

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

In the Matter of the Accusation Against:

**DISCOUNT AUTO REPAIR  
MING LUONG, Owner  
aka MING MGOC LUONG**

5700 International Blvd  
Oakland, CA 94621  
Automotive Repair Dealer Registration  
No. ARD 252800  
Smog Check Station License No. RC 252800  
Brake Station License No. BS 252800  
Lamp Station License No. LS 252800

**MING NGOC LUONG**

5700 International Drive  
Oakland, CA 94621  
Brake Adjuster License No. BA 308297  
Lamp Adjuster License No. LA 308297

**TIMOTHY LUONG**

5700 International Drive  
Oakland, CA 94621  
Smog Check Inspector License No. EO 150308  
Smog Check Repair Technician No.  
EI 150308 (formerly Advanced Emission  
Specialist Technician License No. EA 150308)  
Brake Adjuster License No. BA 150308  
Lamp Adjuster License No. LA 150308

Respondents.

Case No. 79/13-80

OAH No. 2013071272

**DECISION**

The attached Stipulated Revocation of Licenses and 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 January 22, 2014.

DATED: December 17, 2013

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
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. 79/13-80

13 **DISCOUNT AUTO REPAIR**  
14 **MING LUONG, Owner**  
15 **aka MING NGOC LUONG**  
16 **5700 International Blvd.**  
17 **Oakland, CA 94621**  
18 **Automotive Repair Dealer Registration No. ARD**  
19 **252800**  
20 **Smog Check Station License No. RC 252800**  
21 **Brake Station License No. BS 252800**  
22 **Lamp Station License No. LS 252800**

OAH No. 2013071272

**STIPULATED REVOCATION OF**  
**LICENSES AND ORDER**

23 **MING NGOC LUONG**  
24 **5700 International Drive**  
25 **Oakland, CA 94621**  
26 **Brake Adjuster License No. BA 308297**  
27 **Lamp Adjuster License No. LA 308297**

28 **TIMOTHY LUONG**  
**5700 International Drive**  
**Oakland, CA 94621**  
**Smog Check Inspector License No. EO 150308**  
**Smog Check Repair Technician No. EI 150308**  
**(formerly Advanced Emission Specialist**  
**Technician License No. EA 150308)**  
**Brake Adjuster License No. BA 150308**  
**Lamp Adjuster License No. LA 150308**

Respondents.

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

3 PARTIES

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He  
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
6 Harris, Attorney General of the State of California, by Justin R. Surber, Deputy Attorney General.

7 2. Ming Luong aka Ming Ngoc Luong dba Discount Auto Repair and Timothy Luong  
8 (collectively "Respondents") are represented in this proceeding by attorney Michael B. Levin,  
9 whose address is:

10 Law Office of Michael B. Levin  
11 3727 Camino del Rio S #200  
12 San Diego, CA 92108 .

13 LICENSE INFORMATION

14 Discount Auto Repair

15 **Automotive Repair Dealer Registration**

16 3. In 2007, the Bureau issued Automotive Repair Dealer Registration Number ARD  
17 252800 ("registration") to Ming Luong, also known as Ming Ngoc Luong ("Respondent Ming  
18 Luong"), doing business as Discount Auto Repair. The registration was in full force and effect at  
19 all times relevant to the charges brought herein and will expire on November 30, 2014, unless  
20 renewed.

21 **Smog Check Station License**

22 4. In 2007, the Bureau issued Smog Check Station Number RC 252800 ("station  
23 license") to Respondent Ming Luong. The station license was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on November 30, 2014, unless renewed.

25 **Lamp Station License**

26 5. In 2007, the Bureau issued Lamp Station License Number LS 252800 to  
27 Respondent Ming Luong. The lamp station license was in full force and effect at all times  
28 relevant to the charges brought herein and will expire on November 30, 2014, unless renewed.

1           **Brake Station License**

2           6.       In 2007, the Bureau issued Brake Station License Number BS 252800 to  
3 Respondent Ming Luong. The brake station license was in full force and effect at all times  
4 relevant to the charges brought herein and will expire on November 30, 2014, unless renewed.

5           **Brake Adjuster License**

6           7.       In 1985, the Bureau issued Brake Adjuster License Number BA 308297 to  
7 Respondent Ming Luong. Respondent Ming Luong's brake adjuster license was in full force and  
8 effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless  
9 renewed.

10          **Lamp Adjuster License**

11          8.       In 1986, the Bureau issued Lamp Adjuster License Number LA 308297 to  
12 Respondent Ming Luong. Respondent Ming Luong's lamp adjuster license was in full force and  
13 effect at all times relevant to the charges brought herein and will expire on May 31, 2017, unless  
14 renewed.

15          **Timothy Luong**

16               **Technician License/Inspector License**

17               **(formerly Advanced Emission Specialist Technician License No. EA 150308)**

18          9.       In 2005, the Bureau issued Advanced Emission Specialist Technician License  
19 Number EA 150308 to Timothy Luong ("Respondent Timothy Luong"). The Advanced  
20 Emission Specialist Technician License was in full force and effect at all times relevant to the  
21 charges brought herein and expired on January 31, 2013. Pursuant to California Code of  
22 Regulations, title 16, section 3340.28(e), the license was renewed, pursuant to Respondent's  
23 election, as Smog Check Inspector License Number EO 150308 ("inspector license") and Smog  
24 Check Repair Technician License Number EI 150308 ("repair technician license"), effective  
25 January 31, 2013<sup>1</sup>. Respondent Timothy Luong's inspector license and repair technician license  
26 will expire on January 31, 2015, unless renewed.

27               <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
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.

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**Brake Adjuster License**

10. In 2006, the Bureau issued Brake Adjuster License Number BA 150308 to Respondent Timothy Luong. Respondent Timothy Luong's brake adjuster license was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

**Lamp Adjuster License**

11. In 2006, the Bureau issued Lamp Adjuster License Number LA 150308 to Respondent Timothy Luong. Respondent Timothy Luong's lamp adjuster license was in full force and effect at all times relevant to the charges brought herein. The license expired on January 31, 2011, and was canceled on March 6, 2011.

JURISDICTION

12. Accusation No. 79/13-80 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on May 28, 2013. Respondents timely filed their Notice of Defense contesting the Accusation. A First Amended Accusation was filed on October 4, 2013. First Amended Accusation and all other statutorily required documents were properly served on Respondents on October 23, 2013. A copy of First Amended Accusation No. 79/13-80 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

13. Respondents has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 79/13-80. Respondents also have carefully read, fully discussed with counsel, and understand the effects of this Stipulated Revocation of Licenses and Order.



