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

11 In the Matter of the Accusation Against:

Case No. **79/16-44**

12 **QUAN HOANG TRAN- OWNER DBA QT**
13 **AUTO REPAIR & SMOG**
14 **2305 Rosemead Blvd.**
South El Monte, CA 91733

A C C U S A T I O N

15 **Automotive Repair Dealer Registration No.**
ARD 231472
16 **Smog Check Station License No. RC 231472**
17 **Lamp Station License No. LS 231472**
Brake Station License No. BS 231472

18 and

19 **QUAN HOANG TRAN**
20 **505 Looking Glass Dr.**
Diamond Bar, CA 91765
21 **Smog Check Inspector License No. EO**
28108
22 **Smog Check Repair Technician License**
Number EI 28108 (formerly Advanced
23 **Emission Specialist Technician License No.**
EA 28108)
24 **Brake Adjuster License No. BA 28108**
Lamp Adjuster License No. LA 28108

25 Respondents.

1 Complainant alleges:

2 **PARTIES/LICENSE INFORMATION**

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

5 **Quan Hoang Tran dba QT Auto Repair Smog**

6 **Automotive Repair Dealer Registration**

7 2. On or about February 3, 2004, the Bureau issued Automotive Repair Dealer
8 Registration Number ARD 231472 (“registration”) to Quan Hoang Tran-Owner dba QT Auto
9 Repair & Smog (“Respondent QT Auto”). The Automotive Repair Dealer Registration was in
10 full force and effect at all times relevant to the charges brought herein and will expire on January
11 31, 2016, unless renewed.

12 **Smog Check Station License**

13 3. On or about March 9, 2004, the Bureau issued Smog Check Station License Number
14 RC 231472 to Respondent QT Auto. The Smog Check Station License (“station license”) was in
15 full force and effect at all times relevant to the charges brought herein and will expire on January
16 31, 2016, unless renewed.

17 **Lamp Station License**

18 4. On or about March 18, 2004, the Bureau issued Lamp Station License Number LS
19 231472 to Respondent QT Auto. The lamp station license was in full force and effect at all times
20 relevant to the charges brought herein and will expire on January 31, 2016, unless renewed.

21 **Brake Station License**

22 5. On or about March 18, 2004, the Bureau issued Brake Station License Number BS
23 231472 to Respondent QT Auto. The brake station license was in full force and effect at all times
24 relevant to the charges brought herein and will expire on January 31, 2016, unless renewed.

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1 **Quan Hoang Tran**

2 **Inspector License/Repair Technician License**
3 **(formerly Advanced Emission Specialist Technician License Number EA 28108)**

4 6. In or about 1997, the Bureau issued Advanced Emission Specialist Technician
5 License Number EA 28108 to Quan Hoang Tran ("Respondent Tran"). Respondent Tran's
6 Advanced Emission Specialist Technician License was due to expire on May 31, 2013, however,
7 was cancelled on May 3, 2013. However, pursuant to California Code of Regulations, title 16,
8 section 3340.28, subdivision (e) ¹, the license was renewed, pursuant to Respondent Tran's
9 election, as Smog Check Inspector License Number EO 28108 ("inspector license"), effective
10 May 3, 2013 and Smog Check Repair Technician License Number EI 28108 ("repair technician
11 license"), effective May 3, 2013. Respondent Tran's inspector license and repair technician
12 license were in full force and effect at all times relevant to the charges brought herein and will
13 expire on May 31, 2017, unless renewed.

14 **Brake Adjuster License**

15 7. In or about 1991, the Bureau issued Brake Adjuster License Number BA 28108 to
16 Respondent Tran. Respondent Tran's brake adjuster license was in full force and effect at all
17 times relevant to the charges brought herein and will expire on May 31, 2018, unless renewed.

18 **Lamp Adjuster License**

19 8. In or about 2004, the Bureau issued Lamp Adjuster License Number LA 28108 to
20 Respondent Tran. Respondent Tran's lamp adjuster license was in full force and effect at all
21 times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed.

22 **JURISDICTION**

23 9. Business and Professions Code ("Code") section 9884.7 provides that the director
24 may revoke an automotive repair dealer registration.

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26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

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

4

5 “(4) Any other conduct which constitutes fraud.

6 “(5) Conduct constituting gross negligence.

