

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 ADRIANA Z. LAZARK  
Deputy Attorney General  
4 State Bar No. 283331  
1300 I Street, Suite 125  
5 Sacramento, CA 95814  
Telephone: (916) 210-7891  
6 Facsimile: (916) 327-8643  
E-mail: Adriana.Lazark@doj.ca.gov  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 79/26-3932

13 **HAI THANH TRUONG**  
14 **DBA SMOG EXPRESS & REPAIR**  
5931 Folsom Boulevard  
Sacramento, CA 95819

**ACCUSATION**

15 **Automotive Repair Dealer Registration No.**  
16 **ARD 297346**  
17 **Smog Check, Test-and-Repair, Station License No.**  
**RC 297346**  
18 **Vehicle Safety Systems Station License No. VS 297346**

19 **HAI THANH TRUONG**  
3865 Big Bear Street  
West Sacramento, CA 95691

20 **Smog Check Repair Technician License No. EI 27367**  
21 **Smog Check Inspector License No. EO 27367**  
**Vehicle Safety System Technician License No.**  
**ST 27637**

22 **JEFFREY CHI**  
23 4556 Blacktail Way  
Fair Oaks, CA 95630  
24 Mailing Address:  
25 8701 Madison Avenue, #B  
Fair Oaks, CA 95628

26 **Smog Check Repair Technician License No. EI 135840**  
27 **Smog Check Inspector License No. EO 135840**

28 Respondents.

1 **PARTIES**

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

4 **Smog Express & Repair**

5 2. On or about May 28, 2020, the Bureau issued Automotive Repair Dealer Registration  
6 (registration) Number ARD 297346 to Hai Thanh Truong (Respondent Truong) doing business as  
7 Smog Express & Repair (Respondent Smog Express & Repair). The registration was in full force  
8 and effect at all times relevant to the charges brought herein and will expire on May 31, 2027,  
9 unless renewed.

10 3. On or about June 25, 2020, the Bureau issued Smog Check, Test-and-Repair, Station  
11 License (RC station license) Number RC 297346 to Respondent Smog Express & Repair. The  
12 RC station license was in full force and effect at all times relevant to the charges brought herein  
13 and will expire on May 31, 2027, unless renewed.

14 4. On or about November 20, 2024, the Bureau issued Vehicle Safety Systems Station  
15 License (VS station license) Number VS 297346 to Respondent Smog Express & Repair. The  
16 VS station license was in full force and effect at all times relevant to the charges brought herein  
17 and will expire on May 31, 2027, unless renewed.

18 5. On or about August 27, 2020, the Bureau issued a STAR station certificate to  
19 Respondent Smog Busters. The STAR station certificate was in full force and effect at all times  
20 relevant to the charges brought herein and remains active.

21 **Hai Thanh Truong**

22 6. In and around 1998, the Bureau issued Advance Emission Specialist Technician (EA)  
23 License Number 27367 to Respondent Truong. The license was due to expire on June 30, 2014.  
24 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), the license  
25 was renewed as Smog Check Repair Technician License (technician license) Number EI 27367  
26 and Smog Check Inspector License (inspector license) Number EO 27367, effective June 9, 2014.  
27 The technician and inspector licenses were in full force and effect at all times relevant to the  
28 charges brought herein and will expire on June 30, 2028, unless renewed.





1 (b) Except as provided for in subdivision (c), if an automotive repair dealer  
2 operates more than one place of business in this state, the director pursuant to  
3 subdivision (a) shall only suspend, revoke, or place on probation the registration of  
4 the specific place of business which has violated any of the provisions of this chapter.  
This violation, or action by the director, shall not affect in any manner the right of the  
automotive repair dealer to operate the automotive repair dealer's other places of  
business.

5 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place  
6 on probation the registration for all places of business operated in this state by an  
7 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.

8 . . . .

9 18. Code section 9884.11 states:

10 Each automotive repair dealer shall maintain any records that are required by  
11 regulations adopted to carry out this chapter. Those records shall be open for  
12 reasonable inspection by the chief or other law enforcement officials. All of those  
records shall be maintained for at least three years

13 19. Code section 9889.1 states:

14 Any license issued pursuant to Article 6.5 (commencing with Section 9888.5)  
15 may be suspended or revoked by the director. The director may refuse to issue a  
16 license to any applicant for the reasons set forth in Section 9889.2. The proceedings  
17 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.