1 Technician License, Brake Adjuster License, and Lamp Adjuster License Number LA 150308  
2 without further process.

3 RESERVATION

4 20. The admissions made by Respondent herein are only for the purposes of this  
5 proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of  
6 Automotive Repair or other professional licensing agency is involved, and shall not be admissible  
7 in any other criminal or civil proceeding.

8 CONTINGENCY

9 21. This stipulation shall be subject to approval by the Director or the Director's designee.  
10 Respondents understand and agree that counsel for Complainant and the staff of the Bureau of  
11 Automotive Repair may communicate directly with the Director and staff regarding this  
12 stipulation and revocation, without notice to or participation by Respondents or their counsel. By  
13 signing the stipulation, Respondents understand and agree that they may not withdraw this  
14 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon  
15 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated  
16 Revocation and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall  
17 be inadmissible in any legal action between the parties, and the Director shall not be disqualified  
18 from further action by having considered this matter.

19 22. The parties understand and agree that Portable Document Format (PDF) and facsimile  
20 copies of this Stipulated Revocation of License and Order, including Portable Document Format  
21 (PDF) and facsimile or electronic signatures thereto, shall have the same force and effect as the  
22 originals.

23 23. This Stipulated Revocation of License and Order is intended by the parties to be an  
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
26 negotiations, and commitments (written or oral). This Stipulated Revocation of License and  
27 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
28 writing executed by an authorized representative of each of the parties.



1 IT IS FURTHER ORDERED that Smog Check Inspector License Number EO 150308,  
2 Smog Check Repair Technician License Number EI 150308, Brake Adjuster License Number BA  
3 150308, and Lamp Adjuster License Number LA 150308 are Revoked by the Director of  
4 Consumer Affairs.

5 5. The revocation of Respondent Timothy Luong's Smog Check Inspector License,  
6 Smog Check Repair Technician License, Brake Adjuster License, and Lamp Adjuster License  
7 shall constitute the imposition of discipline against Respondent. This stipulation constitutes a  
8 record of the discipline and shall become a part of Respondent Timothy Luong's license history  
9 with the Bureau of Automotive Repair.

10 6. Respondent Timothy Luong shall lose all rights and privileges as an Automotive  
11 Repair Dealer Registration, Smog Check Station, Lamp Station License, Brake Station License,  
12 Brake Adjuster License, and Lamp Adjuster License in California as of the effective date of the  
13 Director's Decision and Order.

14 7. Respondent Timothy Luong shall cause to be delivered to the Bureau his pocket  
15 license and, if one was issued, his wall certificates on or before the effective date of the Decision  
16 and Order.

17 8. Respondent Timothy Luong ever applies for licensure or petitions for reinstatement in  
18 the State of California, the Bureau shall treat it as a new application for licensure. Respondent  
19 Timothy Luong must comply with all the laws, regulations and procedures for licensure in effect  
20 at the time the application or petition is filed, and all of the charges and allegations contained in  
21 Accusation No. 79/13-80 shall be deemed to be true, correct and admitted by Respondent  
22 Timothy Luong when the Director determines whether to grant or deny the application or petition.

23 9. If either Respondent Timothy Luong or Ming Luong applies for reinstatement or a  
24 new license or registration, the applicant shall pay the agency its costs of investigation and  
25 enforcement in the amount of \$20,233.00 prior to issuance of a new or reinstated license or  
26 registration.

27 ///  
28 ///



ACCEPTANCE

I, Ming Luong, have carefully read the above Stipulated Revocation of License and Order and have fully discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Station, Lamp Station License, Brake Station License, Brake Adjuster License, and Lamp Adjuster License. I enter into this Stipulated Revocation of Licenses and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: \_\_\_\_\_

MING LUONG  
Respondent

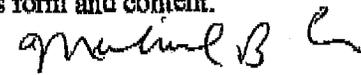
I, Timothy Luong, have carefully read the above Stipulated Revocation of License and Order and have fully discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect it will have on my Smog Check Inspector License, Smog Check Repair Technician License, Brake Adjuster License, and Lamp Adjuster License. I enter into this Stipulated Revocation of Licenses and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: \_\_\_\_\_

TIMOTHY LUONG  
Respondent

I have read and fully discussed with Respondent Ming Ngoc Luong and Respondent Timothy Luong the terms and conditions and other matters contained in this Stipulated Revocation of License and Order. I approve its form and content.

DATED: 11/21/13

  
MICHAEL B. LEVIN  
Attorney for Respondent

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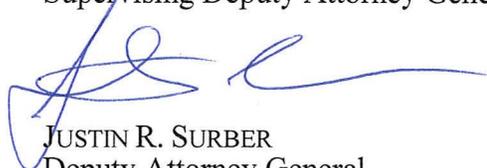
ENDORSEMENT

The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 11/25/13

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General



JUSTIN R. SURBER  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/13-80**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
- 455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:  
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12 **DISCOUNT AUTO REPAIR**  
**MING LUONG, Owner**  
13 **aka MING NGOC LUONG**  
**5700 International Blvd.**  
14 **Oakland, CA 94621**  
**Automotive Repair Dealer Registration No.**  
15 **ARD 252800**  
**Smog Check Station License No. RC 252800**  
16 **Brake Station License No. BS 252800**  
17 **Lamp Station License No. LS 252800**  
  
18 **MING NGOC LUONG**  
**5700 International Drive**  
19 **Oakland, CA 94621**  
**Brake Adjuster License No. BA 308297**  
20 **Lamp Adjuster License No. LA 308297**  
  
21 **TIMOTHY LUONG**  
22 **5700 International Drive**  
**Oakland, CA 94621**  
23 **Smog Check Inspector License No. EO 150308**  
24 **Smog Check Repair Technician No. EI 150308**  
**(formerly Advanced Emission Specialist**  
25 **Technician License No. EA 150308)**  
**Brake Adjuster License No. BA 150308**  
26 **Lamp Adjuster License No. LA 150308**

27 Respondents.

Case No. 79/13-80  
**FIRST AMENDED ACCUSATION**

1 Patrick Dorais ("Complainant") alleges:

2 **PARTIES**

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

5 **LICENSE INFORMATION**

6 **Discount Auto Repair**

7 **Automotive Repair Dealer Registration**

8 2. In 2007, the Bureau issued Automotive Repair Dealer Registration Number ARD  
9 252800 ("registration") to Ming Luong, also known as Ming Ngoc Luong ("Respondent"), doing  
10 business as Discount Auto Repair. The registration was in full force and effect at all times  
11 relevant to the charges brought herein and will expire on November 30, 2013, unless renewed.

12 **Smog Check Station License**

13 3. In 2007, the Bureau issued Smog Check Station Number RC 252800 ("station  
14 license") to Respondent. The station license was in full force and effect at all times relevant to  
15 the charges brought herein and will expire on November 30, 2013, unless renewed.