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

9 16. Section 9884.9 of the Code states:

10 “(a) The automotive repair dealer shall give to the customer a written estimated price for
11 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue
12 before authorization to proceed is obtained from the customer. No charge shall be made for work
13 done or parts supplied in excess of the estimated price without the oral or written consent of the
14 customer that shall be obtained at some time after it is determined that the estimated price is
15 insufficient and before the work not estimated is done or the parts not estimated are supplied.
16 Written consent or authorization for an increase in the original estimated price may be provided
17 by electronic mail or facsimile transmission from the customer. The bureau may specify in
18 regulation the procedures to be followed by an automotive repair dealer if an authorization or
19 consent for an increase in the original estimated price is provided by electronic mail or facsimile
20 transmission. If that consent is oral, the dealer shall make a notation on the work order of the
21 date, time, name of person authorizing the additional repairs and telephone number called, if any,
22 together with a specification of the additional parts and labor and the total additional cost, and
23 shall do either of the following:

24 “(1) Make a notation on the invoice of the same facts set forth in the notation on the work
25 order.

26 “(2) Upon completion of the repairs, obtain the customer's signature or initials to an
27 acknowledgment of notice and consent, if there is an oral consent of the customer to additional
28 repairs, in the following language:

1 "I acknowledge notice and oral approval of an increase in the original estimated price.

2 _____

3 (signature or initials)"

4 "Nothing in this section shall be construed as requiring an automotive repair dealer to give a
5 written estimated price if the dealer does not agree to perform the requested repair."

6 17. Section 9889.1 of the Code states:

7 "Any license issued pursuant to Articles 5 and 6 [commencing with section 9887.1 of the
8 Automotive Repair Act], may be suspended or revoked by the director. The director may refuse
9 to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings
10 under this article shall be conducted in accordance with Chapter 5 (commencing with Section
11 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all
12 the powers granted therein."

13 18. Section 9889.3 of the Code states:

14 "The director may suspend, revoke, or take other disciplinary action against a license as
15 provided in this article [Article 7 (commencing with section 9889.1) of Chapter 20.3 of Division
16 3 of the Business and Professions Code] if the licensee or any partner, officer, or director thereof:

17 "(a) Violates any section of the Business and Professions Code which relates to his or her
18 licensed activities.

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20 "(c) Violates any of the regulations promulgated by the director pursuant to this chapter [the
21 Automotive Repair Act].

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

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

26 19. Section 9889.7 of the Code provides, in pertinent part, that the expiration or
27 suspension of a license by operation of law or by order or decision of the Director or a court of
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1 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to
2 proceed with any disciplinary proceedings.

3 20. Section 9889.16 of the Code states:

4 “Whenever a licensed adjuster in a licensed station upon an inspection or after an
5 adjustment, made in conformity with the instructions of the bureau, determines that the lamps or
6 the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when
7 requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form
8 prescribed by the director, which certificate shall contain the date of issuance, the make and
9 registration number of the vehicle, the name of the owner of the vehicle, and the official license
10 of the station.”

11 **REGULATORY PROVISIONS**

12 21. California Code of Regulations, title 16, section 3305 states, in pertinent part:

13 (a) Performance Standards. All adjusting, inspecting, servicing, and repairing of brake
14 systems and lamp systems shall be performed in official stations in accordance with current
15 standards, specifications, instructions, and directives issued by the bureau and by the
16 manufacturer of the device or vehicle.

17 22. California Code of Regulations, title 16, section 3316 states, in pertinent part:

18 “(d)(2) Inspection of the Entire Lighting System. “Where all of the lamps, lighting
19 equipment, and related electrical systems on a vehicle have been inspected and found in
20 compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall
21 certify that the entire system meets all such those requirements.”

22 23. California Code of Regulations, title 16, section 3321 states, in pertinent part:

23 (c)(2) Inspection of the Entire Brake System. “Where the entire brake system on any
24 vehicle has been inspected or tested and found in compliance with all requirements of the
25 Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate
26 shall certify that the entire system meets all such requirements.”

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1 Number [REDACTED] and Invoice No. [REDACTED]. The vehicle was not road tested by anyone at
2 Respondent QT Auto's facility.

