

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

In the Matter of the Accusation Against:

**PETE'S STOP GAS & AUTO SERVICES;
SON TRUONG LE**
447 East William Street
San Jose, CA 95112-3772

Automotive Repair Dealer Registration
No. ARD 234371
Smog Check Station License No. TC 234371
Lamp Station License No. LS 234371, Class A
Brake Station License No. BS 234371, Class C

and

SON TRUONG LE
1370 Kilchoan Court
San Jose, CA 95122

Advanced Emission Specialist Technician
License No. EA 41885
Brake Adjuster License No. BA 41885, Class C
Lamp Adjuster License No. LA 41885, Class A

Respondens.

Case No. 79/11-101

OAH No. 2011090311

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective 6/8/12.

DATED: May 2, 2012


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
4 State Bar No. 235850
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2134
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 79/11-101

13 **PETE'S STOP GAS & AUTO SERVICES;**
14 **SON TRUONG LE**
14 **447 East William Street**
15 **San Jose, CA 95112-3772**
16 **Automotive Repair Dealer No. ARD234371**
17 **Smog Check Station No. RC234371**
18 **Lamp Station No. LS234371, class A**
19 **Brake Station No. BS234371, class C**

OAH No. 2011090311

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

20 and

21 **SUN TRUONG LE**
22 **1370 Kilchoan Court**
23 **San Jose, CA 95122**
24 **Advance Emission Specialist Technician**
25 **License No. EA 41885**
26 **Brake Adjuster License No. BA 41885, class**
27 **C**
28 **Lamp Adjuster No. LA 41885, class A**

Respondents.

29 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
30 entitled proceedings that the following matters are true:
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32

PARTIES

1
2 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Timothy J. McDonough, Deputy Attorney
5 General.

6 2. Respondent Pete's Stop Gas & Auto Services; Son Truong Le (Respondent) is
7 represented in this proceeding by attorney Michael B. Levin, Esq., whose address is: 3727
8 Camino del Rio South, Suite 200, San Diego, CA 92108-4035.

9 3. On or about August 12, 2004, the Bureau of Automotive Repair issued Automotive
10 Repair Dealer License No. ARD234371 to Pete's Stop Gas & Auto Services; Son Truong Le. The
11 Automotive Repair Dealer License was in full force and effect at all times relevant to the charges
12 brought in Accusation No. 79/11-101 and will expire on June 30, 2012, unless renewed.

13 4. On or about August 19, 2004, the Bureau of Automotive Repair issued Smog Check
14 Station License No. RC234371 to Pete's Stop Gas & Auto Services; Son Truong Le. The Smog
15 Check Station License was in full force and effect at all times relevant to the charges brought in
16 Accusation No. 79/11-101 and will expire on June 30, 2012, unless renewed.

17 5. On or about August 23, 2007, the Bureau of Automotive Repair issued Lamp Station
18 License No. LS234371, class A to Pete's Stop Gas & Auto Services; Son Truong Le. The Lamp
19 Station License was in full force and effect at all times relevant to the charges brought in
20 Accusation No. 79/11-101 and will expire on June 30, 2012, unless renewed.

21 6. On or about August 23, 2007, the Bureau of Automotive Repair issued Brake Station
22 License No. BS234371, class C to Pete's Stop Gas & Auto Services; Son Truong Le. The Brake
23 Station License was in full force and effect at all times relevant to the charges brought in
24 Accusation No. 79/11-101 and will expire on June 30, 2012, unless renewed.

25 7. In 1993, the Bureau of Automotive Repair issued Advanced Emission Specialist
26 License No. EA 41885 to Son Truong Le. The Advanced Emission Specialist Technician License
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 79/11-
28 101 and will expire on June 30, 2012, unless renewed.

1 Professions Code.

2 4. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
3 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

4 5. **Jurisdiction.** If an accusation is filed against Respondent during the term of
5 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
6 until the final decision on the accusation, and the period of probation shall be extended until such
7 decision.