16 **Lamp Station License**

17 4. In 2007, the Bureau issued Lamp Station License Number LS 252800 to  
18 Respondent. The lamp station license was in full force and effect at all times relevant to the  
19 charges brought herein and will expire on November 30, 2013, unless renewed.

20 **Brake Station License**

21 5. In 2007, the Bureau issued Brake Station License Number BS 252800 to  
22 Respondent. The brake station license was in full force and effect at all times relevant to the  
23 charges brought herein and will expire on November 30, 2013, unless renewed.

24 **Brake Adjuster License**

25 6. In 1985, the Bureau issued Brake Adjuster License Number BA 308297 to  
26 Respondent. Respondent's brake adjuster license was in full force and effect at all times relevant  
27 to the charges brought herein and will expire on May 31, 2014, unless renewed.

28 ///

1           **Lamp Adjuster License**

2           7.     In 1986, the Bureau issued Lamp Adjuster License Number LA 308297 to  
3 Respondent. Respondent's lamp adjuster license was in full force and effect at all times relevant  
4 to the charges brought herein and will expire on May 31, 2013, unless renewed.

5           **Timothy Luong**

6                   **Technician License/Inspector License**  
7                   **(formerly Advanced Emission Specialist Technician License No. EA 150308)**

8           8.     In 2005, the Bureau issued Advanced Emission Specialist Technician License  
9 Number EA 150308 to Timothy Luong ("Respondent Timothy Luong"). The Advanced  
10 Emission Specialist Technician License was in full force and effect at all times relevant to the  
11 charges brought herein and expired on January 31, 2013. Pursuant to California Code of  
12 Regulations, title 16, section 3340.28(e), the license was renewed, pursuant to Respondent's  
13 election, as Smog Check Inspector License Number EO 150308 ("inspector license") and Smog  
14 Check Repair Technician License Number EI 150308 ("repair technician license"), effective  
15 January 31, 2013<sup>1</sup>. Respondent Timothy Luong's inspector license and repair technician license  
16 will expire on January 31, 2015, unless renewed.

17                   **Brake Adjuster License**

18           9.     In 2006, the Bureau issued Brake Adjuster License Number BA 150308 to  
19 Respondent Timothy Luong. Respondent Timothy Luong's brake adjuster license was in full  
20 force and effect at all times relevant to the charges brought herein and will expire on  
21 January 31, 2014, unless renewed.

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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.





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19. Code section 9889.1 states:

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

20. Code section 9889.9 states:

When any license has been revoked or suspended following a hearing under the provisions of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.

21. Code section 9889.16 states:

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

22. Code section 9884.8 states:

All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer.

23. Code section 9884.9 states:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau

1 may specify in regulation the procedures to be followed by an automotive repair  
2 dealer when an authorization or consent for an increase in the original estimated price  
3 is provided by electronic mail or facsimile transmission. If that consent is oral, the  
4 dealer shall make a notation on the work order of the date, time, name of person  
authorizing the additional repairs and telephone number called, if any, together with a  
specification of the additional parts and labor and the total additional cost, and shall  
do either of the following:

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

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

8 I acknowledge notice and oral approval of an increase in the original  
9 estimated price.

10 \_\_\_\_\_  
(signature or initials)

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

13 24. Code section 9889.7 states:

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

17 25. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

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

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

25 (f) Aids or abets unlicensed persons to evade the provisions of this  
chapter.

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1 COST RECOVERY

2 26. 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 BACKGROUND INFORMATION

7 27. A review of Respondent's certificate purchase records showed an exceedingly high  
8 number of Brake and Lamp certificates purchased in August 2011, initiating an investigation.

9 UNDERCOVER OPERATION NO. 1: 2002 FORD

10 28. On or about September 16, 2011, an undercover Bureau operator ("operator")  
11 drove a Bureau-documented 2002 Ford to Respondent's facility and requested a brake, lamp, and  
12 smog inspection. The vehicle defect included an undersized right front and left rear brake rotor,  
13 both front headlamps were out of adjustment, and the license plate bulb and housing were  
14 missing. When the operator arrived at Respondent's facility, he was greeted by a male employee,  
15 Hung Ngoc Man Pham ("Hung"). Hung prepared a work order, had the operator sign it, and  
16 provided the operator with a copy. The operator observed Hung, an unlicensed smog technician,  
17 perform a smog inspection on the vehicle while Respondent Timothy Luong was servicing  
18 another vehicle. Once Hung completed the smog inspection, the operator observed Hung  
19 accompany Respondent Timothy Luong to the back of the service bay. Hung then returned to the  
20 office with an invoice, Vehicle Inspection Report ("VIR") and a brake and lamp certificate. The  
21 operator paid Hung \$150 and received a copy of Invoice No. [REDACTED], VIR, Brake Certificate No.  
22 BC [REDACTED], and Lamp Certificate No. LC [REDACTED]. At no time during the lamp and brake  
23 inspection, did the operator observe any of the wheels being removed or the exterior lights  
24 illuminate.

25 29. On or about October 12, 2011, a Bureau representative re-inspected the vehicle  
26 and found that the right front and left rear brake rotors remained undersized, both front headlamps  
27 were out of adjustment, and the license plate bulb and housing were still missing.

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 30. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),  
4 in that on or about September 16, 2011, regarding the 2002 Ford, Respondent made or authorized  
5 statements which he knew or in the exercise of reasonable care should have known to be untrue or  
6 misleading, as follows:

7 a. Respondent certified under penalty of perjury on Brake Certificate Number  
8 BC [REDACTED] that the applicable inspections were performed on the brake system when, in fact,  
9 Respondent failed to inspect the brake system on the vehicle, as evidenced by his failure to  
10 remove any of the vehicle's wheels.

11 b. Respondent certified under penalty of perjury on Lamp Certificate Number  
12 LC [REDACTED] that the applicable adjustments had been performed on the lamp system when, in  
13 fact, both headlamps were out of adjustment. In addition, the license plate bulb and housing were  
14 missing.

15 c. Respondent issued electronic Certificate of Compliance No. [REDACTED], falsely  
16 representing that a licensed smog check technician had performed the inspections on the vehicle  
17 when, in fact, Hung, an unlicensed person performed the inspections.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 31. Respondent's registration is subject to discipline pursuant to Code section  
21 9884.7(a)(4), in that on or about September 16, 2011, regarding the 2002 Ford Mustang,  
22 Respondent committed acts that constitute fraud, as follows:

23 a. Respondent requested and received payment from the operator for performing the  
24 applicable inspections on the vehicle's brake and lamp systems as specified by the Bureau and in  
25 accordance with the Vehicle Code. In fact, Respondent failed to perform the necessary  
26 inspections, adjustments or repairs in compliance with Bureau regulations and/or the Vehicle  
27 Code. In addition, Respondent issued Brake Certificate Number BC [REDACTED] and Lamp  
28 Certificate Number LC [REDACTED], certifying that the vehicle's brake and lamp systems were in

1 satisfactory condition when, in fact, they were not, as more particularly set forth above in  
2 paragraphs 28-30.