3 29. On April 30, 2015, a Bureau representative re-inspected the vehicle and found that
4 the right front and right rear brake rotors were out of the manufacturer's specification. In
5 addition, the re-inspection of the vehicle revealed that the license plate light bulb does not
6 illuminate and the left front headlamp aim was not within manufacturer's specification.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Untrue and Misleading Statement)**

9 30. Respondent QT Auto's registration is subject to discipline under Code section 9884.7,
10 subdivision (a)(1) and California Code of Regulation, title 16, sections 3371 and 3373, in that on
11 or about April 28, 2015, regarding the 2000 Honda vehicle, Respondent QT Auto made or
12 authorized statements which it knew or in the exercise of reasonable care should have known to
13 be untrue or misleading, as follows:

14 a. Respondent QT Auto certified under penalty of perjury on Brake Certificate Number
15 [REDACTED] that the right front and right rear brake rotors were within manufacturer's
16 specification.

17 c. Respondent QT Auto certified under penalty of perjury on Lamp Certificate Number
18 [REDACTED] that the applicable adjustment had been performed on the lamp system when, in fact,
19 the license plate light bulb does not illuminate. In addition, the left front headlamp had not been
20 adjusted.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 31. Respondent QT Auto's registration is subject to discipline pursuant to Code section
24 9884.7, subdivision (a)(4), in that on or about April 28, 2015, regarding the 2000 Honda vehicle,
25 Respondent QT Auto committed acts that constitute fraud, as follows:

26 a. Respondent QT Auto obtained payment from the operator for performing the
27 applicable inspections and adjustments on the vehicle's brake and lamp systems as specified by
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1 the Bureau and in accordance with the Vehicle Code when, in fact, Respondent QT Auto failed to
2 perform the necessary inspections.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 32. Respondent QT Auto's registration is subject to discipline under Code section 9884.7,
6 subdivision (a)(5), in that on or about April 28, 2015, regarding the 2000 Honda vehicle,
7 Respondent QT Auto committed acts constituting gross negligence, in that Respondent Tran,
8 failed to properly inspect the vehicle's brake and lamp systems and issued Brake Certificate
9 [REDACTED] and Lamp Certificate Number [REDACTED], indicating that the vehicle's brake and
10 lamp systems were in satisfactory condition and were in accordance with the Vehicle Code when,
11 in fact, they were not.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Failure to Provide a Copy of a Signed Document)**

14 33. Respondent QT Auto's registration is subject to discipline under California Code of
15 Regulation, title 16, section 3353, subdivision (a), in that on or about April 28, 2015, regarding
16 the 2000 Honda vehicle, Respondent QT Auto failed to provide the operator with a copy of the
17 estimate.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Code)**

20 34. Respondent QT Auto's registration is subject to discipline pursuant to Code section,
21 subdivision 9884.7(a)(6), in that on or about April 28, 2015, regarding the 2000 Honda vehicle,
22 Respondent QT Auto failed to comply with provisions of that Code in the following material
23 respects:

24 a. **Section 9884.9, subdivision (a):** Respondent QT Auto failed to provide the operator
25 with a written estimated price for parts and labor for a specific job.

26 b. **Section 9889.16:**

27 i. Respondent Tran issued Brake Certificate Number [REDACTED] for the vehicle,
28 when the vehicle was not in compliance with Bureau regulations or the requirements of the

1 Vehicle Code, in that the right front and right rear brake rotors were out of manufacturer's
2 specifications.

3 ii. Respondent Tran issued Lamp Certificate Number [REDACTED] for the vehicle,
4 when the vehicle was not in compliance with Bureau regulations or the requirements of the
5 Vehicle Code, in that the license plate light bulb does not illuminate.

6 iii. Respondent Tran issued Lamp Certificate Number [REDACTED] for the vehicle,
7 when the vehicle was not in compliance with Bureau regulations or the requirements of the
8 Vehicle Code, in that the left front headlamp aim was not within specifications.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations)**

11 35. Respondent QT Auto's registration is subject to discipline pursuant to Code section
12 9884.7, subdivision (a)(6), in that on or about April 28, 2015, regarding the 2000 Honda vehicle,
13 Respondent QT Auto failed to comply with provisions of California Code of Regulations, title 16,
14 in the following material respects:

15 a. **Section 3305, subdivision (a):** Respondent Tran failed to perform a brake and
16 lamp inspection in accordance with the vehicle's manufacturer standards and/or current standards,
17 specifications, recommended procedures, and/or directives issued by the Bureau.

18 b. **Section 3316, subdivision (d)(2):** Respondent Tran issued Lamp Certificate
19 Number [REDACTED], certifying that the vehicle's lamp system had been inspected and was in
20 satisfactory condition when, in fact, it was not.

