulations adopted by the director pursuant to this
13 chapter.

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

16 ...

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

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

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

24 (1) Clean piping, as defined by the department.

25 (2) Tampering with a vehicle emission control system or test analyzer system.

26 (3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass
27 or falsely fail an inspection.

28 (4) Intentional or willful violation of this chapter or any regulation, standard, or
procedure of the department implementing this chapter.

REGULATORY PROVISIONS FOR ACCUSATION

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

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

...

(c) The bureau may suspend or revoke the license of or pursue other legal

1 action against a licensee, if the licensee falsely or fraudulently issues or obtains a
2 certificate of compliance or a certificate of noncompliance.

3 ...

4 19. California Code of Regulations, title 16, section 3340.30, states:

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

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

10 ...

11 20. California Code of Regulations, title 16, section 3340.35, states:

12 ...

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

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

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

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

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

26 ...

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

29 ...

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

35 ...

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1 22. California Code of Regulations, title 16, section 3340.42, states:

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

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

6 ...

7 (3) An OBD-focused test, shall be the test method used to inspect gasoline-
8 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998
9 model-year and newer. The OBD test failure criteria are specified in section
10 3340.42.2.

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

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

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

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

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

21 ...

22 (2) Smog Check Manual, dated November 2, 2017, which is hereby
23 incorporated by reference. This manual shall become effective on August 2, 2018.

24 24. California Code of Regulations, title 16, section 3371, states:

25 No dealer shall publish, utter, or make or cause to be published, uttered, or
26 made any false or misleading statement or advertisement which is known to be false
27 or misleading, or which by the exercise of reasonable care should be known to be
28 false or misleading. Advertisements and advertising signs shall clearly show the
following:

...

25 25. California Code of Regulations, title 16, section 3373, states:

26 No automotive repair dealer or individual in charge shall, in filling out an
27 estimate, invoice, or work order, or record required to be maintained by section
28 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or
information which will cause any such document to be false or misleading, or where

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 the tendency or effect thereby would be to mislead or deceive customers, prospective
2 customers, or the public.

3 **COST RECOVERY FOR ACCUSATION**

4 26. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
9 included in a stipulated settlement.

10 **SMOG PROGRAM AND CLEAN PLUGGING ALLEGATIONS AT MD SMOG CHECK**

11 27. California's Smog Check Program requires the owners of most motor vehicles in
12 California to take and pass a Smog Check inspection and receive a Certificate of Compliance
13 every two years when renewing their registration and also when the vehicle's title is transferred.
14 These inspections are performed by Smog Check inspectors at Smog Check Stations, both of
15 which are licensed by the Bureau of Automotive Repair (BAR).

16 28. The Smog Check inspection in certain Enhanced areas of the State is an Acceleration
17 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
18 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons, Carbon
19 Monoxide, Oxides of Nitrogen, Carbon Dioxide, and Oxygen. The inspection involves a test of
20 the vehicle's tailpipe emissions on a dynamometer. In Basic areas of the State, or depending on a
21 vehicle's configuration (all-wheel drive, traction control issue), a similar test called a Two Speed
22 Idle (TSI) test is performed, but instead of applying a load to the vehicle's drive wheels with a
23 dynamometer, the EIS measures the emissions at idle as well as 2500 revolutions per minute
24 (RPM).

25 29. The inspector also performs visual and functional tests on the vehicle as outlined in
26 the Smog Check Manual. The visual inspection of the emission control components verifies the
27 required emission control devices are present and properly connected. Functional tests are also
28 performed which, depending on the vehicle, may include checking the ignition timing,
malfunction indicator light (MIL), Exhaust Gas Recirculation (EGR) system, a low pressure test

1 of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas
2 cap.