3 b. Respondent requested and received payment from the operator for an official smog  
4 check inspection to be performed by a qualified licensed smog check technician when, in fact,  
5 Hung, an unlicensed person performed the smog inspection, resulting in the issuance of  
6 fraudulent electronic Certificate of Compliance No. [REDACTED].

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Gross Negligence)**

9 32. Respondent's registration is subject to discipline under Code section 9884.7(a)(5), in  
10 that on or about September 16, 2011, regarding the 2002 Ford, Respondent committed acts  
11 constituting gross negligence, in that Respondent failed to properly inspect the vehicle's brake  
12 and lamp systems and issued Brake Certificate No. BC [REDACTED] and Lamp Certificate No.  
13 LC [REDACTED], indicating that the vehicle's brake and lamp systems were in satisfactory condition  
14 and were in accordance with the Vehicle Code when, in fact, they were not.

15 **FOURTH CAUSE FOR DISCIPLINE**

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

17 33. Respondent's registration is subject to discipline pursuant to Code section  
18 9884.7(a)(6), in that on or about September 16, 2011, regarding the 2002 Ford, Respondent failed  
19 to comply with provisions of that Code in the following material respects:

20 a. **Section 9884.8:** Respondent failed to separately list the cost for each certificate  
21 issued.

22 b. **Section 9889.16:**

23 i. Respondent issued Brake Certificate Number BC [REDACTED] for the vehicle, when  
24 the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle  
25 Code, in that the right front and left rear brake rotors were undersized.

26 ii. Respondent issued Lamp Certificate Number LC [REDACTED] for the vehicle, when  
27 the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle  
28

1 Code, in that both headlamps were out of adjustment. In addition, the license plate bulb and  
2 housing was missing.

3 **FIFTH CAUSE FOR DISCIPLINE**

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

5 34. Respondent's registration is subject to discipline pursuant to Code section  
6 9884.7(a)(6), in that on or about September 16, 2011, regarding the 2002 Ford, Respondent failed  
7 to comply with provisions of California Code of Regulations, title 16, in the following material  
8 respects:

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

12 b. **Section 3316(d)(2):** Respondent issued Lamp Adjustment Certificate Number  
13 LC [REDACTED] certifying that the vehicle's lamp system had been inspected and was in satisfactory  
14 condition when, in fact, it was not.

15 c. **Section 3321(c)(2):** Respondent issued Brake Adjustment Certificate Number  
16 BC [REDACTED] certifying that the vehicle's brake system had been inspected and was in satisfactory  
17 condition when, in fact, it was not.

18 **SIXTH CAUSE FOR DISCIPLINE**

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

20 35. Respondent's brake and lamp station licenses are subject to discipline under Code  
21 section 9889.3(a), in that on or about September 16, 2011, regarding the 2002 Ford, Respondent  
22 violated sections of the Code, relating to his licensed activities, as more particularly set forth  
23 above in paragraphs 28 through 33.

24 **SEVENTH CAUSE FOR DISCIPLINE**

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

26 36. Respondent's brake and lamp station licenses are subject to discipline under Code  
27 section 9889.3(c), in that on or about September 16, 2011, regarding the 2002 Ford, Respondent  
28

1 failed to comply with provisions of California Code of Regulations, title 16, as more particularly  
2 set forth above in paragraph 34.

3 **EIGHTH CAUSE FOR DISCIPLINE**

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

5 37. Respondent's brake and lamp station licenses are subject to discipline pursuant to  
6 Code section 9889.3(d), in that on or about September 16, 2011, regarding the 2002 Ford,  
7 Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured,  
8 as more particularly set forth above in paragraphs 28-31.

9 **NINTH CAUSE FOR DISCIPLINE**

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

11 38. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
12 section 9889.3(a), in that on or about September 16, 2011, regarding the 2002 Ford, Respondent  
13 violated sections of the Code, relating to his licensed activities, as more particularly set forth  
14 above in paragraphs 28-33.

15 **TENTH CAUSE FOR DISCIPLINE**

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

17 39. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
18 section 9889.3(c), in that on or about September 16, 2011, regarding the 2002 Ford, Respondent  
19 failed to comply with provisions of California Code of Regulations, title 16, as more particularly  
20 set forth above in paragraph 34.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Acts Involving Dishonesty, Fraud, or Deceit)**

23 40. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
24 section 9889.3(d), in that on or about September 16, 2011, regarding the 2002 Ford, Respondent  
25 committed acts involving dishonesty, fraud, or deceit, by issuing Brake Certificate Number  
26 BC [REDACTED] and Lamp Certificate Number LC [REDACTED], certifying that the brake and lamp  
27 systems were in satisfactory condition and in accordance with the Vehicle Code, when, in fact,  
28 they were not.

1 **TWELFTH CAUSE FOR DISCIPLINE**

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

3 41. Respondent's smog check station license is subject to discipline pursuant to Health  
4 and Safety Code section 44072.2(d), in that on or about September 16, 2011, Respondent  
5 committed a dishonest, fraudulent, or deceitful act whereby another was injured, as follows:

6 a. Respondent issued electronic Certificate of Compliance No. [REDACTED], falsely  
7 representing that a licensed smog check technician had performed the inspections on the vehicle  
8 when, in fact, Hung, an unlicensed person performed the inspections.

9 b. Respondent issued Brake Certificate Number BC [REDACTED] and Lamp Certificate  
10 Number LC [REDACTED], certifying that the brake and lamp systems were in satisfactory condition  
11 and in accordance with the Vehicle Code, when, in fact, they were not, as more particularly set  
12 forth above in paragraph 31, subdivisions (a) and (b).

13 **THIRTEENTH CAUSE FOR DISCIPLINE**

14 **(Aiding and Abetting Unlicensed Person)**

15 42. Respondent's smog check station license is subject to discipline pursuant to Health  
16 and Safety Code section 44072.2(f), in that on or about September 16, 2011, regarding the 2002  
17 Ford, Respondent aided or abetted an unlicensed person, Hung, by allowing Hung to perform a  
18 smog inspection and issue a false Certificate of Compliance No. [REDACTED], using Respondent  
19 Timothy Luong's Advanced Emission Specialist Technician License No. EA 150308.

20 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

22 43. Respondent Timothy Luong's inspector license and repair technician license are  
23 subject to discipline pursuant to Health and Safety Code section 44072.2(d), in that on or about  
24 September 16, 2011, regarding the 2002 Ford, he committed a dishonest, fraudulent, or deceitful  
25 act whereby another was injured by allowing an unlicensed person, Hung, to perform a smog  
26 check inspection and issue Certificate of Compliance No. [REDACTED], using his Advanced  
27 Emission Specialist Technician License No. EA 150308.