8 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that
9 Respondent has failed to comply with the terms and conditions of probation, the Department may,
10 after giving notice and opportunity to be heard revoke the license.

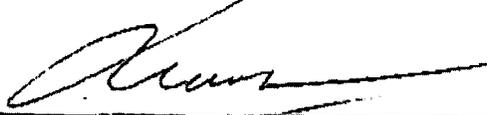
11 7. **False and Misleading Advertising.** If the accusation involves false and misleading
12 advertising, during the period of probation, Respondent shall submit any proposed advertising
13 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

14 8. **Cost Recovery.** Payment to the Bureau of \$5,900 for cost recovery regarding the
15 investigation and prosecution of the Accusation in this matter shall be received no later than 24
16 months from the effective date of the decision. Failure to complete payment of cost recovery
17 within this time frame shall constitute a violation of probation which may subject Respondent's
18 Automotive Repair Dealer License to outright revocation; however, the Director or the Director's
19 Bureau of Automotive Repair designee may elect to continue probation until such time as
20 reimbursement of the entire \$5,900 has been made to the Bureau.

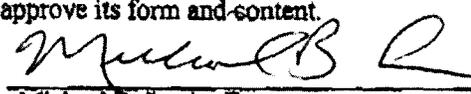
21 ACCEPTANCE

22 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
23 discussed it with my attorney, Michael B. Levin, Esq. I understand the Stipulation and the effect
24 it will have on my Automotive Repair Dealer, Smog Check Station, Lamp Station, Brake Station,
25 Advanced Emissions Specialist Technician, Lamp Adjuster, and Brake Adjuster Licenses. I enter
26 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
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28

1 and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

2
3 DATED: 03/06/12 
4 PETE'S STOP GAS & AUTO SERVICES; SON
5 TRUONG LE
6 Respondent

7 I have read and fully discussed with Respondent Pete's Stop Gas & Auto Services; Son
8 Truong Le the terms and conditions and other matters contained in the above Stipulated
9 Settlement and Disciplinary Order. I approve its form and content.

10 DATED: 3/6/12 
11 Michael B. Levin, Esq.
12 Attorney for Respondent

13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order are hereby respectfully
15 submitted for consideration by the Director of Consumer Affairs.

16 Dated: 3-6-12

17 Respectfully submitted,

18 KAMALA D. HARRIS
19 Attorney General of California
20 DIANN SOKOLOFF
21 Supervising Deputy Attorney General



22 TIMOTHY J. McDONOUGH
23 Deputy Attorney General
24 Attorneys for Complainant

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Exhibit A

Accusation No. 79/11-101

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPA VASSILIOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 79/11-101

13 **PETE'S STOP GAS & AUTO SERVICES**
447 E. William Street
14 San Jose, CA 95112
SON TRUONG LE, OWNER
Automotive Repair Dealer Registration
15 No. ARD 234371
Smog Check Station License No. RC 234371
16 Lamp Station License No. LS 234371, Class A
Brake Station License No. BS 234371, Class C

A C C U S A T I O N
S M O G C H E C K

17 and

18 **SON TRUONG LE**
1370 Kilchoan Court
19 San Jose, CA 95122
Advanced Emission Specialist Technician License
20 No. EA 041885
Lamp Adjuster License No. LA 041885, Class A
21 Brake Adjuster License No. BA 041885, Class C

22 Respondents.

23 Complainant alleges:

24 **PARTIES**

25 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as
26 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
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1 **Automotive Repair Dealer Registration**

2 2. On or about August 12, 2004, the Bureau issued Automotive Repair Dealer
3 Registration Number ARD 234371 ("registration") to Son Truong Le ("Respondent") doing
4 business as Pete's Stop Gas & Auto Services. The registration was in full force and effect at all
5 times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

6 **Smog Check Station License**

7 3. On or about August 19, 2004, the Bureau issued Smog Check Station License
8 Number RC 234371 ("station license") to Respondent. The station license was in full force and
9 effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless
10 renewed.