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

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

14 32. Data retrieved and recorded during a OIS smog check includes: the eVIN, which is
15 the digitally stored VIN programmed into the vehicle's Powertrain Control Module (PCM); the
16 communication protocol, which is the manufacturer/vehicle's specific "language" the PCM uses
17 to relay information; and the number of Parameter Identifications (PIDs), which is the number of
18 specific data values each PCM uses related to emissions controls.

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

22 34. As part of the OIS smog inspections, the technician also performs a visual and
23 functional test on the vehicle being inspected. The visual inspection of the emission control
24 components verifies the required emission control devices are present and properly connected and
25 a functional test is performed of the malfunction indicator light (MIL). The OIS software makes
26 the determination whether or not the vehicle passes the inspection based on the results of the
27 OBD, visual and functional tests. If the vehicle passes the inspection a certificate of compliance

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1 is issued. The information from the smog inspection is then transmitted to the Vehicle
2 Information Data (VID).

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

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

- 13 a. Engine speed in revolutions per minute (RPM),
- 14 b. Throttle position as measured by a throttle position sensor (TPS) mounted onto the
15 throttle shaft. The throttle position is measured in a percentage of opening from 0% at idle to up
16 to 100% at full throttle.
- 17 c. Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
18 connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a
19 normally aspirated vehicle are as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle,
20 and 101 kpa at full throttle (atmospheric pressure at sea level).
- 21 d. Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
22 air intake tract. Air flow is measured in grams per second (gps).

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

26 38. One method is known as "clean plugging." "Clean plugging" is the act of using one
27 vehicle's properly functioning OBDII system, or another source such as an electronic defeat
28 device, to generate passing data readings or diagnostic information for the purpose of issuing a

1 smog certificate of compliance to a vehicle that is not in smog compliance and/or not being
2 tested. The vehicle being certified is not being tested.

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

7 40. On April 21, 2022, Bureau Representatives conducted a Gas Audit Inspection of
8 Respondent Sage's smog check station MD Smog Check. The Bureau representatives observed
9 an unlicensed individual performing a Smog Check Inspection utilizing an electronic defeat
10 device. The electronic defeat device was connected to the OBDII DLC on a 2000 Volkswagen
11 Cabrio with CA License # 4MHB378. The representatives found a notebook containing
12 directions for the electronic defeat device. They also found a laptop containing a vehicle
13 simulator computer program.

14 41. Respondents clean plugged and issued certificates of compliance to 17
15 Vehicles using an electronic defeat device and a vehicle simulator computer program. None of
16 the 17 vehicles that were issued a certificate of compliance were legitimately inspected. All of
17 the "inspections" were performed by Respondent Nguyen at Respondent Sage's smog check
18 station. All of the certificates of compliance were issued under Respondent Sage's Smog Check
19 Inspector License at MD Smog Check.

20 **Clean Plug 1:**

21 42. On or about April 11, 2022, Respondent Sage issued smog certificate # SQ018060C
22 to a 2002 Nissan Pathfinder LE, VIN # JN8DR09X92W662753. Respondent Nguyen performed
23 the inspection. However, he did not perform a legitimate smog inspection on the vehicle.
24 Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent Sage to
25 issue a fraudulent certificate of compliance to this vehicle.

26 43. The Dynamic PID Chart for the 2002 Pathfinder shows between time stamp 1010 and
27 28353 engine speed is steady at around 725 RPM. During this time the throttle was fixed at 0%
28 opening. The MAF was also fixed at 3.37gps. Between time stamp 29374 and 30405 the engine

1 speed is accelerated then held steady at around 1725 RPM. During the steady elevated engine
2 RPM, the throttle remained fixed at 0% opening. The MAF remained fixed at 3.37gps. The
3 steady idle and steady elevated engine speeds with the associated fixed throttle positions and
4 subsequent fixed MAF readings with the same as idle speed parameters are not characteristic or
5 expected for normal engine operation.

