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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 First 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**

**FIRST AMENDED ACCUSATION**

15 **Automotive Repair Dealer Registration No.**  
**ARD 231472**  
16 **Smog Check Station License No. RC 231472**  
**Lamp Station License No. LS 231472**  
17 **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 First Amended Accusation solely in his  
4 official capacity as the Chief of the Bureau of Automotive Repair (“Bureau”), Department of  
5 Consumer Affairs.

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

7 **Automotive Repair Dealer Registration**

8 2. On or about February 3, 2004, the Bureau issued Automotive Repair Dealer  
9 Registration Number ARD 231472 (“registration”) to Quan Hoang Tran-Owner dba QT Auto  
10 Repair & Smog (“Respondent QT Auto”). The Automotive Repair Dealer Registration was in  
11 full force and effect at all times relevant to the charges brought herein and will expire on January  
12 31, 2017, unless renewed.

13 **Smog Check Station License**

14 3. On or about March 9, 2004, the Bureau issued Smog Check Station License No. RC  
15 231472 to Respondent QT Auto. The Smog Check Station License was in full force and effect at  
16 all times relevant to the charges brought herein and will expire on January 31, 2017, unless  
17 renewed.

18 **Lamp Station License**

19 4. On or about March 18, 2004, the Bureau issued Lamp Station License Number LS  
20 231472 to Respondent QT Auto. The lamp station license was in full force and effect at all times  
21 relevant to the charges brought herein and will expire on January 31, 2017, unless renewed.

22 **Brake Station License**

23 5. On or about March 18, 2004, the Bureau issued Brake Station License Number BS  
24 231472 to Respondent QT Auto. The brake station license was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on January 31, 2017, 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) <sup>1</sup>, 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 expired on May 31, 2016 and has not  
21 been 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 <sup>1</sup> 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 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
2 of the business or profession for which the licensee's license was issued.

3 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
4 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
5 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
6 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
7 made suspending the imposition of sentence, irrespective of a subsequent order under the  
8 provisions of Section 1203.4 of the Penal Code.

9 "(d) The Legislature hereby finds and declares that the application of this section has been  
10 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th  
11 554, and that the holding in that case has placed a significant number of statutes and regulations  
12 in question, resulting in potential harm to the consumers of California from licensees who have  
13 been convicted of crimes. Therefore, the Legislature finds and declares that this section  
14 establishes an independent basis for a board to impose discipline upon a licensee, and that the  
15 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not  
16 constitute a change to, but rather are declaratory of, existing law."

17 16. Section 9889.3 of the Code states, in pertinent part:

18 "The director may suspend, revoke, or take other disciplinary action against a license as  
19 provided in this article if the licensee or any partner, officer, or director thereof:

20 . . .

21 (b) Is convicted of any crime substantially related to the qualifications, functions and duties  
22 of the licenseholder in question."

23 17. Section 9884.7 of the Code states:

24 "(a) The director, where the automotive repair dealer cannot show there was a bona fide  
25 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair  
26 dealer for any of the following acts or omissions related to the conduct of the business of the  
27 automotive repair dealer, which are done by the automotive repair dealer or any automotive  
28 technician, employee, partner, officer, or member of the automotive repair dealer.

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           18. 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 19. 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 20. 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.

19 . . . .

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.

23 . . . .

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 21. 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 22. 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 23. Section 44072.2 of the Health and Safety code provides, in pertinent part:

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

15 . . .

16 (b) Is convicted of any crime substantially related to the qualifications, functions, or  
17 duties of the licenseholder in question.”

### 18 REGULATORY PROVISIONS

19 24. California Code of Regulations, title 16, section 3305 states, in pertinent part:

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

24 25. California Code of Regulations, title 16, section 3316 states, in pertinent part:

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

1 26. California Code of Regulations, title 16, section 3321 states, in pertinent part:  
2 (c)(2) Inspection of the Entire Brake System. "Where the entire brake system on any  
3 vehicle has been inspected or tested and found in compliance with all requirements of the  
4 Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate  
5 shall certify that the entire system meets all such requirements."

6 27. California Code of Regulations, title 16, section 3353, states:  
7 "No work for compensation shall be commenced and no charges shall accrue without  
8 specific authorization from the customer in accordance with the following requirements:

9 "(a) Estimate for Parts and Labor. Every dealer shall give to each customer a written  
10 estimated price for labor and parts for a specific job."

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

12 "No dealer shall publish, utter, or make or cause to be published, uttered, or made any false  
13 or misleading statement or advertisement which is known to be false or misleading, or which by  
14 the exercise of reasonable care should be known to be false or misleading."