11 **Lamp Station License**

12 4. On or about August 23, 2007, the Bureau issued Lamp Station License Number LS
13 234371, Class A to Respondent. The lamp station license was in full force and effect at all times
14 relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

15 **Brake Station License**

16 5. On or about August 23, 2007, the Bureau issued Brake Station License Number BS
17 234371, Class C to Respondent. The brake station license was in full force and effect at all times
18 relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

19 **Advanced Emission Specialist Technician License**

20 6. On a date uncertain in 2003, the Bureau issued Advanced Emission Specialist
21 Technician License Number EA 041885 ("technician license") to Respondent. The technician
22 license was in full force and effect at all times relevant to the charges brought herein and will
23 expire on December 31, 2012, unless renewed.

24 **Lamp Adjuster License**

25 7. On a date uncertain in 1992, the Bureau issued Lamp Adjuster License Number LA
26 041885, Class A, to Respondent. The lamp adjuster license was in full force and effect at all
27 times relevant to the charges brought herein and will expire on December 31, 2012, unless
28 renewed.

1 (a) Commits any act involving dishonesty, fraud or deceit whereby
another was injured.

2 12. Code section 9889.7 states:

3 The expiration or suspension of a license by operation of law or by order
4 or decision of the director or a court of law, or the voluntary surrender of a license by
a licensee shall not deprive the director of jurisdiction to proceed with any
5 investigation of or action or disciplinary proceedings against such licensee, or to
render a decision suspending or revoking such license.

6 13. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
7 "commission," "committee," "department," "division," "examining committee," "program," and
8 "agency." "License" includes certificate, registration or other means to engage in a business or
9 profession regulated by the Code.

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

13 15. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

21 16. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
22 expiration or suspension of a license by operation of law, or by order or decision of the Director
23 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
24 the Director of jurisdiction to proceed with disciplinary action.

25 17. Section 44072.8 of the Health and Safety Code states:

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

1 COST RECOVERY

2 18. Code section 125.3 provides, in pertinent part, that a Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FACTUAL BACKGROUND**

7 19. On or about July 1, 2010, the Bureau conducted a detailed review of the Vehicle
8 Information Database ("VID") for all smog inspections performed at Respondent's facility for the
9 period September 3, 2009, through November 30, 2009. The VID showed a pattern of different
10 diagnostic trouble codes stored in the memory of the power train control module ("PCM") on
11 three (3) different vehicles. The following vehicles, 1 through 3, were all certified with the
12 various pending codes stored in the PCM memory while the original equipment manufacturer
13 ("OEM") service information shows these vehicles do not support the pending codes stored in the
14 PCM memory. The vehicles receiving smog certificates were not tested during the OBD II
15 functional test¹ and another vehicle was used, constituting clean plugging². All of the following
16 inspections were performed by Respondent.

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21 _____
22 ¹ The On Board Diagnostics (OBD II) functional test is an automated function of the
23 BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an
24 interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is
25 located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves
information from the vehicle's on-board computer about the status of the readiness indicators,
trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II
functional test, it will fail the overall inspection.

26 ² Clean plugging is the use of the OBD II readiness monitor status and stored fault code
27 (trouble code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to
28 another vehicle that is not in compliance due to a failure to complete the minimum number of self
tests, known as monitors, or due to the presence of a stored fault code that indicates an emission
control system or component failure.

