

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 JUSTIN SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (858) 899-5512
6 Facsimile: (415) 703-1234
E-mail: Justin.Surber@doj.ca.gov
7 *Attorneys for Complainant*

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9 **BEFORE THE**
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. 79/25-17571

13 **VU VAN NGO**
DBA KEEP IT RUNNIN
14 **603 Old San Francisco Road**
Sunnyvale, CA 94086

ACCUSATION

15 **Automotive Repair Dealer Registration No. ARD 280616**
Smog Check Test-and-Repair Station License No. RC 280616

16 **VU VAN NGO**
17 **603 Old San Francisco Road**
Sunnyvale, CA 94086

18 **Smog Check Inspector License No. EO 637908**
19 **Smog Check Repair License No. EI 637908**

20 **and**

21 **CALVIN LE**
22 **2403 Gabriel Avenue Apt A**
Mountain View, CA 94040

23 **Smog Check Inspector License No. EO 635978**
24 **Smog Check Repair License No. EI 635978,**

Respondents.

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PARTIES

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

3 2. On or about June 22, 2015, the Bureau issued Automotive Repair Dealer Registration
4 Number ARD 280616 to Van Vu Ngo (Respondent Ngo) doing business as Keep It Runnin. The
5 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
6 charges brought herein and will expire on June 30, 2027, unless renewed.

7 3. On or about July 21, 2015, the Bureau issued Smog Check Station License Number RC
8 280616 to Respondent Ngo doing business as Keep It Runnin. The Smog Check Station License
9 was in full force and effect at all times relevant to the charges brought herein and will expire on
10 June 30, 2027, unless renewed. On or about October 3, 2016, the Bureau certified the Smog
11 Station as a STAR station.

12 4. On or about February 27, 2015, the Bureau issued Smog Check Inspector License
13 Number EO 637908 to Respondent Ngo. The Smog Check Inspector License was in full force
14 and effect at all times relevant to the charges brought herein and will expire on January 31, 2027,
15 unless renewed.

16 5. On or about March 9, 2020, the Bureau issued Smog Check Repair Technician License
17 Number EI 637908 to Respondent Ngo. The Smog Check Repair Technician License was in full
18 force and effect at all times relevant to the charges brought herein and will expire on January 31,
19 2028, unless renewed.

20 6. On or about September 4, 2013, the Bureau issued Smog Check Inspector License
21 Number EO 635978 to Calvin Le (Respondent Le). The Smog Check Inspector License was in
22 full force and effect at all times relevant to the charges brought herein and will expire on July 31,
23 2027, unless renewed.

24 7. On or about March 14, 2025, the Bureau issued Smog Check Repair Technician License
25 Number EI 635978 to Respondent Le. The Smog Check Repair Technician License will expire on
26 July 31, 2027, unless renewed.

JURISDICTION

8. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

9. Section 118, subdivision (b), of the Business and Professions Code (Code) provides that the suspension, expiration, surrender, and/or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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

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

12. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

13. Section 9884.7 of the Code states, in pertinent part:

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

(1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

...

1 (4) Any other conduct that constitutes fraud.

2 . . .

3 (6) Failure in any material respect to comply with the provisions of this chapter
4 or regulations adopted pursuant to it.

5 . . .

6 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place
7 on probation the registration for all places of business operated in this state by an
8 automotive repair dealer upon a finding that the automotive repair dealer has, or is,
engaged in a course of repeated and willful violations of this chapter, or regulations
adopted pursuant to it.

9 . . .

10 (e) For purposes of this section, "fraud" includes, but is not limited to,
violations of this chapter involving misrepresentations and all of the following:

11 (1) Any act or omission that is included within the definition of either "actual
12 fraud" or "constructive fraud," as those terms are defined in Sections 1572 and 1573
of the Civil Code.

13 (2) A misrepresentation in any manner, whether intentionally false or due to
14 gross negligence, of a material fact.

15 (3) A promise or representation not made honestly and in good faith.

16 (4) An intentional failure to disclose a material fact.