18 20. Code section 9889.3 states:

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

21 (a) Violates any section of the Business and Professions Code that relates to his  
22 or her licensed activities.

23 . . .

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

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

27 . . .

28 (g) Fails to make and keep records showing his or her transactions as a licensee,  
or failed to have the records available for inspection by the director or his or her duly

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authorized representative for a period of not less than three years after completion of any transaction to which the records refer, or refuses to comply with a written request of the director to make the record available for inspection.

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

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21. Code section 9889.5 states:

The director may take disciplinary action against any licensee after a hearing as provided in this article by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the director.

(b) Suspending the license.

(c) Revoking the license.

22. 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 Article 6.5 (commencing with Section 9888.5) in the name of the licensee may be likewise revoked or suspended by the director.

23. Health & Saf. Code section 44012 states, in pertinent part:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas, and shall ensure all of the following:

(a) Emission control systems required by state and federal law are reducing excess emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of Section 44013.

...

(f) A visual or functional check is made of emission control devices specified by the department, including the catalytic converter in those instances in which the department determines it to be necessary to meet the findings of Section 44001. The visual or functional check shall be performed in accordance with procedures prescribed by the department.

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1 that has been inspected in accordance with the procedures specified in section 3340.42 of this  
2 article and has all the required emission control equipment and devices installed and functioning  
3 correctly”.

4 30. CCR, section 3340.41, subdivision (c) states:

5 No person shall enter any vehicle identification information or emission control  
6 system identification data for any vehicle other than the one being tested into the EIS  
7 or OIS. Nor shall any person enter into the EIS or OIS any false information about  
8 the vehicle being tested.

9 31. CCR, section 3340.42 sets forth specific emissions test methods and procedures  
10 which apply to all vehicles inspected in the State of California.

11 32. CCR section 3358 states, in pertinent part:

12 Pursuant to Section 9884.11 of the Business and Professions Code, each  
13 automotive repair dealer shall maintain, in either written or electronic form, legible  
14 copies of the following records for at least three years:

15 (a) All invoices relating to automotive repair including invoices received from  
16 other sources for parts and/or labor.

17 (b) All estimates pertaining to work performed, including all records created to  
18 obtain the authorization from the customer for the initial estimate.

19 (c) All work orders and/or contracts for repairs, parts and labor, including all  
20 records supplementing the work order and created to obtain additional authorization  
21 from the customer for any additional repairs estimated.

22 (d) All such records shall be open for reasonable inspection and/or reproduction  
23 by the Bureau or other law enforcement officials during normal business hours.

24 (e) All records as specified in this section associated with an individual  
25 transaction shall have a unique identifier linking the records to that specific  
26 transaction.

### 27 **COST RECOVERY**

28 33. Code section 125.3 provides, in pertinent part, that the Bureau may request the  
administrative law judge to direct a licentiate who has been found to have committed a violation  
or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
investigation and enforcement of the case.

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1                   **UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM**

2           34. On or about March 9, 2015, California's Smog Check Program was updated to keep  
3 pace with ever-advancing technology. The program update requires the use of an On-Board  
4 Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all  
5 areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles  
6 and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition  
7 Device (DAD), computer, bar code scanner, and printer.

8           35. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the  
9 California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between  
10 the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used  
11 to input technician information, the vehicle identification number, and the Department of Motor  
12 Vehicle (DMV) renewal information. The vehicle identification number (VIN) that is physically  
13 present on all vehicles is required to be programmed into the vehicle's On-Board Diagnostics —  
14 Generation II (OBD II) on 2005 and newer vehicles, and on many occasions was programmed  
15 into the OBD II computer in earlier model-years. The electronically programmed VIN is referred  
16 to as the “eVIN”, is captured by the Bureau during a smog check inspection and should match the  
17 physical VIN on the vehicle. The printer is used to provide a vehicle inspection report, which  
18 shows the inspection results and the Smog Check Certificate of Compliance Number for passing  
19 vehicles. Data retrieved and recorded during an OIS smog check includes the eVIN, the  
20 communication protocol<sup>1</sup>, and the number of Parameter Identifications (PID)<sup>2</sup>.