6 **Clean Plug 2:**

7 44. On or about April 18, 2022, Respondent Sage issued smog certificate SQ145333C to
8 a 2006 Chevrolet Silverado, VIN # 2GCEC13V561316081. Respondent Nguyen performed the
9 inspection. However, he did not perform a legitimate smog inspection on the vehicle.
10 Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent Sage to
11 issue a fraudulent certificate of compliance to this vehicle.

12 45. The Dynamic PID Chart for the 2006 Silverado shows between time stamp 391 and
13 22247 engine speed is steady at around 625 RPM. During this time the throttle was fixed at
14 13.3% opening. The MAP was fixed at 38kpa. The MAF was also fixed at 6.53gps. Between
15 time stamp 22655 and 23507 the engine speed was accelerated then held steady at around 1900
16 RPM. During the steady elevated engine RPM, the throttle remained fixed at 13.3% opening.
17 The MAP remained fixed at 38kpa. The MAF remained fixed at 6.53gps. The steady idle and
18 steady elevated engine speeds with the associated fixed throttle positions and subsequent fixed
19 MAP and MAF readings with the same as idle speed parameters are not characteristic or expected
20 for normal engine operation.

21 **Clean Plug 3:**

22 46. On or about April 20, 2022, Respondent Sage issued smog certificate # SQ145344C
23 to a 2003 GMC New Sierra C1500, VIN # 1GTEC14T33Z219414. Respondent Nguyen
24 performed the inspection. However, he did not perform a legitimate smog inspection on the
25 vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent
26 Sage to issue a fraudulent certificate of compliance to this vehicle.

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1 47. The Dynamic PID Chart for the 2003 New Sierra shows between time stamp 350 and
2 22515 engine speed was steady at around 550 RPM. During this time the throttle was fixed at
3 3.9% opening. The MAP was fixed at 35kpa. The MAF was also fixed at 4.2gps. Between time
4 stamp 22910 and 23681 the engine speed was accelerated then held steady at around 1800 RPM.
5 During the steady elevated engine RPM, the throttle remained fixed at 3.9% opening. The MAP
6 remained fixed at 35kpa. The MAF remained fixed at 4.2gps. The steady idle and steady
7 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
8 MAF readings with the same as idle speed parameters are not characteristic or expected for
9 normal engine operation.

10 **Clean Plug 4:**

11 48. On or about June 1, 2022, Respondent Sage issued smog certificate # SQ956827C to
12 a 2000 GMC New Sierra C1500, VIN # 1GTEC14T4YZ309131. Respondent Nguyen performed
13 the inspection. However, he did not perform a legitimate smog inspection on the vehicle.
14 Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent Sage to
15 issue a fraudulent certificate of compliance to this vehicle.

16 49. The Dynamic PID Chart for the 2000 New Sierra shows between time stamp 453 and
17 21278 engine speed was steady at around 550 RPM. During this time the throttle was fixed at 0%
18 opening. The MAP was fixed at 36kpa. The MAF was also fixed at 5.53gps. At time stamp
19 21278 the engine speed begins to accelerate. Between time stamp 21278 and 21819 the engine
20 speed was accelerated then held steady at around 1750 RPM. During the steady elevated engine
21 RPM, the throttle remained fixed at 0% opening. The MAP remained fixed at 36kpa. The MAF
22 remained fixed at 5.53gps. The steady idle and steady elevated engine speeds with the associated
23 fixed throttle positions and subsequent fixed MAP and MAF readings with the same as idle speed
24 parameters are not characteristic or expected for normal engine operation.

25 **Clean Plug 5:**

26 50. On or about June 29, 2022, Respondent Sage issued smog certificate # IR190405C to a
27 2006 Chevrolet Silverado C1500, VIN # 2GCEC13Z561345986 Respondent Nguyen performed
28 the inspection. However, he did not perform a legitimate smog inspection on the vehicle.