28 ///

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

3 44. Respondent Timothy Luong's brake and lamp adjuster licenses are subject to  
4 discipline under Code section 9889.3(d), in that on or about September 16, 2011, regarding the  
5 2002 Ford, he committed acts involving dishonesty, fraud, or deceit, by allowing an unlicensed  
6 person, Hung, to perform a smog check inspection and issue Certificate of Compliance No.  
7 [REDACTED], using his Advanced Emission Specialist Technician License No. EA 150308.

8 **UNDERCOVER OPERATION NO. 2: 1999 GMC**

9 45. On or about September 16, 2011, an undercover Bureau operator ("operator")  
10 drove a 1999 GMC to Respondent's facility and requested a brake, lamp, and smog inspection.  
11 When the operator arrived at Respondent's facility, he was greeted by Hung, who prepared a work  
12 order and had the operator sign it, but failed to provide the operator with a copy. The operator  
13 observed Hung, an unlicensed smog technician, and Respondent Timothy Luong looking under  
14 the hood of the vehicle. Hung attempted to perform the smog inspection but was prohibited from  
15 continuing because the vehicle was flagged as a test-only/directed. Respondent Timothy Luong  
16 told the operator that he could perform the brake and lamp inspections. The operator observed  
17 Respondent Timothy Luong go to the rear of the service bay and then return with Invoice No.  
18 [REDACTED] and brake and lamp certificates. The operator paid Respondent Timothy Luong \$80 and  
19 received Invoice No. [REDACTED], Brake Certificate No. BC [REDACTED], and Lamp Certificate No.  
20 LC [REDACTED]. At no time during the lamp and brake inspection, did the operator observe any of  
21 the vehicle's wheels being removed or the exterior lights illuminate.

22 **SIXTEENTH CAUSE FOR DISCIPLINE**

23 **(Untrue or Misleading Statements)**

24 46. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),  
25 in that on or about September 16, 2011, regarding the 1999 GMC, Respondent made or  
26 authorized statements which he knew or in the exercise of reasonable care should have known to  
27 be untrue or misleading, as follows:  
28

1 a. Respondent certified under penalty of perjury on Brake Certificate Number  
2 BC [REDACTED] that the applicable inspections were performed on the brake system when, in fact,  
3 Respondent failed to inspect the brake system on the vehicle, as evidenced by his failure to  
4 remove any of the vehicle's wheels.

5 b. Respondent certified under penalty of perjury on Lamp Certificate Number  
6 LC [REDACTED] that the applicable adjustments had been performed on the lamp system when, in  
7 fact, both headlamps were out of adjustment. In addition, the license plate bulb was non-  
8 operative.

9 **SEVENTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 47. Respondent's registration is subject to discipline pursuant to Code section  
12 9884.7(a)(4), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent  
13 committed acts that constitute fraud, in that Respondent requested and received payment from the  
14 operator for performing the applicable inspections on the vehicle's brake and lamp systems as  
15 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent failed to  
16 perform the necessary inspections, adjustments or repairs in compliance with Bureau regulations  
17 and/or the Vehicle Code. In addition, Respondent issued Brake Certificate Number BC [REDACTED]  
18 and Lamp Certificate Number LC [REDACTED], certifying that the vehicle's brake and lamp systems  
19 were in satisfactory condition when, in fact, Respondent failed to check to see if the brake and  
20 lamps were in satisfactory condition.

21 **EIGHTEENTH CAUSE FOR DISCIPLINE**

22 **(Gross Negligence)**

23 48. Respondent's registration is subject to discipline under Code section 9884.7(a)(5), in  
24 that on or about September 16, 2011, regarding the 1999 GMC, Respondent committed acts  
25 constituting gross negligence, in that Respondent failed to properly inspect the vehicle's brake  
26 and lamp systems and issued Brake Certificate No. BC [REDACTED] and Lamp Certificate No.  
27 LC [REDACTED] indicating that the vehicle's brake and lamp systems were in satisfactory condition  
28

1 and were in accordance with the Vehicle Code when, in fact, Respondent failed to check to see if  
2 the brake and lamps were in satisfactory condition.

3 **NINETEENTH CAUSE FOR DISCIPLINE**

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

5 49. Respondent's registration is subject to discipline pursuant to Code section  
6 9884.7(a)(6), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent  
7 failed to comply with provisions of that Code in the following material respects:

8 a. **Section 9884.8:** Respondent failed to separately list the cost for each certificate  
9 issued.

10 b. **Section 9884.9(a):** Respondent failed to provide the operator with a written  
11 estimated price for parts and labor for a specific job.

12 **TWENTIETH CAUSE FOR DISCIPLINE**

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

14 50. Respondent California's registration is subject to discipline under Code section  
15 9884.7(a)(3), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent  
16 California failed to provide the operator with a copy of the estimate as soon as the operator signed  
17 the document.

18 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

20 51. Respondent's registration is subject to discipline pursuant to Code section  
21 9884.7(a)(6), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent  
22 failed to comply with provisions of California Code of Regulations, title 16, in the following  
23 material respects:

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

1           b.     Section 3316(d)(2): Respondent issued Lamp Adjustment Certificate Number  
2 LC [REDACTED] certifying that the vehicle's lamp system had been inspected and was in satisfactory  
3 condition when, in fact, it had not been inspected .

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

7                                    **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

9           52.     Respondent's brake and lamp station licenses are subject to discipline under Code  
10 section 9889.3(a), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent  
11 violated sections of the Code relating to his licensed activities, as more particularly set forth  
12 above in paragraphs 45 through 50.

13                                   **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

15           53.     Respondent's brake and lamp station licenses are subject to discipline under Code  
16 section 9889.3(c), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent  
17 failed to comply with provisions of California Code of Regulations, title 16, as more particularly  
18 set forth above in paragraph 51.

19                                   **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

21           54.     Respondent's brake and lamp station licenses are subject to discipline pursuant to  
22 Code section 9889.3(d), in that on or about September 16, 2011, regarding the 1999 GMC,  
23 Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured,  
24 as more particularly set forth above in paragraphs 45-47.

25                                   **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

27           55.     Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
28 section 9889.3(a), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent

1 violated sections of the Code, relating to his licensed activities, as more particularly set forth  
2 above in paragraphs 45 through 50.

3 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

5 56. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
6 section 9889.3(c), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent  
7 failed to comply with provisions of California Code of Regulations, title 16, as more particularly  
8 set forth above in paragraph 51.