21   **REVIEW OF OIS TEST DATA**

22           36. Bureau representative J.B. reviewed BAR-OIS test data pertaining to smog  
23 inspections conducted at Respondent Smog Express & Repair’s facility. J.B. found that  
24 Respondent Smog Express & Repair had performed smog check inspections on 10 vehicles

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25           <sup>1</sup> The OBD II communication protocol describes the specified communication “language”  
26 used by the OBD II computer to communication to scan tools and other devices such as the BAR-  
27 OIS. The communication protocol is programmed into the vehicle's on-board computer during  
28 manufacture and does not change.

<sup>2</sup> PIDs are data points reported by the vehicle's on-board computer to a scan tool or BAR-  
OIS, such as engine speed, vehicle speed, engine temperature, etc. The PID count is the number  
of data points.

1 identified below using a method known as “clean plugging,”<sup>3</sup> resulting in the issuance of  
2 fraudulent certificates of compliance for the vehicles.

3 **Vehicle 1**

4 37. The OIS test data showed that on April 24, 2023, Respondent Chi performed a smog  
5 inspection on a 2011 Ford Econoline E250 Van (Vehicle 1), resulting in the issuance of electronic  
6 Smog Certificate of Compliance No. IT752902C. The OIS test details for Vehicle 1 showed that  
7 the eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2011 Ford  
8 Econoline E250 Vans and found that the eVIN is reported during an inspection. J.B. also found  
9 that the PID count recorded during the inspection on Vehicle 1 was not consistent with the PID  
10 count for that make and model vehicle.

11 38. In addition, the OIS test data showed that Vehicle 1 had previously been inspected at  
12 two different smog facilities on March 10, 2017, and March 15, 2019. During both inspections,  
13 the eVIN and expected PID count were reported.

14 39. Further, the OIS test data also showed that on March 5, 2024, Vehicle 1 received a  
15 subsequent inspection at another smog facility. J.B. found that the eVIN and the expected PID  
16 count were reported. J.B. concluded that the DAD was not connected to Vehicle 1 during the  
17 smog inspection performed by Respondent Chi on April 24, 2023, resulting in the issuance of a  
18 fraudulent smog certification of compliance for the vehicle.

19 **Vehicle 2**

20 40. The OIS test data showed that on May 9, 2023, Respondent Chi performed a smog  
21 inspection on a 2014 Volkswagen Passat SEL (Vehicle 2), resulting in the issuance of electronic  
22 Smog Certificate of Compliance No. TG710709C. The OIS test details for Vehicle 2 showed that  
23 the eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2014 Volkswagen  
24 Passat SEL vehicles and found that the eVIN is reported during an inspection. J.B. also found

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27 <sup>3</sup> Clean plugging is the use of a vehicle’s properly functioning OBD II system, or another source,  
28 to generate passing diagnostic readings for the purpose of issuing a fraudulent smog certificate of  
compliance to another vehicle that is not in compliance with the Smog Check Program and/or is not  
present for testing.

1 that the PID count recorded during the inspection on Vehicle 2 was not consistent with the PID  
2 count for that make and model vehicle.

3 41. In addition, the OIS test data showed that Vehicle 2 had previously been inspected at  
4 two different smog facilities on June 3, 2019, and March 18, 2021. During both inspections, the  
5 eVIN and the expected PID count were reported.

6 42. Further, the OIS test data showed that Vehicle 2 received a subsequent inspection at  
7 Respondent Smog Express & Repair's facility on or about June 16, 2025. J.B. found that the  
8 eVIN and the expected PID count were reported. J.B. concluded that the DAD was not connected  
9 to Vehicle 2 during the smog inspection performed by Respondent Chi on May 9, 2023, resulting  
10 in the issuance of a fraudulent smog certification of compliance for the vehicle.

### 11 **Vehicle 3**

12 43. The OIS test data showed that on August 5, 2023, Respondent Chi performed a smog  
13 inspection on a 2011 Jeep Wrangler Sport (Vehicle 3), resulting in the issuance of electronic  
14 Smog Certificate of Compliance No. TM234034C. The OIS test details for Vehicle 3 showed  
15 that the eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2011 Jeep  
16 Wrangler Sport vehicles and found that the eVIN is reported during an inspection.