17 (5) Any act in violation of Section 484 of the Penal Code

18 14. Section 44012 of the Health and Safety Code states, in pertinent part:

19 The test at the smog check stations shall be performed in accordance with
20 procedures prescribed by the department and may require loaded mode dynamometer
21 testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard
22 diagnostic system, or other appropriate test procedures as determined by the
23 department in consultation with the state board. The department shall implement
24 testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or
25 two-speed idle testing, on model year 2000 and newer vehicles only, beginning no
earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only,
beginning no earlier than January 1, 2025. However, the department, in consultation
with the state board, may prescribe alternative test procedures that include loaded
mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic
systems that the department and the state board determine exhibit operational
problems.

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15. Section 44032 of the Health and Safety Code states, in pertinent part:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

16. Section 44059 of the Health and Safety Code states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

17. Section 44072.2 of the Health and Safety Code states:

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

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

...

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

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

...

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

18. Section 44072.8 of the Health and Safety Code states:

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

19. Section 44072.10, of the Health and Safety Code states, in pertinent part:

... (c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

(1) Clean piping, clean plugging, clean glassing, clean tanking, or any other fraudulent inspection practice, as defined by the department.

(2) Tampering with a vehicle emission control system or test analyzer system.

(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

...

REGULATORY PROVISIONS

20. California Code of Regulations, title 16, section 3340.1, states, in pertinent part:

...

"Clean plugging" means using a substitute vehicle's OBD system, or another source, to generate data readings or diagnostic information in order to cause the OIS to issue a certificate of compliance for the test vehicle.

...

21. California Code of Regulations, title 16, section 3340.24, states, in pertinent part:

(a) Any disciplinary or reinstatement proceeding under this article involving licensed stations, licensed technicians, or fleet owners licensed pursuant to section 44020 of the Health and Safety Code shall be conducted in accordance with chapter 5 (commencing with section 11500) of division 3, Title 2 of the Government Code.

...

(c) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.

...

22. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

A smog check technician shall comply with the following requirements at all times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

23. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

...

(c) No person shall enter any vehicle identification information or emission

control system identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information about the vehicle being tested.

...

(h) No licensed station shall have in the approved testing area at any time any electronic device or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection.

...

24. California Code of Regulations, title 16, section 3340.42, states, in pertinent part:

Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

(a) All vehicles subject to a smog check inspection, shall receive one of the following test methods:

...

(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer. The OBD test failure criteria are specified in section 3340.42.2.

(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:

(1) A visual inspection of emission control components and systems to verify the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper operation.

25. California Code of Regulations, title 16, section 3340.45, states:

All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the Smog Check Manual, dated April 2025, which is hereby incorporated by reference.

26. California Code of Regulations, title 16, section 3340.45, stated:

All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the Smog Check Manual, dated January 2021, which is hereby incorporated by reference.

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1 **COST RECOVERY**

2 27. Section 125.3 of the Code provides, in pertinent part, that the Bureau may request the
3 administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **SMOG PROGRAM AND CLEAN PLUGGING ALLEGATIONS**

9 28. California's Smog Check Program requires the owners of most motor vehicles in
10 California to take and pass a Smog Check inspection and receive a Certificate of Compliance
11 every two years when renewing their registration and also when the vehicle's title is transferred.
12 These inspections are performed by Smog Check Inspectors at Smog Check Stations, both of
13 which are licensed by BAR.

14 29. The Smog Check inspection in certain Enhanced areas of the State is an Acceleration
15 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
16 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons, Carbon
17 Monoxide, Oxides of Nitrogen, Carbon Dioxide, and Oxygen. The inspection involves a test of
18 the vehicle's tailpipe emissions on a dynamometer. In Basic areas of the State, or depending on a
19 vehicle's configuration (all-wheel drive, traction control issue), a similar test called a Two Speed
20 Idle (TSI) test is performed, but instead of applying a load to the vehicle's drive wheels with a
21 dynamometer, the EIS measures the emissions at idle as well as 2500 revolutions per minute
22 (RPM).

23 30. The inspector also performs visual and functional tests on the vehicle as outlined in
24 the Smog Check Manual. The visual inspection of the emission control components verifies the
25 required emission control devices are present and properly connected. Functional tests are also
26 performed which, depending on the vehicle, may include checking the ignition timing,
27 malfunction indicator light (MIL), Exhaust Gas Recirculation (EGR) system, a low-pressure test
28

1 of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas
2 cap.