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

3 51. The Dynamic PID Chart for the 2006 Silverado shows between time stamps 426 and
4 28773 engine speed was steady at around 550 RPM. During this time the throttle was fixed at
5 12.5% opening. The MAP was fixed at 35kpa. The MAF was also fixed at 5.29gps. Between
6 time stamp 29367 and 32619 the engine speed was accelerated then held steady at around 1375
7 RPM. During the steady elevated engine RPM, the throttle remained fixed at 12.5% opening. The
8 MAP remained fixed at 35kpa. The MAF remained fixed at 5.29gps. The steady idle and steady
9 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
10 MAF readings with the same as idle speed parameters are not characteristic or expected for
11 normal engine operation.

12 **Clean Plug 6:**

13 52. On or about July 11, 2022, Respondents issued smog certificate # SU010452C to a
14 2007 GMC Savana G2500, VIN# 1GTGG25V371177477. Respondent Nguyen performed the
15 inspection. However, he did not perform a legitimate smog inspection on the vehicle.
16 Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent Sage to
17 issue a fraudulent certificate of compliance to this vehicle.

18 53. The Dynamic PID Chart for the 2007 Savana shows between time stamp 355 and
19 30503 engine speed was steady at around 550 RPM. During this time the throttle was fixed at
20 3.1% opening. The MAP was fixed at 34kpa. The MAF was also fixed at 5.03gps. Between
21 time stamp 30874 and 31631 the engine speed was accelerated then held steady at around 2025
22 RPM. During the steady elevated engine RPM, the throttle remained fixed at 3.1% opening. The
23 MAP remained fixed at 34kpa. The MAF remained fixed at 5.03gps. The steady idle and steady
24 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
25 MAF readings with the same as idle speed parameters are not characteristic or expected for
26 normal engine operation.

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1 **Clean Plug 7:**

2 54. On or about July 29, 2022, Respondent Sage issued smog certificate # SU312334C to a
3 2000 Buick Century Custom, VIN # 2G4WS52J8Y1192951. Respondent Nguyen performed the
4 inspection. However, he did not perform a legitimate smog inspection on the vehicle.
5 Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent Sage to
6 issue a fraudulent certificate of compliance to this vehicle.

7 55. The Dynamic PID Chart for the 2000 Century shows between time stamp 394 and
8 22061 engine speed was steady at around 750 RPM. During this time the throttle was fixed at 0%
9 opening. The MAP was fixed at 38kpa. The MAF was also fixed at 2.34gps. Between time
10 stamp 22585 and 23115 the engine speed was accelerated then held steady at around 1575 RPM.
11 During the steady elevated RPM, the throttle remained fixed at 0% opening. The MAP remained
12 fixed at 38kpa. The MAF remained fixed at 2.34gps. 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 8:**

17 56. On or about August 11, 2022, Respondent Sage issued smog certificate # SU822070C
18 to a 2004 Pontiac GTO, VIN # 6G2VX12G24L224108. Respondent Nguyen performed the
19 inspection. However, he did not perform a legitimate smog inspection on the vehicle.
20 Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent Sage to
21 issue a fraudulent certificate of compliance to this vehicle.

22 57. The Dynamic PID Chart for the 2004 GTO shows between time stamp 419 and 28290
23 engine speed was steady at around 700 RPM. During this time the throttle is fixed at 0%
24 opening. The MAP was fixed at 35kpa. The MAF was also fixed at 7.23gps. Between time
25 stamp 28290 and 28865 the engine speed was accelerated then held steady at around 1575 RPM.
26 During the steady elevated engine RPM, the throttle remained fixed at 0% opening. The MAP
27 remained fixed at 35kpa. The MAF remained fixed at 7.23gps. The steady idle and steady
28 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and

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

3 **Clean Plug 9:**

4 58. On or about August 22, 2022, Respondent Sage issued smog certificate # SW121260C
5 to a 2002 Chevrolet Camaro Z28, VIN # 2G1FP22G422133687. Respondent Nguyen performed
6 the inspection. However, he did not perform a legitimate smog inspection on the vehicle.
7 Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent Sage to
8 issue a fraudulent certificate of compliance to this vehicle.