17 44. In addition, the OIS test data showed that Vehicle 3 had previously been inspected at  
18 Respondent Smog Express & Repair and two other smog facilities on or about August 2, 2017,  
19 August 6, 2019, and August 8, 2021. During those inspections, the eVIN was reported.

20 45. Further, the OIS test data showed that Vehicle 3 received subsequent inspections at  
21 Respondent Smog Express & Repair's facility on or about July 26, 2025, July 28, 2025, and  
22 August 27, 2025. J.B. found that the eVIN was reported. J.B. concluded that the DAD was not  
23 connected to Vehicle 3 during the smog inspection performed by Respondent Chi on August 5,  
24 2023, resulting in the issuance of a fraudulent smog certification of compliance for the vehicle.

### 25 **Vehicle 4**

26 46. The OIS test data showed that on March 29, 2024, Respondent Chi performed a smog  
27 inspection on a 2016 Ford F150 Super Cab (Vehicle 4), resulting in the issuance of electronic  
28 Smog Certificate of Compliance No. TU725467C. The OIS test details for Vehicle 4 showed that

1 the eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2016 Ford F150  
2 Super Cab vehicles and found that the eVIN is reported during an inspection. J.B. also found that  
3 the PID count recorded during the inspection on Vehicle 4 was not consistent with the PID count  
4 for that make and model vehicle.

5 47. In addition, the OIS test data showed that Vehicle 4 had previously been inspected at  
6 a different smog facility on March 2, 2020. During that inspection, the eVIN and expected PID  
7 count were reported. J.B. concluded that the DAD was not connected to Vehicle 4 during the  
8 smog inspection performed by Respondent Chi on March 29, 2024, resulting in the issuance of a  
9 fraudulent smog certification of compliance for the vehicle.

#### 10 **Vehicle 5**

11 48. The OIS test data showed that on January 7, 2025, Respondent Chi performed a smog  
12 inspection on a 2017 Ford Transit T-250 (Vehicle 5), resulting in the issuance of electronic Smog  
13 Certificate of Compliance No. JB820766C. The OIS test details for Vehicle 5 showed that the  
14 eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2017 Ford Transit T-  
15 250 vehicles and found that the eVIN is reported during an inspection.

16 49. In addition, the OIS test data showed that Vehicle 5 had previously been inspected at  
17 two different smog facilities on February 7, 2020, and April 28, 2020. During both inspections,  
18 the eVIN was reported. J.B. concluded that the DAD was not connected to Vehicle 5 during the  
19 smog inspection performed by Respondent Chi on January 7, 2025, resulting in the issuance of a  
20 fraudulent smog certification of compliance for the vehicle.

#### 21 **Vehicle 6**

22 50. The OIS test data showed that on May 7, 2025, Respondent Chi performed a smog  
23 inspection on a 2014 Honda Odyssey Touring (Vehicle 6), resulting in the issuance of electronic  
24 Smog Certificate of Compliance No. UO340614C. The OIS test details for Vehicle 6 showed that  
25 the eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2014 Honda  
26 Odyssey Touring vehicles and found that the eVIN is reported during an inspection.

27 51. In addition, the OIS test data showed that Vehicle 6 had previously been inspected at  
28 two different smog facilities on August 2, 2022, and August 14, 2024. During both inspections,

1 the eVIN was reported. J.B. concluded that the DAD was not connected to Vehicle 6 during the  
2 smog inspection performed by Respondent Chi on May 7, 2025, resulting in the issuance of a  
3 fraudulent smog certification of compliance for the vehicle.

#### 4 **Vehicle 7**

5 52. The OIS test data showed that on June 27, 2025, Respondent Chi performed a smog  
6 inspection on a 2015 Honda Fit EX (Vehicle 7), resulting in the issuance of electronic Smog  
7 Certificate of Compliance No. JD949774C. The OIS test details for Vehicle 7 showed that the  
8 eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2015 Honda Fit EX  
9 vehicles and found that the eVIN is reported during an inspection. J.B. also found that the PID  
10 count recorded during the inspection on Vehicle 7 was not consistent with the PID count for that  
11 make and model vehicle.