TABLE 1

Date & Time of Inspection	Vehicle Certified & License No.	Certificate No.
1. 9/3/2009 1153 - 1213 hours	1998 Jaguar XJ8, License No. 4BOP569	NM767219
2. 11/30/2009 1143 - 1156 hours	2000 Suzuki Grand Vitara, License No. 4PDV541	NO819856
3. 11/30/2009 1250 - 1308 hours	1998 Chevrolet K1500, Vin No. 2GCEC19R0W1104926	NO819858

FIRST CAUSE FOR DISCIPLINE

(Misleading Statements)

20. Respondent has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about September 3, 2009, and November 30, 2009, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading as follows: Respondent certified that vehicles 1 through 3, identified in Table 1, above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles using clean plugging methods by substituting or using different vehicles during the OBD II functional tests in order to issue smog certificates of compliance for the 3 vehicles, and did not test or inspect those vehicles as required by Health and Safety Code section 44012.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

21. Respondent has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about September 3, 2009, and November 30, 2009, he committed acts which constitute fraud by issuing electronic certificates of compliance for vehicles 1 through 3, identified in Table 1, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program)**

3 22. Respondent has subjected his station license to discipline under Health and Safety
4 Code section 44072.2, subdivision (a), in that on or about September 3, 2009, and November 30,
5 2009, regarding vehicles 1 through 3, identified in Table 1, above, he violated sections of that
6 Code, as follows:

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

9 b. **Section 44015:** Respondent issued electronic certificates of compliance for those
10 vehicles without ensuring that the vehicles were properly tested and inspected to determine if they
11 were in compliance with Health and Safety Code section 44012.

12 a. **Section 44059:** Respondent willfully made false entries for the electronic certificates
13 of compliance by certifying that those vehicles had been inspected as required when, in fact, they
14 had not.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17 23. Respondent has subjected its station license to discipline under Health and Safety
18 Code section 44072.2, subdivision (c), in that on or about September 3, 2009, and November 30,
19 2009, regarding vehicles 1 through 3, identified in Table 1, above, he violated sections of the
20 California Code of Regulations, title 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
22 electronic certificates of compliance for those vehicles without performing bona fide inspections
23 of the emission control devices and systems on the vehicles as required by Health and Safety
24 Code section 44012.

25 b. **Section 3340.35, subdivision (c):** Respondent issued electronic certificates of
26 compliance even though those vehicles had not been inspected in accordance with section
27 3340.42 of that Code.

1 c. **Section 3340.42:** Respondent failed to conduct the required smog tests and
2 inspections on those vehicles in accordance with the Bureau's specifications.

3 **FIFTH CAUSE FOR DISCIPLINE**

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

5 24. Respondent subjected his station license to discipline under Health and Safety Code
6 section 44072.2, subdivision (d), in that on or about September 3, 2009, and November 30, 2009,
7 regarding vehicles 1 through 3, identified in Table 1, above, he committed acts involving
8 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of
9 compliance for those vehicles without performing bona fide inspections of the emission control
10 devices and system on the vehicles, thereby depriving the People of the State of California of the
11 protection afforded by the Motor Vehicle Inspection Program.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program)**

14 25. Respondent has subjected his technician license to discipline under Health and Safety
15 Code section 44072.2, subdivision (a), in that on or about, September 3, 2009, and November 30,
16 2009, regarding vehicles 1 through 3, identified in Table 1, above, Respondent failed to comply
17 with section 44012 of that Code in a material respect, as follows: Respondent failed to perform
18 the emission control tests on those vehicles in accordance with procedures prescribed by the
19 department.

20 **SEVENTH CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

22 26. Respondent has subjected his technician license to discipline under Health and Safety
23 Code section 44072.2, subdivision (c), in that on or about September 3, 2009, and November 30,
24 2009, regarding vehicles 1 through 3, identified in Table 1, above, he violated sections of the
25 California Code of Regulations, title 16, as follows:

26 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
27 electronic certificates of compliance without performing bona fide inspections of the emission
28

1 control devices and systems on those vehicles as required by Health and Safety Code section
2 44012.

3 b. **Section 3340.30. subdivision (a):** Respondent failed to inspect and test those
4 vehicles in accordance with Health and Safety Code section 44012.