9 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

10 **(Acts Involving Dishonesty, Fraud, or Deceit)**

11 57. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
12 section 9889.3(d), in that on or about September 16, 2011, regarding the 1999 GMC, Respondent  
13 committed acts involving dishonesty, fraud, or deceit, by issuing Brake Certificate Number  
14 BC [REDACTED] and Lamp Certificate Number LC [REDACTED], certifying that the brake and lamp  
15 systems were in satisfactory condition and in accordance with the Vehicle Code, when, in fact,  
16 Respondent failed to check to see if the brake and lamps were in satisfactory condition.

17 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

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

19 58. Respondent's smog check station license is subject to discipline pursuant to Health  
20 and Safety Code section 44072.2(d), in that on or about September 16, 2011, regarding the 1999  
21 GMC, Respondent committed a dishonest, fraudulent, or deceitful act whereby another was  
22 injured, in that Respondent issued Brake Certificate Number BC [REDACTED] and Lamp Certificate  
23 Number LC [REDACTED], certifying that the brake and lamp systems were in satisfactory condition  
24 and in accordance with the Vehicle Code, when, in fact, the Respondent failed to check to see if  
25 the brake and lamps were in satisfactory condition.

26 **UNDERCOVER OPERATION NO. 3: 1993 HONDA**

27 59. On or about October 20, 2011, an undercover Bureau operator ("operator") drove a  
28 Bureau documented 1993 Honda to Respondent's facility and requested a brake, lamp, and smog

1 inspection. The vehicle defect included all four (4) brake rotors being undersized, the left front  
2 headlamp was out of adjustment, and the high beam indicator was inoperative. The vehicle was  
3 capable of passing a smog inspection. When the operator arrived at Respondent's facility, he was  
4 greeted by Hung. The operator provided Hung with DMV paperwork. Hung reviewed the  
5 paperwork and told the operator that no smog inspection was needed. The operator told Hung  
6 that he still needed the brake and lamp inspections. Hung told the operator to go the facility's  
7 office. The operator went to the facility's office and told Respondent that he needed a brake and  
8 lamp inspection. Respondent asked the operator for the DMV paperwork. The operator observed  
9 Respondent fill out the brake and lamp certificates. Respondent then asked the operator for \$80.  
10 The operator paid Respondent \$80 and was provided the brake and lamp certificates. The  
11 operator requested a receipt. Respondent asked the operator to complete the information on the  
12 receipt and sign it, which the operator did. During the operator's visit to Respondent's facility, he  
13 had a clear view of the vehicle at all times and at no time did the operator observe anyone inspect  
14 the vehicle in any manner. In fact, the operator maintained the keys to the vehicle at all times.

15 60. On or about November 7, 2011, a Bureau representative re-inspected the vehicle  
16 and found that the high beam indicator was inoperative, the left headlamp was out of adjustment,  
17 and all four brake rotors remained undersized.

18 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

19 **(Untrue or Misleading Statements)**

20 61. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),  
21 in that on or about October 20, 2011, regarding the 1993 Honda, Respondent made or authorized  
22 statements which he knew or in the exercise of reasonable care should have known to be untrue or  
23 misleading, as follows:

24 a. Respondent certified under penalty of perjury on Brake Certificate Number  
25 BC [REDACTED] that the applicable inspections were performed on the brake system when, in fact,  
26 Respondent failed to inspect the brake system on the vehicle, as evidenced by his failure to  
27 remove any of the vehicle's wheels.

28

1 b. Respondent certified under penalty of perjury on Lamp Certificate Number  
2 LC [REDACTED] that the applicable adjustments had been performed on the lamp system when, in  
3 fact, the left headlamp was out of adjustment. In addition, the high beam indicator was  
4 non-operative.

5 **THIRTIETH CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 62. Respondent's registration is subject to discipline pursuant to Code section  
8 9884.7(a)(4), in that on or about October 20, 2011, regarding the 1993 Honda, Respondent  
9 committed acts that constitute fraud, in that Respondent requested and received payment from the  
10 operator for performing the applicable inspections on the vehicle's brake and lamp systems as  
11 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent failed to  
12 perform the necessary inspections, adjustments or repairs in compliance with Bureau regulations  
13 and/or the Vehicle Code. In addition, Respondent issued Brake Certificate Number BC [REDACTED]  
14 and Lamp Certificate Number LC [REDACTED], certifying that the vehicle's brake and lamp systems  
15 were in satisfactory condition when, in fact, they were not, as more particularly set forth above in  
16 paragraphs 59-61.

17 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

18 **(Gross Negligence)**

19 63. Respondent's registration is subject to discipline under Code section 9884.7(a)(5), in  
20 that on or about October 20, 2011, regarding the 1993 Honda, Respondent committed acts  
21 constituting gross negligence, in that Respondent failed to properly inspect the vehicle's brake  
22 and lamp systems and issued Brake Certificate No. BC [REDACTED] and Lamp Certificate No.  
23 LC [REDACTED], indicating that the vehicle's brake and lamp systems were in satisfactory condition  
24 and were in accordance with the Vehicle Code when, in fact, they were not.

25 ///

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1 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

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

3 64. Respondent's registration is subject to discipline pursuant to Code section  
4 9884.7(a)(6), in that on or about October 20, 2011, regarding the 1993 Honda, Respondent failed  
5 to comply with provisions of that Code in the following material respects:

6 a. **Section 9884.8:** Respondent failed to separately list the cost for each certificate  
7 issued.

8 b. **Section 9884.9(a):**

9 i. Respondent failed to provide the operator with a written estimated price for  
10 parts and labor for a specific job.

11 ii. Respondent failed to obtain the operator's authorization prior to  
12 commencing repairs.

13 c. **Section 9889.16:**

14 i. Respondent issued Brake Certificate Number BC [REDACTED] for the vehicle,  
15 when the vehicle was not in compliance with Bureau regulations or the requirements of the  
16 Vehicle Code, in that all four brake rotors were undersized.

17 ii. Respondent issued Lamp Certificate Number LC [REDACTED] for the vehicle,  
18 when the vehicle was not in compliance with Bureau regulations or the requirements of the  
19 Vehicle Code, in that the left headlamp was out of adjustment and the high beam indicator was  
20 inoperative.

21 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

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

23 65. Respondent's registration is subject to discipline pursuant to Code section  
24 9884.7(a)(6), in that on or about October 20, 2011, regarding the 1993 Honda, Respondent failed  
25 to comply with provisions of California Code of Regulations, title 16, in the following material  
26 respects:

27 ///

28 ///

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

4 b. **Section 3316(d)(2)**: Respondent issued Lamp Adjustment Certificate Number  
5 LC [REDACTED], certifying that the vehicle's lamp system had been inspected and was in satisfactory  
6 condition when, in fact, it was not.