12 53. In addition, the OIS test data showed that Vehicle 7 had previously been inspected at  
13 a different smog facility on May 17, 2024. During that inspection, the eVIN and expected PID  
14 count were reported. J.B. concluded that the DAD was not connected to Vehicle 7 during the  
15 smog inspection performed by Respondent Chi on June 27, 2025, resulting in the issuance of a  
16 fraudulent smog certification of compliance for the vehicle.

#### 17 **Vehicle 8**

18 54. The OIS test data showed that on December 1, 2025, Respondent Truong performed a  
19 smog inspection on a 2007 Subaru Outback 2.5I Limited (Vehicle 8), resulting in the issuance of  
20 electronic Smog Certificate of Compliance No. UY077223C. The OIS test details for Vehicle 8  
21 showed that the eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2007  
22 Subaru Outback 2.5I Limited vehicles and found that the eVIN is reported during an inspection.  
23 J.B. also found that the PID count recorded during the inspection on Vehicle 8 was not consistent  
24 with the PID count for that make and model vehicle.

25 55. In addition, the OIS test data showed that Vehicle 8 had received and failed two prior  
26 inspections at Respondent Smog Express & Repair's facility on October 10, 2025, and  
27 November 20, 2025. During those inspections, the eVIN and expected PID count were reported.

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1           56. Further, the OIS test data showed that Vehicle 8 had received eight previous  
2 inspections at Respondent Smog Express & Repair and four other smog facilities on November  
3 16, 2015, November 28, 2017, July 12, 2018, November 15, 2019, November 2, 2021,  
4 October 30, 2023, November 18, 2023, and December 7, 2023. During those inspections, J.B.  
5 found that the eVIN and expected PID count had been reported. J.B. concluded that the DAD  
6 was not connected to Vehicle 8 during the smog inspection performed by Respondent Truong on  
7 December 1, 2025, resulting in the issuance of a fraudulent smog certification of compliance for  
8 the vehicle.

9           **Vehicle 9**

10           57. The OIS test data showed that on February 9, 2026, Respondent Truong performed a  
11 smog inspection on a 2009 BMW X5 XDrive48I (Vehicle 9), resulting in the issuance of  
12 electronic Smog Certificate of Compliance No. JH858640C. The OIS test details for Vehicle 9  
13 showed that the eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2009  
14 BMW X5 XDrive48I vehicles and found that the eVIN is reported during an inspection. J.B. also  
15 found that the PID count recorded during the inspection on Vehicle 9 was not consistent with the  
16 PID count for that make and model vehicle.

17           58. In addition, the OIS test data showed that Vehicle 9 had received six previous  
18 inspections at Respondent Smog Express & Repair and four other smog facilities on January 28,  
19 2015, January 10, 2017, April 27, 2018, February 5, 2020, February 2, 2022, and February 6,  
20 2024. During those inspections, J.B. found that the eVIN and expected PID count had been  
21 reported. J.B. concluded that the DAD was not connected to Vehicle 9 during the smog  
22 inspection performed by Respondent Truong on February 9, 2026, resulting in the issuance of a  
23 fraudulent smog certification of compliance for the vehicle.

24           **Vehicle 10**

25           59. The OIS test data showed that on February 17, 2026, Respondent Chi performed a  
26 smog inspection on a 2017 Ford Transit T-150 (Vehicle 10), resulting in the issuance of  
27 electronic Smog Certificate of Compliance No. VC053128C. The OIS test details for Vehicle 10

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1 showed that the eVIN was not reported. J.B. reviewed the Comparative OIS Test Data for 2017  
2 Ford Transit T-150 vehicles and found that the eVIN is reported during an inspection.

3 60. In addition, the OIS test data showed that Vehicle 10 had previously been inspected at  
4 Respondent Smog Express & Repair's facility on April 25, 2025. During that inspection, the  
5 eVIN and expected PID count were reported. J.B. concluded that the DAD was not connected to  
6 Vehicle 10 during the smog inspection performed by Respondent Chi on February 17, 2026,  
7 resulting in the issuance of a fraudulent smog certification of compliance for the vehicle.

### 8 **Field Visits**

9 61. On or about February 27, 2026, J.B. made a field visit to Respondent Smog Express  
10 & Repair's facility and met with Respondent Truong and Respondent Chi. J.B. requested all  
11 records related to Vehicles 1 through 10 be provided by March 2, 2026.