9 59. The Dynamic PID Chart for the 2002 Camaro shows between time stamp 385 and
10 20186 engine speed was steady at around 800 RPM. During this time the throttle was fixed at 0%
11 opening. The MAP was fixed at 34kpa. The MAF was also fixed at 7.24gps. Between time
12 stamp 20726 and 21288 the engine speed was accelerated then held steady at around 1800 RPM.
13 During the steady elevated engine RPM, the throttle remained fixed at 0% opening. The MAP
14 remained fixed at 34kpa. The MAF remained fixed at 7.24gps. The steady idle and steady
15 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
16 MAF readings with the same as idle speed parameters are not characteristic or expected for
17 normal engine operation.

18 **Clean Plug 10:**

19 60. On or about September 14, 2022, Respondent Sage issued smog certificate #
20 SW811153C to a 2005 Chevrolet Silverado C2500 Heavy Duty, VIN # 1GCHC24UX5E224745.
21 Respondent Nguyen performed the inspection. However, he did not perform a legitimate smog
22 inspection on the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS
23 and Respondent Sage to issue a fraudulent certificate of compliance to this vehicle.

24 61. The Dynamic PID Chart for the 2005 Silverado shows between time stamp 432 and
25 20696 engine speed was steady at around 550 RPM. During this time the throttle was fixed at
26 6.3% opening. The MAP was fixed at 33kpa. The MAF was also fixed at 6.28gps. Between
27 time stamp 21242 and 21781 the engine speed was accelerated then held steady at around 1750
28 RPM. During the steady elevated engine RPM, the throttle remained fixed at 6.3% opening. The

1 MAP remained fixed at 33kpa. The MAF remained fixed at 6.28gps. The steady idle and steady
2 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
3 MAF readings with the same as idle speed parameters are not characteristic or expected for
4 normal engine operation.

5 **Clean Plug 11:**

6 62. On or about September 29, 2022, Respondent Sage issued smog certificate #
7 SY200955C to a 2003 GMC Sierra K2500 Heavy Duty, VIN # 1GTHK29G63E206357.
8 Respondent Nguyen performed the inspection. However, he did not perform a legitimate smog
9 inspection on the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS
10 and Respondent Sage to issue a fraudulent certificate of compliance to this vehicle.

11 63. The Dynamic PID Chart for the 2003 Sierra shows between time stamp 398 and
12 22357 engine speed was steady at around 600 RPM. During this time the throttle was fixed at
13 7.1% opening. The MAP was fixed at 30kpa. The MAF was also fixed at 6.89gps. Between
14 time stamp 22926 and 23450 the engine speed is accelerated then held steady at around 2000
15 RPM. During the steady elevated engine RPM, the throttle remained fixed at 7.1% opening. The
16 MAP remained fixed at 30kpa. The MAF remained fixed at 6.89gps. The steady idle and steady
17 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
18 MAF readings with the same as idle speed parameters are not characteristic or expected for
19 normal engine operation.

20 **Clean Plug 12:**

21 64. On or about October 2, 2022, Respondent Sage issued smog certificate # SY200996C
22 to a 2004 GMC Yukon, VIN# 1GKEC13V14J166302. Respondent Nguyen performed the
23 inspection. However, he did not perform a legitimate smog inspection on the vehicle.
24 Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent Sage to
25 issue a fraudulent certificate of compliance to this vehicle.

26 65. The Dynamic PID Chart for the 2004 Yukon shows between time stamp 392 and
27 20261 engine speed was steady at around 575 RPM. During this time the throttle was fixed at
28 11.8% opening. The MAP was fixed at 37kpa. The MAF was also fixed at 4.94gps. Between

1 time stamp 20652 and 23006 the engine speed is accelerated then held steady at around 2100
2 RPM. During the elevated engine RPM, the throttle remained fixed at 11.8% opening. The MAP
3 remained fixed at 37kpa. The MAF remained fixed at 4.94gps. The steady idle and steady
4 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
5 MAF readings with the same as idle speed parameters are not characteristic or expected for
6 normal engine operation.