3 31. On March 9, 2015, BAR implemented a statewide regulatory change requiring the use
4 of the On-Board Diagnostic Inspection System (BAR-OIS) instead of the EIS for the smog testing
5 of 2000 model year and newer gas powered and 1998 and newer diesel vehicles. Most older
6 vehicles require the ASM or TSI test on the EIS. Gas powered vehicles with a gross vehicle
7 weight rating over 14,000 pounds require an inspection on the EIS.

8 32. The newer BAR-OIS smog inspection uses a Data Acquisition Device (DAD), a
9 computer, a bar code scanner, and printer. The DAD is a scan tool that retrieves data from a
10 vehicle's On-Board Diagnostic-generation II (OBD II) computer. The DAD connects the BAR
11 OIS computer to the vehicle's diagnostic link connector (DLC) to retrieve the data from the
12 vehicle. The bar code scanner is used to input technician information, the vehicle identification
13 number (VIN), and DMV renewal information. The printer is used to print Vehicle Inspection
14 Reports.

15 33. Data retrieved and recorded during a BAR-OIS smog check includes: the eVIN,
16 which is the digitally stored VIN programmed into the vehicle's Powertrain Control Module
17 (PCM); the communication protocol, which is the manufacturer/vehicle's specific "language" the
18 PCM uses to relay information; and the number of Parameter Identifications (PIDs), which is the
19 number of specific data values each PCM uses related to emissions controls.

20 34. As part of the BAR-OIS smog inspections, the technician also performs a visual and
21 functional test on the vehicle being inspected. The visual inspection of the emission control
22 components verifies the required emission control devices are present and properly connected and
23 a functional test is performed of the malfunction indicator light (MIL). The BAR-OIS software
24 makes the determination whether or not the vehicle passes the inspection based on the results of
25 the OBD, visual and functional tests. If the vehicle passes the inspection a certificate of
26 compliance is issued. The information from the smog inspection is then transmitted to the
27 Vehicle Information Data (VID).
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35. BAR can access the VID to view test data on smog check inspections performed at any Smog Check Station, or search for, retrieve, and print a test record for a particular vehicle which has been tested.

36. BAR has become aware of methods some Smog Check stations and Smog Check inspectors use to issue smog certificates to vehicles that will not pass a Smog Check test on their own, or in some instances, are not even present during the time the test is performed.

37. One method is known as "clean plugging." "Clean plugging" is the act of using one vehicle's properly functioning OBD II system, or another source such as an electronic defeat device, to generate passing data readings or diagnostic information for the purpose of issuing a smog certificate of compliance to a vehicle that is not in smog compliance and/or not being tested. The vehicle being certified is not the one being tested.

38. In October 2025, the BAR initiated an investigation of Respondent Ngo's business, Keep It Runnin. The investigation revealed Respondent Le personally performed six smog inspections at Keep It Runnin smog check station using clean-plugging methods. The investigation revealed Respondent Ngo personally performed four smog inspections at Keep It Runnin smog check station using clean-plugging methods. Respondent Ngo issued ten certificates of compliance to the clean plugged vehicles.

39. A Bureau representative reviewed data for the clean-plugged vehicles inspected by Respondents. The data revealed that the ten vehicles that were purportedly tested by Respondents were not and could not have been connected to the DAD when they were being certified because the OBD-II data purportedly transmitted by those vehicles could not have been transmitted by those vehicles, as follows:

a) Clean Plug #1 – 2017 BMW M3 (Tested by Respondent Le)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2017 BMW M3 (9/21/2023)	WBS53AY02MFL42827	ICAN11bt5	58 11
Previous test 2017 BMW M3 (4/8/2021)	WBS8M9C55H5G84069	ICAN11bt5	50 11
Vehicle Used 2021 BMW M3 11/11/2025	WBS53AY02MFL42827	ICAN11bt5	58 11
Expected OBDII Value	WBS8M9C55H5G84069	ICAN11bt5	50 or 50 11