12 62. On or about March 3, 2026, J.B. returned to Respondent Smog Express & Repair's  
13 facility and met with Respondent Truong, who provided J.B. with copies of records pertaining to  
14 Vehicles 1 through 10. J.B. reviewed the records provided and found the following: (1) Vehicle  
15 1's estimate number 139256 had an inaccurate odometer reading recorded of "0;" (2) no records  
16 were provided for Vehicles 2 and 3; (3) no VIR was provided for Vehicle 8; and, (4) no records  
17 were provided for Vehicle 10's previous smog check inspection on April 25, 2025.

### 18 **FIRST CAUSE FOR DISCIPLINE**

#### 19 **(Untrue and Misleading Statements - Automotive Repair Dealer Registration)**

20 63. Respondent Smog Express & Repair's registration is subject to disciplinary action  
21 pursuant to Code section 9884.7, subdivision (a)(1), in that Respondent Smog Express & Repair  
22 made or authorized statements which it knew or in the exercise of reasonable care should have  
23 known to be untrue or misleading. Specifically, Respondent Smog Express & Repair certified  
24 that Vehicles 1 through 10, identified in paragraphs 36 through 60 above, had passed inspection  
25 and were in compliance with applicable laws and regulations. In fact, Respondent Smog Express  
26 & Repair conducted, or caused to be conducted, smog check inspections on vehicles using clean-  
27 plugging methods, in that Respondent Smog Express & Repair substituted different vehicles

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1 during the inspections in order to issue smog certificates of compliance for the vehicles and did  
2 not test or inspect the vehicles as required by Health & Saf. Code section 44012.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud - Automotive Repair Dealer Registration)**

5 64. Respondent Smog Express & Repair's registration is subject to disciplinary action  
6 pursuant to Code section 9884.7, subdivision (a)(4), in that Respondent Smog Express & Repair  
7 committed acts which constitute fraud by issuing electronic smog certificates of compliance for  
8 Vehicles 1 through 10, identified in paragraphs 36 through 60 above, without performing bona  
9 fide inspections of the emission control devices and systems on the vehicles, thereby depriving  
10 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
11 Program.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Failure to Maintain Record – Automotive Repair Dealer Registration)**

14 65. Respondent Smog Express & Repair's registration is subject to disciplinary action  
15 pursuant to Code sections 9884.7, subdivision (a)(6), 9884.11, and CCR section 3358, in that  
16 Respondent Smog Express & Repair failed to maintain and make available for inspection, the  
17 records relating to the smog check inspection performed on Vehicles 2, 3, 8, and 10, as set forth  
18 above in paragraph 62 and incorporated herein by reference.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with the Motor Vehicle Inspection Program - Smog Check Station  
21 License)**

22 66. Respondent Smog Express & Repair's RC station license is subject to disciplinary  
23 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Smog Express &  
24 Repair failed to comply with the following sections of that Code:

25 a. **Section 44012:** Respondent Express Smog & Repair failed to ensure that  
26 emission control tests on Vehicles 1 through 10, identified in paragraphs 36 through 60 above,  
27 were performed in accordance with procedures prescribed by the department.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with the Code – Vehicle Safety Systems Station License)**

3 69. Respondent Smog Express & Repair’s VS station license is subject to disciplinary  
4 action pursuant to Code section 9889.3, subdivision (a), in that Respondent Smog Express &  
5 Repair violated sections of the Code relating to its licensed activities, as more particularly set  
6 forth above in paragraphs 63 through 66.

7 **EIGHTH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Regulations – Vehicle Safety Systems Station License)**

9 70. Respondent Smog Express & Repair’s VS station license is subject to disciplinary  
10 action pursuant to Code section 9889.3, subdivision (c), in that Respondent Smog Express &  
11 Repair failed to comply with provisions of CCR, as more particularly set forth above in  
12 paragraphs 65 and 67.

