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

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| In the Matter of the Accusation Against:<br><br>**PHUOC KHAC NGUYEN**<br>**DBA PG AUTO REPAIR**<br>**450 International Blvd**<br>**Oakland, CA 94606**<br><br>**Automotive Repair Dealer Registration No. ARD 217207**<br>**Smog Check Station License No. RC 217207**<br><br>**PHUOC KHAC NGUYEN**<br>**450 International Blvd**<br>**Oakland, CA 94606**<br><br>**Smog Check Inspector License No. EO 151766**<br>**Smog Check Repair Technician License No. EI 151766**<br><br>Respondent. | Case No. 79/25-2642<br><br>**DEFAULT DECISION AND ORDER**<br><br>[Gov. Code, §11520] |

## FINDINGS OF FACT

1. On or about August 16, 2025, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/25-2642 against Phuoc Khac Nguyen dba PG Auto Repair (Respondent) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. In 2001, the Bureau issued Automotive Repair Dealer Registration Number ARD 217207 to Phuoc Khac Nguyen (Respondent) dba PG Auto Repair. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2026, unless renewed.

3. On or about October 20, 2003, Bureau issued Smog Check Station License Number RC 217207 to Respondent dba PG Auto Repair. The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2026, unless renewed.

4. In 2005, the Bureau issued Advanced Emission Specialist Technician License Number EA 151766 to Respondent. Respondent's Advanced Emission Specialist Technician license was due to expire on October 31, 2013, but was cancelled on July 23, 2013. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to Respondent's election, as Smog Check Inspector License Number EO 151766 and Smog Check Repair Technician License Number EI 151766. Respondent's Smog Check Inspector License will expire on October 31, 2025, unless renewed. Respondent's Smog Check Repair Technician License will expire on October 31, 2026, unless renewed.[1]

5. On or about August 20, 2025, Respondent was served by Certified and First Class Mail copies of the Accusation No. 79/25-2642, Statement to Respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau. Respondent's address of record was and is:

450 International Blvd

Oakland, CA 94606.

[1] Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28, 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 and/or Smog Check Repair Technician (EI) license.

6. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505(c) and/or Business and Professions Code section 124.

7. Government Code section 11506(c) states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

8. The Bureau takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 79/25-2642.

9. California Government Code section 11520(a) states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent . . . .

10. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated August 20, 2025, signed by Jose Katigbak, finds Respondent is in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 79/25-2642, are separately and severally, found to be true and correct by clear and convincing evidence.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Phuoc Khac Nguyen dba PG Auto Repair has subjected his Automotive Repair Dealer Registration No. ARD 217207, Smog Check Station License No. RC 217207, Smog Check Inspector License No. EO 151766, and Smog Check Repair Technician License No. EI 151766 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Director of the Department of Consumer Affairs is authorized to revoke Respondent's Automotive Repair Dealer Registration based upon the following violations alleged

in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent has subjected his Automotive Repair Dealer Registration to discipline under Code section 9884.7, subdivision (a)(1), in that Respondent made statements which he knew or which by exercise of reasonable care should have known were untrue or misleading.

b. Respondent has subjected his Automotive Repair Dealer Registration to discipline under Code section 9884.7, subdivision (a)(4), in that he committed acts which constitute fraud.

c. Respondent has subjected his Automotive Repair Dealer Registration to discipline under Code section 9884.7, subdivision (a)(6), in that he violated California Code of Regulations, title 16, section 3373, by creating and issuing false or misleading certificates of compliance and vehicle inspection reports.

d. Respondent has subjected his Smog Check Station License, Smog Check Inspector License, and Smog Check Repair Technician License to discipline under Health and Safety Code sections 44072.10 and/or 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud or deceit, whereby another was injured.

e. Respondent has subjected his Smog Check Station License, Smog Check Inspector License, and Smog Check Repair Technician License to discipline under Health and Safety Code sections 44072.10 and/or 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and applicable regulations as follows:

   i. **Section 44012**: Respondent failed to ensure that smog inspections were performed on vehicles in accordance with procedures prescribed by the department.

   ii. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued electronic certificates of compliance to certain vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles.

iii. **Section 3340.30, subdivision (a)**: Respondent failed to inspect the vehicles in accordance with Health and Safety Code section 44012 and California Code of Regulations, title 16, section 3340.42.

iv. **Section 3340.41, subdivision (c)**: Respondent entered false information about vehicles being tested into OIS and EIS.

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

vi. **Section 3340.45** Respondent violated the procedures contained in the Smog Check Manual by entering vehicle identification information for vehicles that were not being tested.

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## ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 217207, issued to Respondent Phuoc Khac Nguyen dba PG Auto Repair, is revoked.

IT IS SO ORDERED that Smog Check Station License No. RC 217207, issued to Respondent Phuoc Khac Nguyen dba PG Auto Repair, is revoked.

IT IS SO ORDERED that Smog Check Inspector License No. EO 151766, issued to Respondent Phuoc Khac Nguyen, is revoked.

IT IS SO ORDERED that Smog Check Repair Technician License No. EI 151766, issued to Respondent Phuoc Khac Nguyen, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: Patrick Lutfi, Bureau of Automotive Repair, 10949 North Mather Boulevard Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 4, 2026.

It is so ORDERED May 28, 2026

GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Division of Legal Affairs
Department of Consumer Affairs

Attachment:
Exhibit A: Accusation

**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**
(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Phuoc Khac Nguyen dba PG Auto Repair**

Case No.: **79/25-2642**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On August 20, 2025, I served the attached **ACCUSATION; STATEMENT TO RESPONDENT; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (X2); COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **ACCUSATION; STATEMENT TO RESPONDENT; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (X2); COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Phuoc Khac Nguyen
PG Auto Repair
450 International Blvd
Oakland, CA 94606
Respondent

Certified Article Number
9414 7266 9904 2244 6482 58
SENDER'S RECORD

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 20, 2025, at San Francisco, California.

Jose Katigbak
Declarant

Signature

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