21 c. **Section 3321, subdivision (c)(2):** Respondent Tran issued Brake Certificate
22 Number [REDACTED], certifying that the vehicle's brake system had been inspected and was in
23 satisfactory condition when, in fact, it was not.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Code)**

26 36. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
27 Code section 9889.3, subdivision (a), in that on or about April 28, 2015, regarding the 2000
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1 Honda vehicle, Respondent QT Auto violated sections of the Code, relating to its licensed
2 activities, as more particularly set forth above in paragraph 32.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulation)**

5 37. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
6 Code section 9889.3, subdivision (c), in that on or about April 28, 2015, regarding the 2000
7 Honda vehicle, Respondent QT Auto failed to comply with provisions of California Code of
8 Regulations, title 16, as more particularly set forth above in paragraphs 33 and 35.

9 **NINTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with the Bus. & Prof. Code)**

11 38. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
12 Code section 9889.3, subdivisions (a) and (h), in that on or about April 28, 2015, regarding the
13 2000 Honda vehicle, Respondent QT Auto violated Code section 9889.16 relating to his licensed
14 activities, as more particularly set forth above in paragraph 34.

15 **TENTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud, or Deceit)**

17 39. Respondent QT Auto's brake and lamp station licenses are subject to discipline
18 pursuant to Code section 9889.3, subdivision (d), in that on or about April 28, 2015, regarding the
19 2000 Honda vehicle, Respondent QT Auto committed acts involving dishonesty, fraud, or deceit
20 whereby another was injured, as more particularly set forth above in paragraphs 27, 28 and 29.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with the Code)**

23 40. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under
24 Code section 9889.3, subdivision (a), in that on or about April 28, 2015, regarding the 2000
25 Honda vehicle, Respondent Tran violated sections of the Code, relating to his licensed activities,
26 as more particularly set forth above in paragraph 34.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations)**

3 41. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under
4 Code section 9889.3, subdivision (c), in that on or about April 28, 2015, regarding the 2000
5 Honda vehicle, Respondent Tran failed to comply with provisions of California Code of
6 Regulations, title 16, as more particularly set forth above in paragraph 35.

7 **THIRTEENTH CAUSE FOR DISCIPLINE**

8 **(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

9 42. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under
10 Code section 9889.3, subdivision (d), in that on or April 28, 2015, regarding the 2000 Honda
11 vehicle, Respondent Tran committed acts involving dishonesty, fraud, or deceit, by issuing Brake
12 Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED], certifying that the
13 brake and lamp systems were in satisfactory condition and in accordance with the Vehicle Code,
14 when, in fact, they were not.

15 **UNDERCOVER OPERATION NO. 2: 2005 KIA**

16 43. On May 27, 2015, an undercover operator of the Bureau ("operator") took the
17 Bureau's 2005 Kia vehicle to Respondent QT Auto's facility and requested a brake, lamp and
18 smog inspections. The vehicle defects included a brake system with the right front and right rear
19 brake rotors deliberately machined beyond minimum thickness specifications. The left front
20 headlamp was deliberately misadjusted and the license plate light bulbs were inoperative.

21 44. When the operator arrived at Respondent QT Auto 's facility, he was greeted by
22 Respondent Tran. The operator informed the male employee that he needed a brake, lamp and
23 smog inspections. Respondent Tran stated that the services would cost \$110.00. The operator
24 was not provided with a written estimate and did not sign anything while at Respondent QT
25 Auto's facility. Respondent Tran performed the brake, lamp and smog inspections and issued
26 brake, lamp and smog certificates. The operator paid \$110.00 and was provided with a Smog
27 Check Vehicle Inspection Report, Brake Certificate Number [REDACTED], Lamp Certificate
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1 Number [REDACTED] and Invoice No. [REDACTED]. The vehicle was not road tested by anyone at
2 Respondent QT Auto 's facility.

3 45. On May 28, 2015, a Bureau representative re-inspected the vehicle and found that the
4 right front and right rear brake rotors were out of the manufacturer's specification. In addition,
5 the re-inspection of the vehicle revealed that the license plate light bulbs do not illuminate and the
6 left front headlamp aim was not within manufacturer's specification.

7 **FOURTEENTH CAUSE FOR DISCIPLINE**

8 (Untrue and Misleading Statement)

9 46. Respondent QT Auto's registration is subject to discipline under Code section 9884.7,
10 subdivision (a)(1) and California Code of Regulation, title 16, sections 3371 and 3373, in that on
11 or about May 27, 2015, regarding the 2005 Kia vehicle, Respondent QT Auto made or authorized
12 statements which it knew or in the exercise of reasonable care should have known to be untrue or
13 misleading, as follows:

14 a. Respondent QT Auto certified under penalty of perjury on Brake Certificate Number
15 [REDACTED] that the right front and right rear brake rotors were within manufacturer's
16 specification.