13 **NINTH CAUSE FOR DISCIPLINE**

14 **(Dishonesty, Fraud or Deceit – Vehicle Safety Systems Station License)**

15 71. Respondent Smog Express & Repair’s VS station license is subject to disciplinary  
16 action pursuant to Code section 9889.3, subdivision (d), in that Respondent Smog Express &  
17 Repair committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing  
18 electronic smog certificates of compliance for Vehicles 1 through 10, identified in paragraphs 36  
19 through 60 above, without performing bona fide inspections of the emission control devices and  
20 systems on the vehicles, thereby depriving the People of the State of California of the protection  
21 afforded by the Motor Vehicle Inspection Program.

22 **TENTH CAUSE FOR DISCIPLINE**

23 **(Failure to Maintain Records – Vehicle Safety Systems Station License)**

24 72. Respondent Smog Express & Repair’s VS station license is subject to disciplinary  
25 action pursuant to Code section 9889.3, subdivision (g), in that Respondent Smog Express &  
26 Repair failed to maintain and make available for inspection the records relating to the smog check  
27 inspection performed on Vehicles 2, 3, 8, and 10, as set forth above in paragraph 62.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with the Motor Vehicle Inspection Program – Truong’s Smog Check**  
3 **Repair Technician and Smog Check Inspector Licenses)**

4 73. Respondent Truong’s technician and inspector licenses are subject to disciplinary  
5 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to  
6 comply with section 44012 of that Code in a material respect. Specifically, Respondent Truong  
7 failed to perform the emission control tests on Vehicles 8 and 9, identified in paragraphs 54  
8 through 58 above, in accordance with procedures prescribed by the department.

9 **TWELFTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**  
11 **Truong’s Smog Check Repair Technician and Smog Check Inspector Licenses)**

12 74. Respondent Truong’s technician and inspector licenses are subject to disciplinary  
13 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he failed to  
14 comply with provisions of CCR, as follows:

15 a. **Section 3340.30, subdivision (c):** Respondent Truong failed to inspect and test  
16 Vehicles 8 and 9, identified in paragraphs 54 through 58 above, in accordance with Health & Saf.  
17 Code sections 44012 and 44035, and CCR section 3340.42.

18 b. **Section 3340.42:** Respondent Truong failed to conduct the required smog tests  
19 on Vehicles 8 and 9, identified in paragraphs 54 through 58 above, in accordance with the  
20 Bureau’s specifications.

21 **THIRTEENTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud or Deceit – Truong’s Smog Check Repair Technician and Smog Check**  
23 **Inspector Licenses)**

24 75. Respondent Truong’s technician and inspector licenses are subject to disciplinary  
25 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent  
26 Truong committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing  
27 electronic smog certificates of compliance for Vehicles 8 and 9, identified in paragraphs 54  
28 through 58 above, without performing bona fide inspections of the emission control devices and

1 systems on the vehicles, thereby depriving the People of the State of California of the protection  
2 afforded by the Motor Vehicle Inspection Program.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Code – Truong’s Vehicle Safety Systems Technician License)**

5 76. Respondent Truong ’s VS technician license is subject to disciplinary action pursuant  
6 to Code section 9889.3, subdivision (a), in that Respondent Truong violated sections of the Code,  
7 relating to his licensed activities, as more particularly set forth above in paragraphs 63 through 66  
8 and 73 and incorporated herein by reference.

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations – Truong’s Vehicle Safety Systems Technician  
11 License)**

12 77. Respondent Truong ’s VS technician license is subject to disciplinary action pursuant  
13 to Code section 9889.3, subdivision (c), in that Respondent Truong failed to comply with  
14 provisions of CCR, as more particularly set forth above in paragraphs 65, 67, and 74 and  
15 incorporated herein by reference.

16 **SIXTEENTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud or Deceit – Truong’s Vehicle Safety Systems Technician License)**

18 78. Respondent Truong’s VS technician license is subject to disciplinary action pursuant  
19 to Code section 9889.3, subdivision (d), in that Respondent Truong committed dishonest,  
20 fraudulent, or deceitful acts whereby another is injured by issuing electronic smog certificates of  
21 compliance for Vehicles 8 and 9, identified in paragraphs 54 through 58 above, certifying that the  
22 system was in compliance with Bureau regulations or the requirements of the Vehicle Code when,  
23 in fact, it was not.