7 **Clean Plug 13:**

8 66. On or about October 18, 2022, Respondent Sage issued smog certificate #SY554230C
9 to a 2001 Chevrolet Suburban K1500, VIN #3GNFK16TX1G154537. Respondent Nguyen
10 performed the inspection. However, he did not perform a legitimate smog inspection on the
11 vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and Respondent
12 Sage to issue a fraudulent certificate of compliance to this vehicle.

13 67. The Dynamic PID Chart for the 2001 Suburban shows between time stamp 421 and
14 20542 engine speed was steady at around 550 RPM. During this time the throttle was fixed at
15 0.4% opening. The MAP was fixed at 36kpa. The MAF was also fixed at 5.11gps. Between
16 time stamp 22073 and 22607 the engine speed was accelerated then held steady at around 1725
17 RPM. During the elevated engine RPM, the throttle remained fixed at 0.4% opening. The MAP
18 remained fixed at 36kpa. The MAF remained fixed at 5.11gps. The steady idle and steady
19 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
20 MAF readings with the same as idle speed parameters are not characteristic or expected for
21 normal engine operation.

22 **Clean Plug 14:**

23 68. On or about November 2, 2022, Respondent Sage issued smog certificate # IR360891C
24 to a 2003 Chevrolet Silverado C2500, VIN # 1GBGC24U63Z321995. 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 Sage to issue a fraudulent certificate of compliance to this vehicle.

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1 69. The Dynamic PID Chart for the 2003 Silverado shows between time stamp 411 and
2 21189 engine speed was steady at around 600 RPM. During this time the throttle was fixed at 9%
3 opening. The MAP was fixed at 35kpa. The MAF was also fixed at 5.64gps. Between time
4 stamp 21737 and 22307 the engine speed was accelerated then held steady at around 2150 RPM.
5 During the elevated engine RPM, the throttle remained fixed at 9% opening. The MAP remained
6 fixed at 35kpa. The MAF remained fixed at 5.64gps. 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 15:**

11 70. On or about November 30, 2022, Respondent Sage issued smog certificate #
12 TA318267C to a 2002 Chevrolet Camaro Z28, VIN # 2G1FP22G622158929. Respondent
13 Nguyen performed the inspection. However, he did not perform a legitimate smog inspection on
14 the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and
15 Respondent Sage to issue a fraudulent certificate of compliance to this vehicle.

16 71. The Dynamic PID Chart for the 2002 Camaro shows between time stamp 394 and
17 19234 engine speed was steady at around 775 RPM. During this time the throttle was fixed at
18 0.8% opening. The MAP was fixed at 35kpa. The MAF was also fixed at 9.28gps. Between
19 time stamp 19785 and 20879 the engine speed was accelerated then held steady at around 1800
20 RPM. During the elevated engine RPM, the throttle remained fixed at 0.8% opening. The MAP
21 remained fixed at 35kpa. The MAF remained fixed at 9.28gps. The steady idle and steady
22 elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAP and
23 MAF readings with the same as idle speed parameters are not characteristic or expected for
24 normal engine operation.

25 **Clean Plug 16:**

26 72. On or about December 7, 2022, Respondent Sage issued smog certificate #
27 TA672201C to a 2002 Cadillac Seville SLS, VIN # 1G6KS54Y22U117321. Respondent Nguyen
28 performed the inspection. However, he did not perform a legitimate smog inspection on the

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

3 73. The Dynamic PID Chart for the 2002 Seville shows between time stamp 391 and
4 23932 engine speed was steady at around 650 RPM. During this time the throttle was fixed at 0%
5 opening. The MAP was fixed at 30kpa. The MAF was also fixed at 4.77gps. Between time
6 stamp 24479 and 25651 the engine speed was accelerated then held steady at around 1800 RPM.
7 During the elevated engine RPM, the throttle remained fixed at 0% opening. The MAP remained
8 fixed at 30kpa. The MAF remained fixed at 4.77gps. The steady idle and steady elevated engine
9 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
10 with the same as idle speed parameters are not characteristic or expected for normal engine
11 operation.