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

16 "No automotive repair dealer or individual in charge shall, in filling out an estimate,  
17 invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter,  
18 withhold therefrom or insert therein any statement or information which will cause any such  
19 document to be false or misleading, or where the tendency or effect thereby would be to mislead  
20 or deceive customers, prospective customers, or the public."

21 **UNDERCOVER OPERATION NO. 1: 2000 HONDA**

22 30. On April 28 2015, an undercover operator of the Bureau ("operator") took the  
23 Bureau's 2000 Honda vehicle to Respondent QT Auto 's facility and requested a brake, lamp and  
24 smog inspections. The vehicle defects included a brake system with the right front and right rear  
25 brake rotors deliberately machined beyond minimum thickness specifications. The left front  
26 headlamp was deliberately misadjusted and the license plate light bulb was inoperative.

27 31. When the operator arrived at Respondent QT Auto 's facility, he was greeted by  
28 Respondent Tran. The operator informed the male employee that he needed a brake, lamp and

1 smog inspections. Respondent Tran stated that the services would cost \$120.00. The operator  
2 was not provided with a written estimate and did not sign anything while at Respondent QT  
3 Auto's facility. Respondent Tran performed the brake, lamp and smog inspections and issued  
4 brake, lamp and smog certificates. The operator paid \$120.00 and was provided with a Smog  
5 Check Vehicle Inspection Report, Brake Certificate Number [REDACTED], Lamp Certificate  
6 Number [REDACTED] and Invoice [REDACTED]. The vehicle was not road tested by anyone at  
7 Respondent QT Auto's facility.

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

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue and Misleading Statement)**

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

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

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

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1 Respondent QT Auto failed to comply with provisions of that Code in the following material  
2 respects:

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

5 b. **Section 9889.16:**

6 i. Respondent Tran issued Brake 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 and right rear brake rotors were out of manufacturer's  
9 specifications.

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

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

16 **SIXTH CAUSE FOR DISCIPLINE**

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

18 38. Respondent QT Auto's registration is subject to discipline pursuant to Code section  
19 9884.7, subdivision (a)(6), in that on or about April 28, 2015, regarding the 2000 Honda vehicle,  
20 Respondent QT Auto failed to comply with provisions of California Code of Regulations, title 16,  
21 in the following material respects:

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

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

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

4 **SEVENTH CAUSE FOR DISCIPLINE**

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

6 39. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
7 Code section 9889.3, subdivision (a), in that on or about April 28, 2015, regarding the 2000  
8 Honda vehicle, Respondent QT Auto violated sections of the Code, relating to its licensed  
9 activities, as more particularly set forth above in paragraph 35.

10 **EIGHTH CAUSE FOR DISCIPLINE**

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

12 40. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
13 Code section 9889.3, subdivision (c), in that on or about April 28, 2015, regarding the 2000  
14 Honda vehicle, Respondent QT Auto failed to comply with provisions of California Code of  
15 Regulations, title 16, as more particularly set forth above in paragraphs 36 and 38.

16 **NINTH CAUSE FOR DISCIPLINE**

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

18 41. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
19 Code section 9889.3, subdivisions (a) and (h), in that on or about April 28, 2015, regarding the  
20 2000 Honda vehicle, Respondent QT Auto violated Code section 9889.16 relating to his licensed  
21 activities, as more particularly set forth above in paragraph 37.

22 **TENTH CAUSE FOR DISCIPLINE**

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

24 42. Respondent QT Auto's brake and lamp station licenses are subject to discipline  
25 pursuant to Code section 9889.3, subdivision (d), in that on or about April 28, 2015, regarding the  
26 2000 Honda vehicle, Respondent QT Auto committed acts involving dishonesty, fraud, or deceit  
27 whereby another was injured, as more particularly set forth above in paragraphs 30, 31 and 32.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

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

3 43. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under  
4 Code section 9889.3, subdivision (a), in that on or about April 28, 2015, regarding the 2000  
5 Honda vehicle, Respondent Tran violated sections of the Code, relating to his licensed activities,  
6 as more particularly set forth above in paragraph 37.

7 **TWELFTH CAUSE FOR DISCIPLINE**

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

9 44. Respondent Tran's brake and lamp adjuster licenses are subject to discipline under  
10 Code section 9889.3, subdivision (c), in that on or about April 28, 2015, regarding the 2000  
11 Honda vehicle, Respondent Tran failed to comply with provisions of California Code of  
12 Regulations, title 16, as more particularly set forth above in paragraph 38.