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

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 27. Respondent has subjected his technician license to discipline under Health and Safety
10 Code section 44072.2, subdivision (d), in that on or about September 3, 2009, and November 30,
11 2009, regarding vehicles 1 through 3, identified in Table 1, above, he committed acts involving
12 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of
13 compliance without performing bona fide inspections of the emission control devices and systems
14 on those vehicles, thereby depriving the People of the State of California of the protection
15 afforded by the Motor Vehicle Inspection Program.

16 **FACTUAL BACKGROUND**

17 28. On or about July 2, 2010, the Bureau conducted a second detailed review of the VID
18 for all smog inspections performed at Respondent's facility for the period January 19, 2010,
19 through April 2, 2010. The VID showed a pattern of different diagnostic trouble codes stored in
20 the PCM on two (2) different vehicles. Vehicles, 1 and 2, were both certified with the various
21 pending codes stored in the PCM memory while the OEM service information shows these
22 vehicles do not support the pending codes stored in the PCM memory. The vehicles receiving
23 smog certificates were not tested during the OBD II functional test and another vehicle was used.
24 constituting clean plugging. Both of the following inspections were performed by Respondent.

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TABLE 2

Date & Time of Inspection	Vehicle Certified & License No.	Certificate No.
1. 1/19/2010 1410 - 1421 hours	2000 Dodge Durango, License No. 5UDD327	NQ239893
2. 4/2/2010 1527 - 1538 hours	2001 Mercury Cougar, License No. 4NZZ720	NS473205

NINTH CAUSE FOR DISCIPLINE

(Misleading Statements)

29. Respondent has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about January 19, 2010, and April 2, 2010, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading as follows: Respondent certified that vehicles 1 and 2, identified in Table 2, above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles using clean plugging methods by substituting or using different vehicles during the OBD II functional tests in order to issue smog certificates of compliance for the two vehicles, and did not test or inspect those vehicles as required by Health and Safety Code section 44012.

TENTH CAUSE FOR DISCIPLINE

(Fraud)

30. Respondent has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about January 19, 2010, and April 2, 2010, he committed acts which constitute fraud by issuing electronic certificates of compliance for vehicles 1 and 2, identified in Table 2, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

ELEVENTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program)

31. Respondent has subjected his station license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that on or about January 19, 2010, and April 2, 2010,

1 regarding vehicles 1 and 2, identified in Table 2, above, he violated sections of that Code, as
2 follows:

3 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
4 performed on those vehicles in accordance with procedures prescribed by the department.

5 b. **Section 44015:** Respondent issued electronic certificates of compliance for those
6 vehicles without ensuring that the vehicles were properly tested and inspected to determine if they
7 were in compliance with Health and Safety Code section 44012.

8 a. **Section 44059:** Respondent willfully made false entries for the electronic certificates
9 of compliance by certifying that those vehicles had been inspected as required when, in fact, they
10 had not.

11 **TWELFTH CAUSE FOR DISCIPLINE**

12 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

13 32. Respondent has subjected his station license to discipline under Health and Safety
14 Code section 44072.2, subdivision (c), in that on or about January 19, 2010, and April 2, 2010,
15 regarding vehicles 1 and 2, identified in Table 2, above, he violated sections of the California
16 Code of Regulations, title 16, as follows:

17 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
18 electronic certificates of compliance for those vehicles without performing bona fide inspections
19 of the emission control devices and systems on the vehicles as required by Health and Safety
20 Code section 44012.

21 b. **Section 3340.35, subdivision (c):** Respondent issued electronic certificates of
22 compliance even though those vehicles had not been inspected in accordance with section
23 3340.42 of that Code.

24 c. **Section 3340.42:** Respondent failed to conduct the required smog tests and
25 inspections on those vehicles in accordance with the Bureau's specifications.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

3 33. Respondent subjected his station license to discipline under Health and Safety Code
4 section 44072.2, subdivision (d), in that on or about January 19, 2010, and April 2, 2010,
5 regarding vehicles 1 and 2, identified in Table 2, above, he committed acts involving dishonesty,
6 fraud or deceit whereby another was injured by issuing electronic certificates of compliance for
7 those vehicles without performing bona fide inspections of the emission control devices and
8 system on the vehicles, thereby depriving the People of the State of California of the protection
9 afforded by the Motor Vehicle Inspection Program.