24 **SEVENTEENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Motor Vehicle Inspection Program - Chi's Smog Check Repair  
26 Technician and Smog Check Inspector Licenses)**

27 79. Respondent Chi’s technician and inspector licenses are subject to disciplinary action  
28 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to comply with

1 section 44012 of that Code in a material respect. Specifically, Respondent Chi failed to perform  
2 the emission control tests on Vehicles 1 through 7 and 10, identified in paragraphs 36 through 53  
3 and 59 through 60 above, in accordance with procedures prescribed by the department.

4 **EIGHTEENTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program-**  
6 **Chi's Smog Check Repair Technician and Smog Check Inspector Licenses)**

7 80. Respondent Chi's technician and inspector licenses are subject to disciplinary action  
8 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he failed to comply with  
9 provisions of CCR, as follows:

10 a. **Section 3340.30, subdivision (a):** Respondent Chi failed to inspect and test  
11 Vehicles 1 through 7 and 10, identified in paragraphs 36 through 53 and 59 through 60, in  
12 accordance with Health & Saf. Code sections 44012 and 44035, and CCR section 3340.42.

13 b. **Section 3340.42:** Respondent Chi failed to conduct the required smog tests on  
14 Vehicles 1 through 7 and 10, identified in paragraphs 36 through 53 and 59 through 60 above, in  
15 accordance with the Bureau's specifications.

16 **NINETEENTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud or Deceit - Chi's Smog Check Repair Technician and Smog Check**  
18 **Inspector Licenses)**

19 81. Respondent Chi's technician and inspector licenses are subject to disciplinary action  
20 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent Chi  
21 committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic  
22 smog certificates of compliance for Vehicles 1 through 7 and 10, identified in paragraphs 36  
23 through 53 and 59 through 60 above, without performing bona fide inspections of the emission  
24 control devices and systems on the vehicles, thereby depriving the People of the State of  
25 California of the protection afforded by the Motor Vehicle Inspection Program.

26 **DISCIPLINE CONSIDERATIONS**

27 82. To determine the degree of discipline, if any, to be imposed, Complainant alleges that  
28 on or about October 23, 2017, Respondent Chi was issued Citation M2017-2327 for issuing a

1 certificate of compliance to a Bureau undercover vehicle with an unapproved aftermarket  
2 performance device, in violation of Health & Saf. Code section 44032. The Bureau required  
3 Respondent Chi to attend an eight-hour training course and issued an Order of Abatement.

4 **OTHER MATTERS**

5 83. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the  
6 Director may suspend, revoke or place on probation the registration for all places of business  
7 operated in this state by Respondent Truong doing business as Smog Express & Repair, upon a  
8 finding that Respondent Express Smog & Repair have, or is, engaged in a course of repeated and  
9 willful violations of the laws and regulations pertaining to an automotive repair dealer.

10 84. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
11 Number RC 297346, issued to Respondent Truong doing business as Smog Express & Repair, is  
12 revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of  
13 the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the  
14 Director.

15 85. Pursuant to Business and Professions Code section 9889.9, if Vehicle Safety Systems  
16 Station License Number VS 297346, issued to Respondent Truong doing business as Smog  
17 Express & Repair is revoked or suspended, any additional license issued under Article 6.5 in the  
18 name of Hai Thanh Truong may be likewise revoked or suspended by the Director.

19 86. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
20 Number EO 27367 or Smog Check Repair Technician License Number EI 27367 issued to  
21 Respondent Truong is revoked or suspended, any additional license issued under Chapter 5 of  
22 Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise  
23 revoked or suspended by the Director.

24 87. Pursuant to Business and Professions Code section 9889.9, if Vehicle Safety Systems  
25 Technician License Number ST 027637, issued to Respondent Truong, is revoked or suspended,  
26 any additional license issued under Article 6.5 in the name of Hai Thanh Truong may be likewise  
27 revoked or suspended by the Director.

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1           11. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
2 Division 26 of the Health and Safety Code in the name of Jeffrey Chi;

3           12. Ordering Respondent Smog Express & Repair, Respondent Truong and Respondent  
4 Chi to pay the Bureau the reasonable costs of the investigation and enforcement of this case,  
5 pursuant to Code section 125.3 and if placed on probation, the costs of probation monitoring; and

6           13. Taking such other and further action as deemed necessary and proper.  
7

8 DATED: As of Digital Signature Date

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

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