13 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

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

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

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

27 47. When the operator arrived at Respondent QT Auto's facility, he was greeted by  
28 Respondent Tran. The operator informed the male employee that he needed a brake, lamp and

1 smog inspections. Respondent Tran stated that the services would cost \$110.00. The operator  
2 was not provided with a written estimate and did not sign anything while at Respondent QT  
3 Auto's facility. Respondent Tran performed the brake, lamp and smog inspections and issued  
4 brake, lamp and smog certificates. The operator paid \$110.00 and was provided with a Smog  
5 Check Vehicle Inspection Report, Brake Certificate Number [REDACTED], Lamp Certificate  
6 Number [REDACTED] and Invoice [REDACTED]. The vehicle was not road tested by anyone at  
7 Respondent QT Auto 's facility.

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

12 **FOURTEENTH CAUSE FOR DISCIPLINE**

13 (Untrue and Misleading Statement)

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

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

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

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

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

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

10 **SIXTEENTH CAUSE FOR DISCIPLINE**

11 **(Gross Negligence)**

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

19 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

21 52. Respondent QT Auto's registration is subject to discipline under California Code of  
22 Regulation, title 16, section 3353, subdivision (a), in that on or about May 27, 2015, regarding the  
23 2005 Kia vehicle, Respondent QT Auto failed to provide the operator with a copy of the estimate.

24 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

26 53. Respondent QT Auto's registration is subject to discipline pursuant to Code section,  
27 subdivision 9884.7(a)(6), in that on or about May 27, 2015, regarding the 2005 Kia vehicle,  
28

1 Respondent QT Auto failed to comply with provisions of that Code in the following material  
2 respects:

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

5 b. **Section 9889.16:**

6 i. Respondent Tran issued Brake 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 and right rear brake rotors were out of manufacturer's  
9 specifications.

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

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

16 **NINETEENTH CAUSE FOR DISCIPLINE**

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

18 54. Respondent QT Auto's registration is subject to discipline pursuant to Code section  
19 9884.7, subdivision (a)(6), in that on or about May 27, 2015, regarding the 2005 Kia vehicle,  
20 Respondent QT Auto failed to comply with provisions of California Code of Regulations, title 16,  
21 in the following material respects:

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

25 b. **Section 3316, subdivision (d)(2):** Respondent Tran issued Lamp Certificate  
26 Number LC2019997, certifying that the vehicle's lamp system had been inspected and was in  
27 satisfactory condition when, in fact, it was not.

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1 c. **Section 3321, subdivision (c)(2):** Respondent Tran issued Brake Certificate  
2 Number BC2053447, certifying that the vehicle's brake system had been inspected and was in  
3 satisfactory condition when, in fact, it was not.

4 **TWENTIETH CAUSE FOR DISCIPLINE**

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

6 55. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
7 Code section 9889.3, subdivision (a), in that on or about May 27, 2015, regarding the 2005 Kia  
8 vehicle, Respondent QT Auto violated sections of the Code, relating to its licensed activities, as  
9 more particularly set forth above in paragraph 51.

10 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

12 56. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
13 Code section 9889.3, subdivision (c), in that on or about May 27, 2015, regarding the 2005 Kia  
14 vehicle, Respondent QT Auto failed to comply with provisions of California Code of Regulations,  
15 title 16, as more particularly set forth above in paragraphs 52 and 54.

16 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

18 57. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
19 Code section 9889.3, subdivisions (a) and (h), in that on or about May 27, 2015, regarding the  
20 2005 Kia vehicle, Respondent QT Auto violated Code section 9889.16 relating to his licensed  
21 activities, as more particularly set forth above in paragraph 53.

22 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

24 58. Respondent QT Auto's brake and lamp station licenses are subject to discipline  
25 pursuant to Code section 9889.3, subdivision (d), in that on or about May 27, 2015, regarding the  
26 2005 Kia vehicle, Respondent QT Auto committed acts involving dishonesty, fraud, or deceit  
27 whereby another was injured, as more particularly set forth above in paragraphs 46, 47 and 48.

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**TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

**(Fraud)**

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

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

**TWENTY-NINTH CAUSE FOR DISCIPLINE**

**(Gross Negligence)**

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

**THIRTIETH CAUSE FOR DISCIPLINE**

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

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

**THIRTY-FIRST CAUSE FOR DISCIPLINE**

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

69. Respondent QT Auto’s registration is subject to discipline pursuant to Code section, subdivision 9884.7(a)(6), in that on or about June 4, 2015, regarding the 2005 Honda vehicle,

1 Respondent QT Auto failed to comply with provisions of that Code in the following material  
2 respects:

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

5 b. **Section 9889.16:**

6 i. Respondent Tran issued Brake 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 brake rotor and the right rear brake drum were out of  
9 manufacturer's specifications.

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

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

16 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

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

18 70. Respondent QT Auto's registration is subject to discipline pursuant to Code section  
19 9884.7, subdivision (a)(6), in that on or about June 4, 2015, regarding the 2005 Honda vehicle,  
20 Respondent QT Auto failed to comply with provisions of California Code of Regulations, title 16,  
21 in the following material respects:

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

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

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1 c. **Section 3321, subdivision (c)(2):** Respondent Tran issued Brake Certificate  
2 Number BC2079418, certifying that the vehicle's brake system had been inspected and was in  
3 satisfactory condition when, in fact, it was not.

4 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

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

6 71. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
7 Code section 9889.3, subdivision (a), in that on or about June 4, 2015, regarding the 2005 Honda  
8 vehicle, Respondent QT Auto violated sections of the Code, relating to its licensed activities, as  
9 more particularly set forth above in paragraph 67.

10 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

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

12 72. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
13 Code section 9889.3, subdivision (c), in that on or about June 4, 2015, regarding the 2005 Honda  
14 vehicle, Respondent QT Auto failed to comply with provisions of California Code of Regulations,  
15 title 16, as more particularly set forth above in paragraphs 68 and 70.

16 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

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

18 73. Respondent QT Auto's brake and lamp station licenses are subject to discipline under  
19 Code section 9889.3, subdivisions (a) and (h), in that on or about June 4, 2015, regarding the  
20 2005 Honda vehicle, Respondent QT Auto violated Code section 9889.16 relating to his licensed  
21 activities, as more particularly set forth above in paragraph 69.

22 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

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

24 74. Respondent QT Auto's brake and lamp station licenses are subject to discipline  
25 pursuant to Code section 9889.3, subdivision (d), in that on or about June 4, 2015, regarding the  
26 2005 Honda vehicle, Respondent QT Auto committed acts involving dishonesty, fraud, or deceit  
27 whereby another was injured, as more particularly set forth above in paragraphs 62, 63 and 64.

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1 one felony count of violating Vehicle Code 4463 subdivision (a)(1) [forgery, alteration,  
2 counterfeit or falsification of registration, license plate, certificate, license, etc.] in the criminal  
3 proceeding entitled *The People of the State of California vs. Quan Hoang Tran* (Super. Ct. of Los  
4 Angeles, Case No. BA443555). The Court sentenced Respondent to three years of probation,  
5 serve one day in the Los Angeles County Jail, perform 100 hours of community service, ordered  
6 not to perform any brake and lamp inspections, forfeit brake and lamp license, not to perform any  
7 brake and lamp work, not to obtain any new and lamp adjustment license and pay restitution.

8 a. The circumstances surrounding the conviction are that on or about April 28, 2015,  
9 May 27, 2015 and June 4, 2015, Respondent was engaged in fraud by issuing Brake and Lamp  
10 Certifications of Adjustment to undercover vehicles, as more particularly set forth above in  
11 paragraph 30, 31, 32, 46, 47, 48, 62, 63 and 64.

#### 12 OTHER MATTERS

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

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

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

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

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

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

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

16 **PRAYER**

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

19 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
20 231472, issued to Quan Hoang Tran-Owner dba QT Auto Repair & Smog;

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

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

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

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

- 1           6.    Revoking or suspending any additional license issued under Articles 5 and 6 of
- 2 Chapter 20.3 of the Business and Professions Code in the name of Quan Hoang Tran-Owner dba
- 3 QT Auto Repair & Smog;
- 4           7.    Revoking or suspending Smog Check Inspector License Number EO 28108 (formerly
- 5 Advanced Emission Specialist Technician License Number EA 28108), issued to Quan Hoang
- 6 Tran;
- 7           8.    Revoking or suspending Smog Check Repair Technician License Number EI 28108
- 8 (formerly Advanced Emission Specialist Technician License Number EA 28108), issued to Quan
- 9 Hoang Tran;
- 10          9.    Revoking or suspending Brake Adjuster License Number BA 28108, issued to Quan
- 11 Hoang Tran;
- 12          10.   Revoking or suspending Lamp Adjuster License Number LA 28108, issued to Quan
- 13 Hoang Tran;
- 14          11.   Revoking or suspending any additional license issued under Chapter 5 of the Health
- 15 and Safety Code in the name of Quan Hoang Tran; and
- 16          12.   Ordering Quan Hoang Tran-Owner dba QT Auto Repair & Smog; and Quan Hoang
- 17 Tran to pay the Bureau of Automotive Repair the reasonable costs of the investigation and
- 18 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 19          13.   Taking such other and further action as deemed necessary and proper.

20  
21 DATED: September 14, 2016 

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

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