b) Clean Plug #2 – 2010 Mercedes Benz C 63 AMG (Tested by Respondent Le)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2010 Mercedes-Benz C 63 AMG (1/5/2024)	WDDGJ7HB6FG372023	ICAN11bt5	48 12
Previous failed test 2010 Mercedes-Benz C 63 AMG (10/27/2023)	WDDGF7HB9AF485674	ICAN11bt5	47 12
Vehicle Used by Calvin Le 2015 Mercedes-Benz C 63 AMG (11/24/2023)	WDDGJ7HB6FG372023	ICAN11bt5	48 12
Expected OBDII Value	WDDGF7HB9AF485674	ICAN11bt5	45 12, 46 12, or 47 12

c) Clean Plug #3 – 2016 Hyundai Accent SE (Tested by Respondent Ngo)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2016 Hyundai Accent SE (1/9/2024)	JTDEPMAE2MJ154695	ICAN11bt5	56
Vehicle Used 2021 Toyota Corolla SE (7/9/2024)	JTDEPMAE2MJ154695	ICAN11bt5	56
Expected OBDII Value	KMHCT4AE4GU948115	ICAN11bt5	40 or 40 15

d) Clean Plug #4 – 2007 GMC Sierra K2500 Heavy Duty (Tested by Respondent Le)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2007 GMC Sierra K2500 Heavy Duty (7/9/2024)	1GCHK29DX6E155827	ICAN11bt5	28 9 3
Subsequent Test 2007 GMC Sierra K2500 Heavy Duty (9/18/2025)	1GTHK23677F544284	ICAN11bt5	34 8 3
Vehicle Used 2006 Chevrolet Silverado K2500 HD (7/23/2025)	1GCHK29DX6E155827	ICAN11bt5	28 9 3
Expected OBDII Value	1GTHK23677F544284	ICAN11bt5	34 8 3 and 34 9 3

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e) Clean Plug #5 – 2010 Honda Odyssey EXL (Tested by Respondent Le)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2010 Honda Odyssey EXL (7/30/2024)	5FNRL38867B108371	ICAN29bt5	44 19
Previous test 2010 Honda Odyssey EXL (7/19/2021)	5FNRL3H68AB093796	ICAN29bt5	44 19
Vehicle Used 2007 Honda Odyssey Touring (3/30/2025)	5FNRL38867B108371	ICAN29bt5	44 19
Expected OBDII Value	5FNRL3H68AB093796	ICAN29bt5	44 19

f) Clean Plug #6 – 2003 GMC Yukon XL Denali (Tested by Respondent Le)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2003 GMC Yukon XL Denali (8/29/2024)	6G2EC57Y49L213977	ICAN11bt5	43 7
Previous test 2003 GMC Yukon XL Denali (6/19/2024)	1GKFK66U03J221523	JVPW	22
Vehicle Used 2009 Pontiac G8 GT (6/6/2025)	6G2EC57Y49L213977	ICAN11bt5	43 7
Expected OBDII Value	1GKFK66U03J221523	JVPW	22

g) Clean Plug #7 – 2007 BMW 328-I (Tested by Respondent Le)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2007 BMW 328 I (11/19/2024 at 1:59 pm)	WBA3A5C55DF356362	ICAN11bt5	40 13
Previous test 2007 BMW 328 I (5/30/2020)	WBAWR33597PX79860	KWPF	22 8
Vehicle Used by Calvin Le 2013 BMW 328 I (11/19/2024 at 1:43 pm)	WBA3A5C55DF356362	ICAN11bt5	40 13
Expected OBDII Value	WBAWR33597PX79860	KWPF	21 8, 22, or 22 8

h) Clean Plug #8 – 2017 Audi Q7 Prestige (Tested by Respondent Ngo)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2017 Audi Q7 Prestige (4/16/2025)	WA1LFBFP9CA027492	ICAN11bt5	37 10
Vehicle Used 2012 Audi Q5 Premium (6/4/2025)	WA1LFBFP9CA027492	ICAN11bt5	37 10
Expected OBDII Value	WA1VAAF74HD010428	ICAN11bt5	52 10

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i) Clean Plug #9 – 2007 Ford F150 – (Test by Respondent Ngo)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2007 Ford F150 (9/19/2025)	1FTRX12W56KD22317	ICAN11bt5	47
Previous Test 2007 Ford F150 (7/7/2018)	1FTPX12517NA42358	ICAN11bt5	44
Vehicle Used 2006 Ford F150 (10/6/2025)	1FTRX12W56KD22317	ICAN11bt5	47
Expected OBDII Value	1FTPX12517NA42358	ICAN11bt5	44

j) Clean Plug #10 -2013 Ford Econoline E250 (Tested by Respondent Ngo)