10 **FOURTEENTH CAUSE FOR DISCIPLINE**

11 **(Violations of the Motor Vehicle Inspection Program)**

12 34. Respondent has subjected his technician license to discipline under Health and Safety
13 Code section 44072.2, subdivision (a), in that on or about January 19, 2010, and April 2, 2010,
14 regarding vehicles 1 and 2, identified in Table 2, above, Respondent failed to comply with section
15 44012 of that Code in a material respect, as follows: Respondent failed to perform the emission
16 control tests on those vehicles in accordance with procedures prescribed by the department.

17 **FIFTEENTH CAUSE FOR DISCIPLINE**

18 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

19 35. Respondent has subjected his technician license to discipline under Health and Safety
20 Code section 44072.2, subdivision (c), in that on or about January 19, 2010, and April 2, 2010,
21 regarding vehicles 1 and 2, identified in Table 2, above, he violated sections of the California
22 Code of Regulations, title 16, as follows:

23 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
24 electronic certificates of compliance without performing bona fide inspections of the emission
25 control devices and systems on those vehicles as required by Health and Safety Code section
26 44012.

27 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test those
28 vehicles in accordance with Health and Safety Code section 44012.

1 c. Section 3340.42: Respondent failed to conduct the required smog tests and
2 inspections on those vehicles in accordance with the Bureau's specifications.

3 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

5 36. Respondent has subjected his technician license to discipline under Health and Safety
6 Code section 44072.2, subdivision (d), in that on or about January 19, 2010, and April 2, 2010,
7 regarding vehicles 1 and 2, identified in Table 2, above, he committed acts involving dishonesty,
8 fraud or deceit whereby another was injured by issuing electronic certificates of compliance
9 without performing bona fide inspections of the emission control devices and systems on those
10 vehicles, thereby depriving the People of the State of California of the protection afforded by the
11 Motor Vehicle Inspection Program.

12 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

14 37. Respondent has subjected his lamp and brake station licenses and his brake and lamp
15 adjuster licenses to discipline under Code section 9889.3, in that Respondent committed acts
16 involving dishonesty, fraud or deceit whereby another was injured, as more particularly set forth
17 in paragraphs 20 through 27, and 29 through 36, above.

18 **OTHER MATTERS**

19 38. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,
20 or may invalidate temporarily or permanently, the registrations for all places of business operated
21 in this state by Son Truong Le doing business as Pete's Stop Gas & Auto Services, upon a finding
22 that he has, or is, engaged in a course of repeated and willful violations of the laws and
23 regulations pertaining to an automotive repair dealer.

24 39. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License
25 Number RC 234371, issued to Son Truong Le doing business as Pete's Stop Gas & Auto
26 Services, is revoked or suspended, any additional license issued under this chapter in the name of
27 said licensee may be likewise revoked or suspended by the director including, but not limited to
28 Advanced Emission Specialist Technician License Number EA 041885, issued to Son Truong Le.

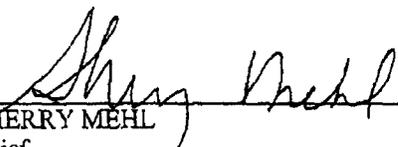
1 7. Revoking or suspending Lamp Adjuster License Number LA 041885, Class A, issued
2 to Son Truong Le;

3 8. Revoking or suspending any additional licensed issued under Articles 5 and 6 of that
4 chapter, in the name of Son Truong Le including, but not limited to Brake Adjuster License
5 Number BA 041885, Class C;

6 9. Ordering Son Truong Le to pay the Bureau of Automotive Repair the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions
8 Code section 125.3; and,

9 10. Taking such other and further action as deemed necessary and proper.

10
11 DATED: 6/29/11


SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant