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

11 In the Matter of the Accusation Against:  
12 **LA SANTA AUTO**  
13 **828 N. Virgil Avenue**  
14 **Los Angeles, CA 90029**  
15 **YEONG SOO LEE, OWNER**  
16 **Automotive Repair Dealer Registration No.**  
17 **ARD 235982**  
18 **Smog Check, Station License No. RC 235982**  
19 **Lamp Station License No. LS 235982, Class A**  
20 **Brake Station License No. BS 235982, Class C**  
21  
22 **and**  
23  
24 **YEONG SOO LEE**  
25 **5340 Cumberland Drive**  
26 **Cypress, CA 90630**  
27 **Advanced Emission Specialist Technician**  
28 **License No. EA 141673**  
**Brake Adjuster License No. BA 141673, Class C**  
**Lamp Adjuster License No. LA 141673, Class A**  
  
Respondents.

Case No. 79/12-102  
  
**ACCUSATION**  
**SMOG CHECK**

Complainant alleges:

**PARTIES**

1. John Wallauch ("Complainant") brings this Accusation solely in his official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

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2 **Automotive Repair Dealer Registration**

3 2. On a date uncertain in 2004, the Bureau issued Automotive Repair Dealer  
4 Registration Number ARD 235982 (“registration”) to Yeong Soo Lee (“Respondent”), doing  
5 business as La Santa Auto. The registration was in full force and effect at all times relevant to the  
6 charges brought herein and will expire on October 31, 2012, unless renewed.

7 **Smog Check Station License**

8 3. On or about November 8, 2004, the Bureau issued Smog Check Station License  
9 Number RC 235982 (“station license”) to Respondent. The station license was in full force and  
10 effect at all times relevant to the charges brought herein and will expire on October 31, 2012,  
11 unless renewed.

12 **Lamp Station License**

13 4. On or about November 24, 2004, the Bureau issued Lamp Station License Number  
14 LS 235982, Class A, (“lamp station license”) to Respondent. The lamp station license was in full  
15 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
16 2012, unless renewed.

17 **Brake Station License**

18 5. On or about November 24, 2004, the Bureau issued Brake Station License Number  
19 BS 235982, Class C, (“brake station license”) to Respondent. The brake station license was in  
20 full force and effect at all times relevant to the charges brought herein and will expire on October  
21 31, 2012, unless renewed.

22 **Advanced Emission Specialist Technician License**

23 6. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist  
24 Technician License Number EA 141673 (“technician license”) to Respondent. The technician  
25 license was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on September 30, 2013, unless renewed.

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1           10. Code section 118, subdivision (b) states:

2                       The suspension, expiration, or forfeiture by operation of law of a license  
3 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
4 order of the board or by order of a court of law, or its surrender without the written  
5 consent of the board, shall not, during any period in which it may be renewed,  
6 restored, reissued, or reinstated, deprive the board of its authority to institute or  
7 continue a disciplinary proceeding against the licensee upon any ground provided by  
8 law or to enter an order suspending or revoking the license or otherwise taking  
9 disciplinary action against the licensee on any such ground.

10           11. Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
11 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
12 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
13 temporarily or permanently.

14           12. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
15 "commission," "committee," "department," "division," "examining committee," "program," and  
16 "agency." "License" includes certificate, registration or other means to engage in a business or  
17 profession regulated by the Code.

18           13. Code section 9889.1 provides, in pertinent part, that the Director may suspend or  
19 revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the  
20 Automotive Repair Act.

21           14. Code section 9889.7 provides, in pertinent part, that the expiration or suspension of a  
22 license by operation of law or by order or decision of the Director or a court of law, or the  
23 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any  
24 disciplinary proceedings.

25           15. Code section 9889.3 states, in pertinent part:

26                       The director may suspend, revoke, or take other disciplinary action  
27 against a license as provided in this article [Article 7 (commencing with section  
28 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
director thereof:

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

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1 not provided with an estimate prior to the smog inspection. Respondent performed the smog  
2 inspection and issued electronic Certificate of Compliance No. WX211027C for that vehicle. The  
3 operator paid \$45 for the smog inspection and received a copy of Invoice No. 13074 and the  
4 Vehicle Inspection Report.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Misleading Statements)**

7 22. Respondent has subjected his registration to discipline under Code section 9884.7,  
8 subdivision (a)(1), in that on or about July 27, 2011, he made statements which he knew or which  
9 by exercise of reasonable care he should have known were untrue or misleading when he issued  
10 electronic Certificate of Compliance No. WX211027C for the 2002 Chevrolet Monte Carlo,  
11 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,  
12 the vehicle's PCV system was missing.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 23. Respondent has subjected his registration to discipline under Code section 9884.7,  
16 subdivision (a)(4), in that on or about July 27, 2011, he committed acts which constitute fraud by  
17 issuing electronic Certificate of Compliance No. WX211027C for the 2002 Chevrolet Monte  
18 Carlo, without performing a bona fide inspection of the emission control devices and systems on  
19 that vehicle, thereby depriving the People of the State of California of the protection afforded by  
20 the Motor Vehicle Inspection Program.