7 c. **Section 3321(c)(2)**: Respondent issued Brake Adjustment Certificate Number  
8 BC [REDACTED], certifying that the vehicle's brake system had been inspected and was in satisfactory  
9 condition when, in fact, it was not.

10 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

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

12 66. Respondent's brake and lamp station licenses are subject to discipline under Code  
13 section 9889.3(a), in that on or about October 20, 2011, regarding the 1993 Honda, Respondent  
14 violated sections of the Code, relating to his licensed activities, as more particularly set forth  
15 above in paragraphs 59 through 64.

16 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

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

18 67. Respondent's brake and lamp station licenses are subject to discipline under Code  
19 section 9889.3(c), in that on or about October 20, 2011, regarding the 1993 Honda, Respondent  
20 failed to comply with provisions of California Code of Regulations, title 16, as more particularly  
21 set forth above in paragraph 65.

22 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

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

24 68. Respondent's brake and lamp station licenses are subject to discipline pursuant to  
25 Code section 9889.3(d), in that on or about October 20, 2011, regarding the 1993 Honda,  
26 Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured,  
27 as more particularly set forth above in paragraphs 59-63.

28 ///

1 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

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

3 69. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
4 section 9889.3(a), in that on or about October 20, 2011, regarding the 1993 Honda, Respondent  
5 violated sections of the Code, relating to his licensed activities, as more particularly set forth  
6 above in paragraphs 59-64.

7 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

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

9 70. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
10 section 9889.3(c), in that on or about October 20, 2011, regarding the 1993 Honda, Respondent  
11 failed to comply with provisions of California Code of Regulations, title 16, as more particularly  
12 set forth above in paragraph 65.

13 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

14 **(Acts Involving Dishonesty, Fraud, or Deceit)**

15 71. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
16 section 9889.3(d), in that on or about October 20, 2011, regarding the 1993 Honda, Respondent  
17 committed acts involving dishonesty, fraud, or deceit, by issuing Brake Certificate Number  
18 BC [REDACTED] and Lamp Certificate Number LC [REDACTED], certifying that the brake and lamp  
19 systems were in satisfactory condition and in accordance with the Vehicle Code, when, in fact,  
20 they were not.

21 **FORTIETH CAUSE FOR DISCIPLINE**

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

23 72. Respondent's smog check station license is subject to discipline pursuant to Health  
24 and Safety Code section 44072.2(d), in that on or about October 20, 2011, regarding the 1993  
25 Honda, Respondent committed a dishonest, fraudulent, or deceitful act whereby another was  
26 injured, in that Respondent issued Brake Certificate Number BC [REDACTED] and Lamp Certificate  
27 Number LC [REDACTED], certifying that the brake and lamp systems were in satisfactory condition  
28

1 and in accordance with the Vehicle Code, when, in fact, they were not, as more particularly set  
2 forth above in paragraphs 59-62.

3 **MANNED SURVEILLANCE - FEBRUARY 10, 2012**

4 73. On February 10, 2012, the Bureau performed a manned surveillance of  
5 Respondent's facility between the hours of 0937 and 1218 hours. The surveillance operation and  
6 information obtained from the Emission Inspection System ("EIS") and the Bureau's Vehicle  
7 Information Database ("VID") revealed that Respondent Timothy Luong performed a smog  
8 inspection resulting in the issuance of an illegal electronic certificate of compliance, certifying  
9 that he had tested and inspected the vehicle set forth in Table 1 below, and that the vehicle was in  
10 compliance with applicable laws and regulations. In fact, Respondent Timothy Luong performed  
11 the smog inspection using the clean piping method by using the tail pipe emissions of a vehicle  
12 other than the vehicle being certified in order to issue the certificate. The vehicle certified was  
13 not in the test bay at the time of the smog inspection.

14 **TABLE 1**

15 <b>Date &amp; Time of Inspection</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Certificate No.</b>	<b>Technician</b>
16 02/10/2012 1005-1022 hours	1995 Nissan Maxima License No. 5EIM000	Chevrolet Camaro	OK357687C	Timothy Luong

17 **FORTY-FIRST CAUSE FOR DISCIPLINE**

18 **(Untrue or Misleading Statements)**

19 74. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),  
20 in that on or about February 10, 2012, Respondent made statements which he knew or which by  
21 exercise of reasonable care he should have known were untrue or misleading by issuing an  
22 electronic certificate of compliance for the vehicle set forth in Table 1 above, certifying that the  
23 vehicle was in compliance with applicable laws and regulations when, in fact, the vehicle had  
24 been clean piped.

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1 **FORTY-SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 75. Respondent's registration is subject to discipline under Code section 9884.7(a)(4),  
4 in that on or about February 10, 2012, Respondent committed acts which constitute fraud by  
5 issuing an electronic certificate of compliance for the vehicle set forth in Table 1 above, without  
6 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
7 thereby depriving the People of the State of California of the protection afforded by the Motor  
8 Vehicle Inspection Program.

9 **FORTY-THIRD CAUSE FOR DISCIPLINE**

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

11 76. Respondent's station license is subject to discipline under Health and Safety Code  
12 section 44072.2(a), in that on or about February 10, 2012, regarding the electronic certificate of  
13 compliance and the vehicle set forth in Table 1 above, Respondent violated sections of that Code,  
14 as follows:

15 a. **Section 44012(f):** Respondent failed to perform emission control tests on the  
16 vehicle in accordance with procedures prescribed by the department.

17 b. **Section 44015(b):** Respondent issued an electronic certificate of compliance for  
18 the vehicle without properly testing and inspecting the vehicle to determine if it was in  
19 compliance with section 44012 of that Code.

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21 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

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

23 77. Respondent's station license is subject to discipline under Health and Safety Code  
24 section 44072.2(c), in that on or about February 10, 2012, regarding the electronic certificate of  
25 compliance and the vehicle set forth in Table 1 above, Respondent violated sections of the  
26 California Code of Regulations, title 16, as follows:

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1 a. **Section 3340.35(c):** Respondent issued an electronic certificate of compliance for  
2 the vehicle even though the vehicle had not been inspected in accordance with section 3340.42 of  
3 that Code.

4 b. **Section 3340.42:** Respondent failed to conduct the required smog test and  
5 inspection on the vehicle in accordance with the Bureau's specifications.

6 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

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

8 78. Respondent's station license is subject to discipline under Health and Safety Code  
9 section 44072.2(d), in that on or about February 10, 2012, Respondent committed acts involving  
10 dishonesty, fraud or deceit whereby another was injured by issuing an electronic certificate of  
11 compliance for the vehicle set forth in Table 1 above, without performing a bona fide inspection  
12 of the emission control devices and systems on the vehicle, thereby depriving the People of the  
13 State of California of the protection afforded by the Motor Vehicle Inspection Program.