17 c. Respondent QT Auto certified under penalty of perjury on Lamp Certificate Number
18 [REDACTED] that the applicable adjustment had been performed on the lamp system when, in fact,
19 the license plate light bulbs do not illuminate. In addition, the left front headlamp had not been
20 adjusted.

21 **FIFTEENTH CAUSE FOR DISCIPLINE**

22 (Fraud)

23 47. Respondent QT Auto's registration is subject to discipline pursuant to Code section
24 9884.7, subdivision (a)(4), in that on or about May 27, 2015, regarding the 2005 Kia vehicle,
25 Respondent QT Auto committed acts that constitute fraud, as follows:

26 a. Respondent QT Auto obtained payment from the operator for performing the
27 applicable inspections and adjustments on the vehicle's brake and lamp systems as specified by
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1 the Bureau and in accordance with the Vehicle Code when, in fact, Respondent QT Auto failed to
2 perform the necessary inspections.

3 **SIXTEENTH CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 48. Respondent QT Auto's registration is subject to discipline under Code section 9884.7,
6 subdivision (a)(5), in that on or about May 27, 2015, regarding the 2005 Kia vehicle, Respondent
7 QT Auto committed acts constituting gross negligence, in that Respondent Tran, failed to
8 properly inspect the vehicle's brake and lamp systems and issued Brake Certificate [REDACTED]
9 and Lamp Certificate Number [REDACTED] indicating that the vehicle's brake and lamp systems
10 were in satisfactory condition and were in accordance with the Vehicle Code when, in fact, they
11 were not.

12 **SEVENTEENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Provide a Copy of a Signed Document)**

14 49. Respondent QT Auto's registration is subject to discipline under California Code of
15 Regulation, title 16, section 3353, subdivision (a), in that on or about May 27, 2015, regarding the
16 2005 Kia vehicle, Respondent QT Auto failed to provide the operator with a copy of the estimate.

17 **EIGHTEENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with the Code)**

19 50. Respondent QT Auto's registration is subject to discipline pursuant to Code section,
20 subdivision 9884.7(a)(6), in that on or about May 27, 2015, regarding the 2005 Kia vehicle,
21 Respondent QT Auto failed to comply with provisions of that Code in the following material
22 respects:

23 a. **Section 9884.9, subdivision (a):** Respondent QT Auto failed to provide the operator
24 with a written estimated price for parts and labor for a specific job.

25 b. **Section 9889.16:**

26 i. Respondent Tran issued Brake Certificate Number [REDACTED] for the vehicle,
27 when the vehicle was not in compliance with Bureau regulations or the requirements of the
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1 Vehicle Code, in that the right front and right rear brake rotors were out of manufacturer's
2 specifications.

3 ii. Respondent Tran issued Lamp Certificate Number [REDACTED] for the vehicle,
4 when the vehicle was not in compliance with Bureau regulations or the requirements of the
5 Vehicle Code, in that the license plate light bulbs do not illuminate.

6 iii. Respondent Tran issued Lamp Certificate Number [REDACTED] for the vehicle,
7 when the vehicle was not in compliance with Bureau regulations or the requirements of the
8 Vehicle Code, in that the left front headlamp aim was not within specifications.

9 **NINETEENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations)**

11 51. Respondent QT Auto's registration is subject to discipline pursuant to Code section
12 9884.7, subdivision (a)(6), in that on or about May 27, 2015, regarding the 2005 Kia vehicle,
13 Respondent QT Auto failed to comply with provisions of California Code of Regulations, title 16,
14 in the following material respects:

15 a. **Section 3305, subdivision (a):** Respondent Tran failed to perform a brake and
16 lamp inspection in accordance with the vehicle's manufacturer standards and/or current standards,
17 specifications, recommended procedures, and/or directives issued by the Bureau.

18 b. **Section 3316, subdivision (d)(2):** Respondent Tran issued Lamp Certificate
19 Number [REDACTED] certifying that the vehicle's lamp system had been inspected and was in
20 satisfactory condition when, in fact, it was not.

21 c. **Section 3321, subdivision (c)(2):** Respondent Tran issued Brake Certificate
22 Number [REDACTED], certifying that the vehicle's brake system had been inspected and was in
23 satisfactory condition when, in fact, it was not.