21 **THIRD CAUSE FOR DISCIPLINE**

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

23 24. Respondent has subjected his station license to discipline under Health and Safety  
24 Code section 44072.2, subdivision (a), in that on or about July 27, 2011, regarding the 2002  
25 Chevrolet Monte Carlo, he violated sections of that Code, as follows:

26 a. **Section 44012, subdivision (a):** Respondent failed to determine that all emission  
27 control devices and systems required by law were installed and functioning correctly in  
28 accordance with test procedures.



1 SIXTH CAUSE FOR DISCIPLINE

2 (Violations of the Motor Vehicle Inspection Program)

3 27. Respondent has subjected his technician license to discipline under Health and Safety  
4 Code section 44072.2, subdivision (a), in that on or about July 27, 2011, regarding the 2002  
5 Chevrolet Monte Carlo, he violated sections of that Code, as follows:

6 a. **Section 44012, subdivision (a):** Respondent failed to determine that all emission  
7 control devices and systems required by law were installed and functioning correctly in  
8 accordance with test procedures.

9 b. **Section 44012, subdivision (f):** Respondent failed to perform emission control tests  
10 on that vehicle in accordance with procedures prescribed by the department.

11 c. **Section 44032:** Respondent failed to perform tests of the emission control devices  
12 and systems on that vehicle in accordance with section 44012 of that Code.

13 SEVENTH CAUSE FOR DISCIPLINE

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

15 28. Respondent has subjected his technician license to discipline under Health and Safety  
16 Code section 44072.2, subdivision (c), in that on or about July 27, 2011, regarding the 2002  
17 Chevrolet Monte Carlo, he violated sections of the California Code of Regulations, title 16, as  
18 follows:

19 a. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test that vehicle  
20 in accordance with Health and Safety Code section 44012.

21 b. **Section 3340.41, subdivision (c):** Respondent entered false information into the  
22 Emission Inspection System for electronic Certificate of Compliance No. WX211027C by  
23 entering "Pass" for the visual inspection portion of the smog inspection when, in fact, the vehicle  
24 could not pass the visual inspection because the vehicle's PCV system was missing.

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

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1 **EIGHTH CAUSE FOR DISCIPLINE**

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

3 29. Respondent has subjected his technician license to discipline under Health and Safety  
4 Code section 44072.2, subdivision (d), in that on or about July 27, 2011, regarding the 2002  
5 Chevrolet Monte Carlo, he committed acts involving dishonesty, fraud or deceit whereby another  
6 was injured by issuing electronic Certificate of Compliance No. WX211027C without performing  
7 a bona fide inspection of the emission control devices and systems on that vehicle, thereby  
8 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
9 Inspection Program.

10 **NINTH CAUSE FOR DISCIPLINE**

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

12 30. Respondent has subjected his lamp and brake station licenses and brake and lamp  
13 adjuster licenses to discipline under Code section 9889.3, subdivision (d), in that on or about July  
14 27, 2011, Respondent committed acts involving dishonesty, fraud or deceit, as more particularly  
15 set forth in paragraphs 22, 23, 26, and 29, above.

16 **PRIOR CITATIONS**

17 31. To determine the degree of penalty, if any, to be imposed upon Respondent,  
18 Complainant alleges as follows:

19 a. On April 15, 2009, the Bureau issued Citation No. C09-1176 to Respondent against  
20 his registration and station licenses for violations of Health and Safety Code section 44012,  
21 subdivision (f) (failure to perform a visual/functional check of emission control devices) and  
22 California Code of Regulations, title 16, ("Regulation"), section 3340.35, subdivision (c) (issuing  
23 a certificate of compliance to a vehicle improperly tested). Respondent issued a certificate of  
24 compliance to a Bureau vehicle with a missing fuel evaporative canister. The Bureau assessed a  
25 civil penalty of \$500. Respondent complied with this citation on June 2, 2009.

26 b. On September 3, 2009, the Bureau issued Citation No. C2010-0179 to Respondent  
27 against his registration and station licenses for violations of Health and Safety Code section  
28 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)

1 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle  
2 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a  
3 missing PCV system. The Bureau assessed a civil penalty of \$1,000. Respondent complied with  
4 this citation on October 13, 2009.

5 c. On March 18, 2011, the Bureau issued Citation No. C2011-1099 to Respondent  
6 against his registration and station licenses for violations of Health and Safety Code section  
7 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)  
8 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle  
9 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a  
10 missing fuel evaporative canister. The Bureau assessed a civil penalty of \$2,500. Respondent  
11 appealed this citation on May 9, 2011. The matter is currently pending.