Vehicle / Test date(s)	eVIN	Protocol	PID count
Fraudulent Test 2013 Ford Econoline E250 (10/21/2025)	Not Reported	ICAN11bt5	47
Previous Test 2013 Ford Econoline E250 (12/11/2023)	1FTNE2EW1DDA70430	ICAN11bt5	47
Expected OBDII Value	1FTNE2EW1DDA70430	ICAN11bt5	47

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Registration - Respondent Ngo)

40. Respondent Ngo has subjected his Automotive Repair Dealer Registration to discipline under Code section 9884.7, subdivision (a)(1), in that Respondent Ngo made statements which he knew or which by exercise of reasonable care should have known were untrue or misleading, as set forth above in the Smog Program and Clean Plugging Allegations. Respondent Ngo purported to test vehicles, and certified that the vehicles passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles using clean-plugging methods.

SECOND CAUSE FOR DISCIPLINE

(Fraud - Registration - Respondent Ngo)

41. Respondent Ngo 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, as set forth above in the Smog Program and Clean Plugging Allegations.

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THIRD CAUSE FOR DISCIPLINE

(False or Misleading Records – Registration - Respondent Ngo)

42. Respondent Ngo 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 for the vehicles that were clean plugged as set forth above in the Smog Program and Clean Plugging Allegations. The certificates and inspection reports indicated the vehicles were tested in accordance with all Bureau requirements and the vehicles were qualified to receive certificates of compliance. This was false as the vehicles were clean plugged.

FOURTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Smog Licenses-Ngo)

43. Respondent Ngo 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 by issuing electronic certificates of compliance for vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Respondent Ngo participated in clean-plugging as set forth above in the Smog Program and Clean Plugging Allegations above.

FIFTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program- Smog Licenses-Ngo)

44. Respondent Ngo 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 it violated sections of that Code and applicable regulations, through conduct described in the Smog Program and Clean Plugging Allegations, as follows:

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- 1 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
2 on vehicles in accordance with procedures prescribed by the department.
- 3 b. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
4 electronic certificates of compliance to certain vehicles without performing bona fide
5 inspections of the emission control devices and systems on those vehicles.
- 6 c. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
7 accordance with Health and Safety Code section 44012 and California Code of
8 Regulations, title 16, section 3340.42.
- 9 d. **Section 3340.41, subdivision (c):** Respondent entered false information about
10 vehicles being tested into OIS.
- 11 e. **Section 3340.42:** Respondent failed to conduct the required smog tests and
12 inspections on certain vehicles in accordance with the Bureau's specifications.
- 13 f. **Section 3340.45** Respondent violated the procedures contained in the Smog Check
14 Manual by entering vehicle identification information for a vehicle that was not being
15 tested.
- 16 g. **Section 44059:** Respondent willfully made false statements in issuing the Smog
17 Certificates of compliance and on the Vehicle Inspection Reports.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Dishonesty, Fraud or Deceit – Smog Check Licenses – Respondent Le)**

20 45. Respondent Le has subjected his Smog Check Inspector License and Smog Check
21 Repair Technician License to discipline under Health and Safety Code sections 44072.10 and/or
22 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud or deceit, whereby
23 another was injured by issuing electronic certificates of compliance for vehicles without
24 performing bona fide inspections of the emission control devices and systems on the vehicles,
25 thereby depriving the People of the State of California of the protection afforded by the Motor
26 Vehicle Inspection Program. Respondent Le participated in clean-plugging as set forth above in
27 the Smog Program and Clean Plugging Allegations above.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program- Smog Check Licenses- Respondent Le)**

3 46. Respondent Le has subjected his Smog Check Inspector License and Smog Check
4 Repair Technician License to discipline under Health and Safety Code sections 44072.10 and/or
5 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and applicable
6 regulations, through conduct described in the Smog Program and Clean Plugging Allegations, as
7 follows:

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

10 b. **Section 44032:** Respondent failed to ensure that smog inspections were performed
11 on vehicles in accordance with Code section 44012.

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

15 d. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
16 accordance with Health and Safety Code section 44012 and California Code of Regulations, title
17 16, section 3340.42.