24 **TWENTIETH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Bus. & Prof. Code)**

26 52. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
27 Code section 9889.3, subdivision (a), in that on or about May 27, 2015, regarding the 2005 Kia
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1 vehicle, Respondent QT Auto violated sections of the Code, relating to its licensed activities, as
2 more particularly set forth above in paragraph 48.

3 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulation)**

5 53. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
6 Code section 9889.3, subdivision (c), in that on or about May 27, 2015, regarding the 2005 Kia
7 vehicle, Respondent QT Auto failed to comply with provisions of California Code of Regulations,
8 title 16, as more particularly set forth above in paragraphs 49 and 51.

9 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with the Bus. & Prof. Code)**

11 54. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
12 Code section 9889.3, subdivisions (a) and (h), in that on or about May 27, 2015, regarding the
13 2005 Kia vehicle, Respondent QT Auto violated Code section 9889.16 relating to his licensed
14 activities, as more particularly set forth above in paragraph 50.

15 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud, or Deceit)**

17 55. Respondent QT Auto's brake and lamp station licenses are subject to discipline
18 pursuant to Code section 9889.3, subdivision (d), in that on or about May 27, 2015, regarding the
19 2005 Kia vehicle, Respondent QT Auto committed acts involving dishonesty, fraud, or deceit
20 whereby another was injured, as more particularly set forth above in paragraphs 43, 44 and 45.

21 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with the Code)**

23 56. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under
24 Code section 9889.3, subdivision (a), in that on or about May 27, 2015, regarding the 2005 Kia
25 vehicle, Respondent Tran violated sections of the Code, relating to his licensed activities, as more
26 particularly set forth above in paragraph 50.

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1 Check Vehicle Inspection Report, Brake Certificate Number [REDACTED], Lamp Certificate
2 Number [REDACTED] and Invoice No. [REDACTED].

3 61. On June 8, 2015, a Bureau representative re-inspected the vehicle and found that the
4 right front brake rotor and the right rear brake drum were out of the manufacturer's specification.
5 In addition, the re-inspection of the vehicle revealed that the right rear tail lamp do not illuminate
6 and the right front headlamp aim was not within manufacturer's specification.

7 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

8 **(Untrue and Misleading Statement)**

9 62. Respondent QT Auto's registration is subject to discipline under Code section 9884.7,
10 subdivision (a)(1) and California Code of Regulation, title 16, sections 3371 and 3373, in that on
11 or about June 4, 2015, regarding the 2005 Honda vehicle, Respondent QT Auto made or
12 authorized statements which it knew or in the exercise of reasonable care should have known to
13 be untrue or misleading, as follows:

14 a. Respondent QT Auto certified under penalty of perjury on Brake Certificate Number
15 [REDACTED] that the right front brake rotor and the right rear brake drum were within
16 manufacturer's specification.

17 c. Respondent QT Auto certified under penalty of perjury on Lamp Certificate Number
18 [REDACTED] that the applicable adjustment had been performed on the lamp system when, in fact,
19 the right rear tail lamp does not illuminate. In addition, the right front headlamp had not been
20 adjusted.

21 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 63. Respondent QT Auto's registration is subject to discipline pursuant to Code section
24 9884.7, subdivision (a)(4), in that on or about June 4, 2015, regarding the 2005 Honda vehicle,
25 Respondent QT Auto committed acts that constitute fraud, as follows:

26 a. Respondent QT Auto obtained payment from the operator for performing the
27 applicable inspections and adjustments on the vehicle's brake and lamp systems as specified by
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1 the Bureau and in accordance with the Vehicle Code when, in fact, Respondent QT Auto failed to
2 perform the necessary inspections.

3 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 64. Respondent QT Auto's registration is subject to discipline under Code section 9884.7,
6 subdivision (a)(5), in that on or about June 4, 2015, regarding the 2005 Honda vehicle,
7 Respondent QT Auto committed acts constituting gross negligence, in that Respondent Tran,
8 failed to properly inspect the vehicle's brake and lamp systems and issued Brake Certificate
9 [REDACTED] and Lamp Certificate Number [REDACTED], indicating that the vehicle's brake and
10 lamp systems were in satisfactory condition and were in accordance with the Vehicle Code when,
11 in fact, they were not.