12 **Clean Plug 17:**

13 74. On or about December 14, 2022, Respondent Sage issued smog certificate #
14 TA672234C to a 2005 Chevrolet Silverado C1500, VIN # 1GCEC14XX5Z255302. Respondent
15 Nguyen performed the inspection. However, he did not perform a legitimate smog inspection on
16 the vehicle. Respondent Nguyen used an electronic defeat device to cause the OIS and
17 Respondent Sage to issue a fraudulent certificate of compliance to this vehicle.

18 75. The Dynamic PID Chart for the 2005 Silverado shows between time stamp 367 and
19 25754 engine speed was steady at around 650 RPM. During this time the throttle was fixed at 0%
20 opening. The MAP was fixed at 32kpa. The MAF was also fixed at 4.88gps. Between time
21 stamp 26132 and 27248 the engine speed was accelerated then held steady at around 2050 RPM.
22 During the elevated engine RPM, the throttle remained fixed at 0% opening. The MAP remained
23 fixed at 32kpa. The MAF remained fixed at 4.88gps. The steady idle and steady elevated engine
24 speeds with the associated fixed throttle positions and subsequent fixed MAP and MAF readings
25 with the same as idle speed parameters are not characteristic or expected for normal engine
26 operation.

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1 **FIRST CAUSE FOR DISCIPLINE**

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

3 76. Respondent Sage has subjected her Automotive Repair Dealer Registration to
4 discipline under Code section 9884.7, subdivision (a)(1), in that Respondent Sage made
5 statements which she knew or which by exercise of reasonable care should have known were
6 untrue or misleading, as set forth above in paragraphs 40-75, above. Respondent Sage purported
7 to test vehicles, and certified that the vehicles passed inspection and were in compliance with
8 applicable laws and regulations. In fact, Respondent Sage conducted the inspections on those
9 vehicles using clean-plugging methods.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Fraud - Registration)**

12 77. Respondent Sage has subjected her Automotive Repair Dealer Registration to
13 discipline under Code section 9884.7, subdivision (a)(4), in that she committed acts which
14 constitute fraud, as set forth above in paragraphs 40-76, above.

15 **THIRD CAUSE FOR DISCIPLINE**

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

17 78. Respondent Sage has subjected her Automotive Repair Dealer Registration to
18 discipline under Code section 9884.7, subdivision (a)(6), in that she violated California Code of
19 Regulations Title 16, section 3373, by creating and issuing false or misleading certificates of
20 compliance and vehicle inspection reports for the 17 vehicles that were clean plugged as set forth
21 above in paragraphs 40-76, above. The certificates and inspection reports indicated the vehicles
22 were tested in accordance with all bureau requirements and the vehicles were qualified to receive
23 certificates of compliance. This was false as the vehicle were clean plugged.

24 **FOURTH CAUSE FOR DISCIPLINE**

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

26 79. Respondent Sage has subjected her Smog Check Station and Smog Check Inspector
27 Licenses to discipline under Health and Safety Code sections 44072.10 and 44072.2, subdivision
28 (d), in that she committed acts involving dishonesty, fraud or deceit, whereby another was injured

1 by issuing electronic certificates of compliance for vehicles without performing bona fide
2 inspections of the emission control devices and systems on the vehicles, thereby depriving the
3 People of the State of California of the protection afforded by the Motor Vehicle Inspection
4 Program, as set forth above in paragraphs 40-76, above.