12 d. On April 5, 2001, the Bureau issued Citation No. M01-0495 to Respondent against  
13 his technician license for violations of Health and Safety Code section 44032, (qualified  
14 technicians shall perform tests of emission control systems and devices in accordance with  
15 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section  
16 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in  
17 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section  
18 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a tampered  
19 evaporative emission control system. Respondent was required to attend an 8-hour training  
20 course. Respondent complied with this citation on May 21, 2001.

21 e. On April 15, 2009, the Bureau issued Citation No. M09-1177 to Respondent against  
22 his technician license for violations of Health and Safety Code section 44032, (qualified  
23 technicians shall perform tests of emission control systems and devices in accordance with  
24 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section  
25 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in  
26 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section  
27 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing fuel

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1 evaporative canister. Respondent was required to attend an 8-hour training course. Respondent  
2 complied with this citation on June 3, 2009.

3 f. On September 3, 2009, the Bureau issued Citation No. M2010-0180 to Respondent  
4 against his technician license for violations of Health and Safety Code section 44032, (qualified  
5 technicians shall perform tests of emission control systems and devices in accordance with  
6 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section  
7 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in  
8 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section  
9 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing PCV  
10 system. Respondent was required to attend a 16-hour training course. Respondent complied with  
11 this citation on October 13, 2009.

12 g. On March 18, 2011, the Bureau issued Citation No. M2011-1100 to Respondent  
13 against his technician license for violations of Health and Safety Code section 44032, (qualified  
14 technicians shall perform tests of emission control systems and devices in accordance with  
15 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section  
16 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in  
17 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section  
18 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing fuel  
19 evaporative canister. Respondent was required to attend a 68-hour training course. Respondent  
20 appealed this citation on May 9, 2011. The matter is currently pending.

### 21 OTHER MATTERS

22 32. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily  
23 or permanently or refuse to validate, the registrations for all places of business operated in this  
24 state by to Yeong Soo Lee, upon a finding that he has, or is, engaged in a course of repeated and  
25 willful violations of the laws and regulations pertaining to an automotive repair dealer.

26 33. Under Health and Safety Code section 44072.8, if Smog Check Station License  
27 Number RC 235982, issued to Yeong Soo Lee, doing business as La Santa Auto, is revoked or

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1 suspended, any additional license issued under this chapter in the name of said licensee may be  
2 likewise revoked or suspended by the director.

3 34. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
4 Technician License Number EA 141673, issued to Yeong Soo Lee, is revoked or suspended, any  
5 additional license issued under this chapter in the name of said licensee may be likewise revoked  
6 or suspended by the director.

7 35. Under Code section 9889.9, if Lamp Station License Number LS 235982, Class A,  
8 issued to Yeong Soo Lee, doing business as La Santa Auto, is revoked or suspended, any  
9 additional license issued under this chapter in the name of said licensee may be likewise revoked  
10 or suspended by the director, including but not limited to Brake Station License Number BS  
11 235982, Class C.

12 36. Under Code section 9889.9, if Brake Adjuster License Number BA 141673, Class C,  
13 issued to Yeong Soo Lee, is revoked or suspended, any additional license issued under this  
14 chapter in the name of said licensee may be likewise revoked or suspended by the director,  
15 including but not limited to Lamp Adjuster License Number LA 141673, Class A.

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, suspending, or placing on probation Automotive Repair Dealer  
20 Registration Number ARD 235982, issued to Yeong Soo Lee, doing business as La Santa Auto;
- 21 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
22 registration issued to Yeong Soo Lee;
- 23 3. Revoking or suspending Smog Check Station License Number RC 235982, issued to  
24 Yeong Soo Lee, doing business as La Santa Auto;
- 25 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
26 & Safety Code in the name of Yeong Soo Lee;
- 27 5. Revoking or suspending Advanced Emission Specialist Technician License Number  
28 EA 141673, issued to Yeong Soo Lee;

1           6.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
2 & Safety Code in the name of Yeong Soo Lee;

3           7.    Revoking or suspending Lamp Station License Number LS 235982, Class A, issued  
4 to Yeong Soo Lee, doing business as La Santa Auto;

5           8.    Revoking or suspending Brake Station License Number BS 235982, Class C, issued  
6 to Yeong Soo Lee, doing business as La Santa Auto;

7           9.    Revoking or suspending Brake Adjuster License Number BA 141673, Class C, issued  
8 to Yeong Soo Lee;

9           10.   Revoking or suspending Lamp Adjuster License Number LA 141673, Class A, issued  
10 to Yeong Soo Lee;

11          11.   Revoking or suspending any additional license issued under Articles 5 and 6 of  
12 Chapter 20.3 of the Business and Professions Code in the name of Yeong Soo Lee;

13          12.   Ordering Yeong Soo Lee to pay the Bureau of Automotive Repair the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
15 Code section 125.3; and,

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

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DATED: 3/13/12

*John Wallauch by Doug Balatti*  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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