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

In the Matter of the Accusation Against:

Case No. 79/22-11141

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

**DEFAULT DECISION
AND ORDER**

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

[Gov. Code, §11520]

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

Smog Check Inspector License No. EO 644061,

and

TUNG T. NGUYEN

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

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

Respondents.

FINDINGS OF FACT

1
2 1. On or about June 12, 2023, Complainant Patrick Dorais, in his official capacity as the
3 Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed
4 Accusation No. 79/22-11141 against Jasmine Sage dba MD Smog Check (Respondent Sage) and
5 Tung T. Nguyen (Respondent Nguyen) before the Director of the Department of Consumer
6 Affairs (Department). (Accusation attached as Exhibit A.)

7 2. On or about June 3, 2020, the Bureau of Automotive Repair issued Automotive
8 Repair Dealer Registration Number ARD 297326 to Respondent Sage. The Automotive Repair
9 Dealer Registration was cancelled on December 21, 2022.

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

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

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

26 6. The lapses in licensure pursuant to Business and Professions Code section 118(b) do
27 not deprive the Bureau and Department of its authority to institute or continue this disciplinary
28 proceeding.

1 7. On or about June 13, 2023, Respondent Sage was served by Certified and First Class
2 Mail copies of the Accusation No. 79/22-11141, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent Sage's addresses of record which, pursuant to Business and
5 Professions Code section 136, is required to be reported and maintained with the Bureau.
6 Respondent Sage's addresses of record were and are:

7 193 Barnard Ave., Ste. 8

8 San Jose, CA 95125

9
10 264 La Pala Dr. #11

11 San Jose, CA 95127.

12 8. On or about June 13, 2023, Respondent Nguyen was served by Certified and First
13 Class Mail copies of the Accusation No. 79/22-11141, Statement to Respondent, Notice of
14 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
15 11507.6, and 11507.7) at Respondent Nguyen's address of record which, pursuant to Business and
16 Professions Code section 136, is required to be reported and maintained with the Bureau.
17 Respondent Nguyen's address of record was and is:

18 2006 Autumn Gold Dr.

19 San Jose, CA 95131

20 9. Service of the Accusation was effective as a matter of law under the provisions of
21 Government Code section 11505(c) and/or Business and Professions Code section 124.

22 10. Government Code section 11506(c) states, in pertinent part:

23 (c) The respondent shall be entitled to a hearing on the merits if the respondent
24 files a notice of defense . . . and the notice shall be deemed a specific denial of all
25 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
26 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
27 discretion may nevertheless grant a hearing.

28 11. The Bureau takes official notice of its records and the fact that Respondent Sage
failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and
therefore waived her right to a hearing on the merits of Accusation No. 79/22-11141.

1 b. Respondent Sage has subjected her Automotive Repair Dealer Registration to
2 discipline under Code section 9884.7, subdivision (a)(4), in that she committed acts which
3 constitute fraud.

4 c. Respondent Sage has subjected her Automotive Repair Dealer Registration to
5 discipline under Code section 9884.7, subdivision (a)(6), in that she violated California Code of
6 Regulations Title 16, section 3373, by creating and issuing false or misleading certificates of
7 compliance and vehicle inspection reports.

8 d. Respondent Sage has subjected her Smog Check Station and Smog Check Inspector
9 Licenses to discipline under Health and Safety Code sections 44072.10 and 44072.2, subdivision
10 (d), in that she committed acts involving dishonesty, fraud or deceit, whereby another was injured
11 by issuing electronic certificates of compliance for vehicles without performing bona fide
12 inspections of the emission control devices and systems on the vehicles, thereby depriving the
13 People of the State of California of the protection afforded by the Motor Vehicle Inspection
14 Program.

15 e. Respondent Sage has subjected her Smog Check Station and Smog Check Inspector
16 Licenses to discipline under Health and Safety Code sections 44072.10 and 44072.2, subdivisions
17 (a) and (c), in that she violated sections of that Code and applicable regulations as follows:

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

20 ii. 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 iii. 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 iv. Section 3340.41, subdivision (c): Respondent entered false information about
27 vehicles being tested into OIS.

28

1 v. Section 3340.41, subdivision (h): Respondent had electronic device or software
2 capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration
3 identification, calibration verification number, MIL status, readiness, or diagnostic trouble codes
4 collected from a vehicle during a Smog Check Inspection in the approved testing area of the
5 station.

6 vi. 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 vii. 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 4. Based on the foregoing findings of fact, Respondent Tung Nguyen has subjected his
11 Smog Check Inspector License Number EO 129006 and Smog Check Repair Technician Number
12 EI 129006 to discipline.

13 5. The agency has jurisdiction to adjudicate this case by default.

14 6. The Director of the Department of Consumer Affairs is authorized to revoke
15 Respondent Nguyen's Smog Check Inspector and Smog Check Repair Technician licenses based
16 upon the following violations alleged in the Accusation which are supported by the evidence
17 contained in the Default Decision Investigatory Evidence Packet in this case:

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

25 b. Respondent Nguyen has subjected his Smog Check Inspector License and Smog
26 Check Repair Technician License to discipline under Health and Safety Code sections 44072.10
27 and 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and applicable
28 regulations as follows:

- 1 a. Section 44012: Respondent failed to ensure that smog inspections were performed on
2 vehicles in accordance with procedures prescribed by the department.
- 3 b. Section 44059: Respondent willfully made false statements in issuing the Smog
4 Certificates of compliance and on the Vehicle Inspection Reports.
- 5 c. Section 3340.24, subdivision (c): Respondent falsely or fraudulently issued
6 electronic certificates of compliance to certain vehicles without performing bona fide inspections
7 of the emission control devices and systems on those vehicles.
- 8 d. Section 3340.30, subdivision (a): Respondent failed to inspect the vehicles in
9 accordance with Health and Safety Code section 44012 and California Code of Regulations, title
10 16, section 3340.42.
- 11 e. Section 3340.41, subdivision (c): Respondent entered false information about
12 vehicles being tested into OIS.
- 13 f. Section 3340.42: Respondent failed to conduct the required smog tests and
14 inspections on certain vehicles in accordance with the Bureau's specifications.
- 15 g. Section 3340.45 Respondent violated the procedures contained in the Smog Check
16 Manual by entering vehicle identification information for a vehicle that was not being tested.

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ORDERS

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 297326, Smog Check Station License No. TC 297326, and Smog Check Inspector license no. EO 644061, issued to Respondent Jasmine Sage dba MD Smog Check are revoked

IT IS SO ORDERED that Smog Check Inspector License Number EO 129006 and Smog Check Repair Technician Number EI 129006, issued to Respondent Tung T. Nguyen, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: Patrick Lutfi, Bureau of Automotive Repair, 10949 North Mather Boulevard Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 30, 2023.

It is so ORDERED Aug. 23, 2023



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

43826680.DOCX
DOJ Matter ID:SF2023400619

Attachment:
Exhibit A: Accusation