5 **FIFTH CAUSE FOR DISCIPLINE**

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

7 80. Respondent Sage has subjected her Smog Check Station and Smog Check Inspector
8 Licenses to discipline under Health and Safety Code sections 44072.10 and 44072.2, subdivisions
9 (a) and (c), in that she violated sections of that Code and applicable regulations, through conduct
10 described in paragraphs 40-76, as follows:

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

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

16 c. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
17 accordance with Health and Safety Code section 44012 and California code of Regulations title
18 16, section 3340.42.

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

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

26 f. **Section 3340.42:** Respondent failed to conduct the required smog tests and
27 inspections on certain vehicles in accordance with the Bureau's specifications.
28

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

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 81. Respondent Nguyen has subjected his Smog Check Inspector License and Smog
6 Check Repair Technician License to discipline under Health and Safety Code sections 44072.10
7 and 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud or deceit,
8 whereby another was injured by issuing electronic certificates of compliance for vehicles without
9 performing bona fide inspections of the emission control devices and systems on the vehicles,
10 thereby depriving the People of the State of California of the protection afforded by the Motor
11 Vehicle Inspection Program, as set forth above in paragraphs 40-76, above.

12 **SEVENTH CAUSE FOR DISCIPLINE**

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

14 82. Respondent Nguyen has subjected his Smog Check Inspector License and Smog
15 Check Repair Technician License to discipline under Health and Safety Code sections 44072.10
16 and 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and applicable
17 regulations, through conduct described in paragraphs 40-76, as follows:

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

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

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

25 d. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
26 accordance with Health and Safety Code section 44012 and California code of Regulations title
27 16, section 3340.42.

28

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

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

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

7 **DISCIPLINARY CONSIDERATIONS**

8 83. To determine the degree of discipline, if any, to be imposed on Respondent Sage,
9 Complainant alleges Jenny Tran is/was the facility manager for Respondent Sage's facility/Smog
10 Check Station, MD Smog Check. Jenny Tran formerly held an Automotive Repair Dealer
11 Registration and Smog Check Station license at the same location as Respondent Sage's Smog
12 Check Station. Jenny Tran also did business at this location as MD Smog Check. Jenny Tran's
13 Registration and Smog Check Station license were revoked for Clean Plugging in a decision
14 effective August 09, 2018.

15 **OTHER MATTERS**

16 47. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
17 or place on probation the registration for all places of business operated in this state by
18 Respondent Sage, upon a finding that Respondent Sage has, or is, engaged in a course of repeated
19 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

20 48. Pursuant to Health & Safety Code section 44072.8, if Respondent Sage's Station
21 License or Smog Check Inspector License is revoked or suspended, any additional license issued
22 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said
23 licensee may be likewise revoked or suspended by the director.

24 48. Pursuant to Health & Safety Code section 44072.8, if any of Respondent Nguyen's
25 Smog Check Inspector or Smog Check Repair Technician license is revoked or suspended, any
26 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code
27 in the name of said licensee may be likewise revoked or suspended by the director.

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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 or suspending Automotive Repair Dealer Registration Number ARD 297326, issued to Jasmine Sage dba MD Smog Check;
2. Revoking or suspending Smog Check, Test Only, Station License Number TC 297326, issued to Jasmine Sage dba MD Smog Check;
3. Revoking or suspending Smog Check Inspector License Number EO 644061, issued to Jasmine Sage;
4. Revoking or suspending any additional Automotive Repair Dealer Registration(s) issued to Jasmine Sage;
5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code to Jasmine Sage;
6. Ordering Jasmine Sage to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
7. Revoking or suspending Smog Check Inspector License Number EO 129006, issued to Tung T. Nguyen;
8. Revoking or suspending Smog Check Repair Technician Number EI 129006, issued to Tung T. Nguyen;
9. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code to Tung T. Nguyen;
10. Ordering Tung T. Nguyen to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: As of Digital Signature Date

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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