12 **THIRTIETH CAUSE FOR DISCIPLINE**

13 **(Failure to Provide a Copy of a Signed Document)**

14 65. Respondent QT Auto's registration is subject to discipline under California Code of
15 Regulation, title 16, section 3353, subdivision (a), in that on or about June 4, 2015, regarding the
16 2005 Honda vehicle, Respondent QT Auto failed to provide the operator with a copy of the
17 estimate.

18 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Code)**

20 66. Respondent QT Auto's registration is subject to discipline pursuant to Code section,
21 subdivision 9884.7(a)(6), in that on or about June 4, 2015, regarding the 2005 Honda vehicle,
22 Respondent QT Auto failed to comply with provisions of that Code in the following material
23 respects:

24 a. **Section 9884.9, subdivision (a):** Respondent QT Auto failed to provide the operator
25 with a written estimated price for parts and labor for a specific job.

26 b. **Section 9889.16:**

27 i. Respondent Tran issued Brake Certificate Number [REDACTED] for the vehicle,
28 when the vehicle was not in compliance with Bureau regulations or the requirements of the

1 Vehicle Code, in that the right front brake rotor and the right rear brake drum were out of
2 manufacturer's specifications.

3 ii. Respondent Tran issued Lamp Certificate Number [REDACTED] for the vehicle,
4 when the vehicle was not in compliance with Bureau regulations or the requirements of the
5 Vehicle Code, in that the right rear tail lamp does not illuminate.

6 iii. Respondent Tran issued Lamp Certificate Number [REDACTED] for the vehicle,
7 when the vehicle was not in compliance with Bureau regulations or the requirements of the
8 Vehicle Code, in that the right front headlamp aim was not within specifications.

9 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations)**

11 67. Respondent QT Auto's registration is subject to discipline pursuant to Code section
12 9884.7, subdivision (a)(6), in that on or about June 4, 2015, regarding the 2005 Honda vehicle,
13 Respondent QT Auto failed to comply with provisions of California Code of Regulations, title 16,
14 in the following material respects:

15 a. **Section 3305, subdivision (a):** Respondent Tran failed to perform a brake and
16 lamp inspection in accordance with the vehicle's manufacturer standards and/or current standards,
17 specifications, recommended procedures, and/or directives issued by the Bureau.

18 b. **Section 3316, subdivision (d)(2):** Respondent Tran issued Lamp Certificate
19 Number [REDACTED], certifying that the vehicle's lamp system had been inspected and was in
20 satisfactory condition when, in fact, it was not.

21 c. **Section 3321, subdivision (c)(2):** Respondent Tran issued Brake Certificate
22 Number [REDACTED], certifying that the vehicle's brake system had been inspected and was in
23 satisfactory condition when, in fact, it was not.

24 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Code)**

26 68. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
27 Code section 9889.3, subdivision (a), in that on or about June 4, 2015, regarding the 2005 Honda
28

1 vehicle, Respondent QT Auto violated sections of the Code, relating to its licensed activities, as
2 more particularly set forth above in paragraph 64.

3 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulation)**

5 69. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
6 Code section 9889.3, subdivision (c), in that on or about June 4, 2015, regarding the 2005 Honda
7 vehicle, Respondent QT Auto failed to comply with provisions of California Code of Regulations,
8 title 16, as more particularly set forth above in paragraphs 65 and 67.

9 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with the Bus. & Prof. Code)**

11 70. Respondent QT Auto's brake and lamp station licenses are subject to discipline under
12 Code section 9889.3, subdivisions (a) and (h), in that on or about June 4, 2015, regarding the
13 2005 Honda vehicle, Respondent QT Auto violated Code section 9889.16 relating to his licensed
14 activities, as more particularly set forth above in paragraph 66.

15 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud, or Deceit)**

17 71. Respondent QT Auto's brake and lamp station licenses are subject to discipline
18 pursuant to Code section 9889.3, subdivision (d), in that on or about June 4, 2015, regarding the
19 2005 Honda vehicle, Respondent QT Auto committed acts involving dishonesty, fraud, or deceit
20 whereby another was injured, as more particularly set forth above in paragraphs 59, 60 and 61.

21 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with the Code)**

23 72. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under
24 Code section 9889.3, subdivision (a), in that on or about June 4, 2015, regarding the 2005 Honda
25 vehicle, Respondent Tran violated sections of the Code, relating to his licensed activities, as more
26 particularly set forth above in paragraph 66.

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1 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations)**

3 73. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under
4 Code section 9889.3, subdivision (c), in that on or about June 4, 2015, regarding the 2005 Honda
5 vehicle, Respondent Tran failed to comply with provisions of California Code of Regulations,
6 title 16, as more particularly set forth above in paragraph 67.