14 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

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

16 79. Respondent's brake and lamp station licenses are subject to discipline pursuant to  
17 Code section 9889.3(d), in that on or about February 10, 2012, Respondent committed acts  
18 involving dishonesty, fraud, or deceit whereby another was injured, as more particularly set forth  
19 above in paragraphs 73-75.

20 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

21 **(Acts Involving Dishonesty, Fraud, or Deceit)**

22 80. Respondent's brake and lamp adjuster licenses are subject to discipline under Code  
23 section 9889.3(d), in that on or about February 10, 2012, Respondent committed acts involving  
24 dishonesty, fraud, or deceit whereby another was injured, as more particularly set forth above in  
25 paragraphs 73-75.

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1 **FIFTIETH CAUSE FOR DISCIPLINE**

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

3 83. Respondent Timothy Luong's inspector license and repair technician license are  
4 subject to discipline under Health and Safety Code section 44072.2(d), in that on or about  
5 February 10, 2012, he committed acts involving dishonesty, fraud or deceit whereby another was  
6 injured by issuing the electronic certificate of compliance for the vehicle set forth in Table 1  
7 above, without performing a bona fide inspection of the emission control devices and systems on  
8 the vehicle, thereby depriving the People of the State of California of the protection afforded by  
9 the Motor Vehicle Inspection Program.

10 **FIFTY-FIRST CAUSE FOR DISCIPLINE**

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

12 84. Respondent Timothy Luong's brake and lamp adjuster licenses are subject to  
13 discipline under Code section 9889.3(d), in that on or about February 10, 2012, he committed acts  
14 involving dishonesty, fraud, or deceit, whereby another was injured, as more particularly set forth  
15 above in paragraphs 73-75.

16 **OTHER MATTERS**

17 85. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on  
18 probation the registrations for all places of business operated in this state by Ming Luong, also  
19 known as Ming Ngoc Luong, doing business as Discount Auto Repair, upon a finding that he has,  
20 or is, engaged in a course of repeated and willful violation of the laws and regulations pertaining  
21 to an automotive repair dealer.

22 86. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station  
23 License Number RC 252800, issued to Ming Luong, also known as Ming Ngoc Luong, doing  
24 business as Discount Auto Repair, is revoked or suspended, any additional license issued under  
25 this chapter in the name of said licensee may be likewise revoked or suspended by the director.

26 87. Pursuant to Code section 9889.9, if Lamp Station License Number LS 252800,  
27 issued to Ming Luong, also known as Ming Ngoc Luong, doing business as Discount Auto  
28 Repair, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter

1 20.3 of the Business and Professions Code in the name of said licensees may be likewise revoked  
2 or suspended by the director.

3 88. Pursuant to Code section 9889.9, if Brake Station License Number BS 252800,  
4 issued to Ming Luong, also known as Ming Ngoc Luong, doing business as Discount Auto  
5 Repair, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter  
6 20.3 of the Business and Professions Code in the name of said licensees may be likewise revoked  
7 or suspended by the director.

8 89. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 308297,  
9 issued to Ming Luong, also known as Ming Ngoc Luong, is revoked or suspended, any additional  
10 license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the  
11 name of said licensee may be likewise revoked or suspended by the director.

12 90. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 308297,  
13 issued to Ming Luong, also known as Ming Ngoc Luong, is revoked or suspended, any additional  
14 license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the  
15 name of said licensee may be likewise revoked or suspended by the director.

16 91. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
17 License Number EO 150308 and/or Smog Check Repair Technician License Number EI 150308  
18 (formerly Advanced Emission Specialist Technician License No. EA 150308), issued to  
19 Respondent Timothy Luong, is revoked or suspended, any additional license issued under this  
20 chapter in the name of said licensee may be likewise revoked or suspended by the director.

21 92. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 150308,  
22 issued to Timothy Luong, is revoked or suspended, any additional license issued under Articles 5  
23 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be  
24 likewise revoked or suspended by the director.

25 93. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 150308,  
26 issued to Timothy Luong, is revoked or suspended, any additional license issued under Articles 5  
27 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be  
28 likewise revoked or suspended by the director.

PRAYER

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

4       1.     Revoking, suspending, or placing on probation Automotive Repair Dealer

5 Registration No. ARD 252800, issued to Ming Luong, also known as Ming Ngoc Luong, doing  
6 business as Discount Auto Repair;

7       2.     Revoking, suspending, or placing on probation any other automotive repair dealer  
8 registration issued to Ming Luong, also known as Ming Ngoc Luong, doing business as Discount  
9 Auto Repair;

10       3.     Revoking or suspending Smog Check Station License Number RC 252800, issued  
11 to Ming Luong, also known as Ming Ngoc Luong, doing business as Discount Auto Repair;

12       4.     Revoking or suspending any additional license issued under chapter 5, of the  
13 Health and Safety Code in the name of Ming Luong, also known as Ming Ngoc Luong, doing  
14 business as Discount Auto Repair;

15       5.     Revoking or suspending Lamp Station License Number LS 252800, issued to  
16 Ming Luong, also known as Ming Ngoc Luong, doing business as Discount Auto Repair;

17       6.     Revoking or suspending Brake Station License Number BS 252800, issued to  
18 Ming Luong, also known as Ming Ngoc Luong, doing business as Discount Auto Repair;

19       7.     Revoking or suspending Lamp Adjuster License Number LA 308297, issued to  
20 Ming Luong, also known as Ming Ngoc Luong;

21       8.     Revoking or suspending Brake Adjuster License Number BA 308297, issued to  
22 Ming Luong, also known as Ming Ngoc Luong;

23       9.     Revoking or suspending any additional license issued under Articles 5 and 6 of  
24 Chapter 20.3 of the Business and Professions Code in the name of Ming Luong, also known as  
25 Ming Ngoc Luong, doing business as Discount Auto Repair;

26       10.    Revoking or suspending Smog Check Inspector License Number EO 150308  
27 and/or Smog Check Repair Technician License Number EI 150308 (formerly Advanced Emission  
28 Specialist Technician License No. EA 150308), issued to Timothy Luong;

- 1           11.    Revoking or suspending Lamp Adjuster License Number LA 150308, issued to
- 2 Timothy Luong;
- 3           12.    Revoking or suspending Brake Adjuster License Number BA 150308, issued to
- 4 Timothy Luong;
- 5           13.    Revoking or suspending any additional license issued under Chapter 5 of the
- 6 Health and Safety Code in the name of Timothy Luong;
- 7           14.    Ordering Ming Luong, also known as Ming Ngoc Luong, doing business as
- 8 Discount Auto Repair, and Timothy Luong to pay the Director of Consumer Affairs the
- 9 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
- 10 125.3; and,
- 11           15.    Taking such other and further action as deemed necessary and proper.

12 DATED: October 4, 2013



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

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