18 e. **Section 3340.41, subdivision (c):** Respondent entered false information about
19 vehicles being tested into OIS.

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

22 g. **Section 3340.45** Respondent violated the procedures contained in the Smog Check
23 Manual by entering vehicle identification information for a vehicle that was not being tested.

24 h. **Section 44059:** Respondent willfully made false statements in issuing the Smog
25 Certificates of compliance and on the Vehicle Inspection Reports.

26 **DISCIPLINARY CONSIDERATIONS**

27 47. To determine the degree of discipline, if any, to be imposed on Respondent Ngo,
28 Complainant alleges that:

1 a. On or about February 7, 2019, Respondent Ngo was issued Citation Number C2019-
2 764. That citation became effective on March 27, 2020.

3 b. On or about February 7, 2019, Respondent Ngo was issued Citation Number M2019-
4 765. That citation became effective on March 27, 2020.

5 c. On or about April 20, 2021, Respondent Ngo was issued Citation Number C2021-
6 400. That citation became effective on November 12, 2024.

7 d. On or about April 20, 2021, Respondent Ngo was issued Citation Number M2021-
8 401. That citation became effective on November 12, 2021.

9 e. On or about October 10, 2024, Respondent Ngo was issued Citation Number C2024-
10 1248. That citation became effective on December 21, 2024.

11 f. On or about October 10, 2024, Respondent Ngo was issued Citation Number M2024-
12 1249. That citation became effective on December 21, 2024.

13 48. To determine the degree of discipline, if any, to be imposed on Respondent Ngo,
14 Complainant alleges that on or about June 19, 2023, the Bureau Held a Proactive Conference with
15 Respondent Ngo. Respondent Ngo was advised to follow all laws and regulations under the
16 Automotive Repair Act and was warned that failure to do so could result in disciplinary action.

17 **OTHER MATTERS**

18 49. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
19 or place on probation the registration for all places of business operated in this state by
20 Respondent Ngo, upon a finding that Respondent Ngo has, or is, engaged in a course of repeated
21 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

22 50. Pursuant to Health & Safety Code section 44072.8, if Respondent Ngo's Smog Check
23 Station License, Smog Check Inspector License, or Smog Check Repair Technician License is
24 revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of
25 the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by
26 the director.

27 51. Pursuant to Health & Safety Code section 44072.8, if Respondent Le's Smog Check
28 Inspector License or Smog Check Repair Technician is revoked or suspended, any additional

1 license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name
2 of said licensee may be likewise revoked or suspended by the director.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Director of the Department of Consumer Affairs issue a
6 decision:

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 280616, issued to Vu Van Ngo dba Keep It Runnin;

9 2. Revoking or suspending Smog Check Station License Number RC 280616, issued to
10 Vu Van Ngo dba Keep It Runnin;

11 3. Revoking or suspending Smog Check Inspector License Number EO 637908, issued
12 to Vu Van Ngo;

13 4. Revoking or suspending Smog Check Repair Technician License Number EI 637908,
14 issued to Vu Van Ngo;

15 5. Revoking or suspending any additional Automotive Repair Dealer Registration(s)
16 issued to Vu Van Ngo;

17 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
18 Division 26 of the Health and Safety Code to Vu Van Ngo;

19 7. Ordering Vu Van Ngo to pay the Bureau of Automotive Repair the reasonable costs
20 of the investigation and enforcement of this case, pursuant to Business and Professions Code
21 section 125.3 and if placed on probation, the costs of probation monitoring;

22 8. Revoking or suspending Smog Check Inspector License Number EO 635978, issued
23 to Calvin Le;

24 9. Revoking or suspending Smog Check Repair Technician License Number EI 635978,
25 issued to Calvin Le;

26 10. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
27 Division 26 of the Health and Safety Code to Calvin Le;

1 11. Ordering Calvin Le to pay the Bureau of Automotive Repair the reasonable costs of
2 the investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3 and if placed on probation, the costs of probation monitoring;
4 and,

5 12. Taking such other and further action as deemed necessary and proper.

6 Dorais,
7 Patrick@DCA
8 Digitally signed by
Dorais, Patrick@DCA
Date: 2026.09.29
10:33:28 -07'00'

9 DATED: As of Digital Signature Date

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

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