7 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

8 **(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

9 74. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under
10 Code section 9889.3, subdivision (d), in that on or June 4, 2015, regarding the 2005 Honda
11 vehicle, Respondent Tran committed acts involving dishonesty, fraud, or deceit, by issuing Brake
12 Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED], certifying that the
13 brake and lamp systems were in satisfactory condition and in accordance with the Vehicle Code,
14 when, in fact, they were not.

15 **OTHER MATTERS**

16 75. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,
17 or place on probation the registrations for all places of business operated in this state by Quan
18 Hoang Tran-Owner dba QT Auto Repair & Smog, upon a finding that it has, or is, engaged in a
19 course of repeated and willful violation of the laws and regulations pertaining to an automotive
20 repair dealer.

21 76. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License
22 Number RC 231472, issued to Quan Hoang Tran-Owner dba QT Auto Repair & Smog, is
23 revoked or suspended, any additional license issued under this chapter in the name of said
24 licensee may be likewise revoked or suspended by the director.

25 77. Pursuant to Code section 9889.9, if Lamp Station License Number LS 231472, issued
26 to Quan Hoang Tran-Owner dba QT Auto Repair & Smog, is revoked or suspended, any
27 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions
28 Code in the name of said licensees may be likewise revoked or suspended by the director.

1 78. Pursuant to Code section 9889.9, if Brake Station License Number BS 231472, issued
2 to Quan Hoang Tran-Owner dba QT Auto Repair & Smog, is revoked or suspended, any
3 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions
4 Code in the name of said licensees may be likewise revoked or suspended by the director.

5 79. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
6 License No. EO 28108 and Smog Check Repair Technician License Number EI 28108 (formerly
7 Advanced Emission Specialist Technician License Number EA 28108), issued to Quan Hoang
8 Tran, are revoked or suspended, any additional license issued under this chapter in the name of
9 said licensee may be likewise revoked or suspended by the director.

10 80. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 28108,
11 issued to Quan Hoang Tran, is revoked or suspended, any additional license issued under Articles
12 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be
13 likewise revoked or suspended by the director.

14 81. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 28108,
15 issued to Quan Hoang Tran, is revoked or suspended, any additional license issued under Articles
16 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be
17 likewise revoked or suspended by the director.

18 **PRAYER**

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

21 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
22 231472, issued to Quan Hoang Tran-Owner dba QT Auto Repair & Smog;

23 2. Revoking, suspending, or placing on probation any other automotive repair dealer
24 registration issued to Quan Hoang Tran-Owner dba QT Auto Repair & Smog;

25 3. Revoking or suspending Smog Check Station License Number RC 231472, issued to
26 Quan Hoang Tran-Owner dba QT Auto Repair & Smog;

27 4. Revoking or suspending Lamp Station License Number LS 231472, issued to Quan
28 Hoang Tran-Owner dba QT Auto Repair & Smog;

1 5. Revoking or suspending Brake Station License Number BS 231472, issued to Quan
2 Hoang Tran-Owner dba QT Auto Repair & Smog;

3 6. Revoking or suspending any additional license issued under Articles 5 and 6 of
4 Chapter 20.3 of the Business and Professions Code in the name of Quan Hoang Tran-Owner dba
5 QT Auto Repair & Smog;

6 7. Revoking or suspending Smog Check Inspector License Number EO 28108 (formerly
7 Advanced Emission Specialist Technician License Number EA 28108), issued to Quan Hoang
8 Tran;

9 8. Revoking or suspending Smog Check Repair Technician License Number EI 28108
10 (formerly Advanced Emission Specialist Technician License Number EA 28108), issued to Quan
11 Hoang Tran;

12 9. Revoking or suspending Brake Adjuster License Number BA 28108, issued to Quan
13 Hoang Tran;

14 10. Revoking or suspending Lamp Adjuster License Number LA 28108, issued to Quan
15 Hoang Tran;

16 11. Revoking or suspending any additional license issued under Chapter 5 of the Health
17 and Safety Code in the name of Quan Hoang Tran; and

18 12. Ordering Quan Hoang Tran-Owner dba QT Auto Repair & Smog; and Quan Hoang
19 Tran to pay the Bureau of Automotive Repair the reasonable costs of the investigation and
20 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

21 13. Taking such other and further action as deemed necessary and proper.

22
23 DATED:

December 14, 2015

Patrick Dorais

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

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