

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

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EASON Y. XIE, OWNER, dba ALOSTA SMOG TEST ONLY CENTER

1027 East Route 66 Unit A

Glendora, CA 91740

Mailing address:

1721 South Stoneman Avenue

Alhambra, CA 91801

Automotive Repair Dealer Registration No. ARD 254154

Smog Check Test Only Station License No. TC 254154

and

ANDY DUONG

4331 Maxson Road

El Monte, CA 91732

Smog Check Inspector License No. EO 640930

Respondents.

Case No. 79/21-12217

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DECISION

The attached Stipulated Settlement and Disciplinary Order as to Respondent Eason Y. Xie, owner, dba Alosta Smog Test Only Center ONLY is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on October 18, 2022

DATED: Sep 12, 2022



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

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 VIVIAN CHO
Deputy Attorney General
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Attorneys for Complainant
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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

14 **EASON Y. XIE, OWNER, DBA ALOSTA**
15 **SMOG TEST ONLY CENTER**
1027 East Route 66 Unit A
16 Glendora, CA 91740

17 Mailing Address:
1721 South Stoneman Ave
Alhambra, CA 91801

18 Automotive Repair Dealer Registration No.
19 ARD 254154
Smog Check, Test Only Station License No.
20 TC 254154,

21 **and**

22 **ANDY DUONG**
4331 Maxson Rd
23 El Monte, CA 91732

24 Smog Check Inspector License No.
EO 640930,
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26 Respondents.
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Case No. 79/21-12217

OAH No. 2022050775

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT EASON Y. XIE, OWNER,
DBA ALOSTA SMOG TEST ONLY
CENTER**

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
5 ("Bureau"). He brought this action solely in his official capacity and is represented in this matter
6 by Rob Bonta, Attorney General of the State of California, by Vivian Cho, Deputy Attorney
7 General.

8 2. Respondent Eason Y. Xie ("Respondent"), doing business as Alosta Smog Test Only
9 Center, is represented in this proceeding by attorney Michael B. Levin, whose address is: 3727
10 Camino del Rio South, Suite 200, San Diego, California 92108.

11 3. On or about March 20, 2008, the Bureau issued Automotive Repair Dealer
12 Registration Number ARD 254154 to Respondent, doing business as Alosta Smog Test Only
13 Center. The Automotive Repair Dealer Registration was in full force and effect at all times relevant
14 to the charges brought herein and will expire on March 31, 2023, unless renewed.

15 4. On or about April 25, 2008, the Bureau issued Smog Check, Test Only, Station License
16 No. TC 254154 to Respondent, doing business as Alosta Smog Test Only Center. The Smog
17 Check, Test Only, Station License was in full force and effect at all times relevant to the charges
18 brought herein and will expire on March 31, 2023, unless renewed.

19 **JURISDICTION**

20 5. Accusation No. 79/21-12217 was filed before the Director of the Department of
21 Consumer Affairs ("Director") and is currently pending against Respondent. The Accusation and
22 all other statutorily required documents were properly served on Respondent on February 3, 2022.
23 Respondent timely filed his Notice of Defense contesting the Accusation.

24 6. A copy of Accusation No. 79/21-12217 is attached as exhibit A and incorporated
25 herein by reference.

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1 paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall
2 not be disqualified from further action by having considered this matter.

3 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
4 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
5 signatures thereto, shall have the same force and effect as the originals.

6 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
7 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
8 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
9 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
10 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
11 writing executed by an authorized representative of each of the parties.

12 15. In consideration of the foregoing admissions and stipulations, the parties agree that the
13 Director may, without further notice or formal proceeding, issue and enter the following
14 Disciplinary Order:

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 254154
17 and Smog Check, Test Only, Station License No. TC 254154, issued to Respondent, are revoked.
18 However, the revocations are stayed and Automotive Repair Dealer Registration No. ARD 254154
19 and Smog Check, Test Only, Station License No. TC 254154 are placed on probation for five (5)
20 years on the following terms and conditions:

21 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 254154 and
22 Smog Check, Test Only, Station License No. TC 254154, issued to Respondent, are suspended for
23 seven (7) consecutive days beginning on the effective date of the Decision and Order.

24 2. **Obey All Laws.** During the period of probation, Respondent shall comply with all
25 federal and state statutes, regulations and rules governing all Bureau registrations and licenses held
26 by Respondent.

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1 3. **Posting of Sign.** During the period of suspension, Respondent shall prominently post
2 a sign or signs, provided by the Bureau, indicating the beginning and ending dates of the
3 suspension and indicating the reason for the suspension. The sign or signs shall be conspicuously
4 displayed in a location or locations open to and frequented by customers. The location(s) of the
5 sign(s) shall be approved by the Bureau and shall remain posted during the entire period of actual
6 suspension.

7 4. **Quarterly Reporting.** During the period of probation, Respondent shall report either
8 by personal appearance or in writing as determined by the Bureau on a schedule set by the Bureau,
9 but no more frequently than once each calendar quarter, on the methods used and success achieved
10 in maintaining compliance with the terms and conditions of probation.

11 5. **Report Financial Interests.** Respondent shall, within 30 days of the effective date of
12 the decision and within 30 days from the date of any request by the Bureau during the period of
13 probation, report any financial interest which any Respondent or any partners, officers, or owners
14 of any Respondent facility may have in any other business required to be registered pursuant to
15 Section 9884.6 of the Business and Professions Code.

16 6. **Access to Examine Vehicles and Records.** Respondent shall provide Bureau
17 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
18 inspection, or repairs, up to and including the point of completion. Respondent shall also provide
19 Bureau representatives unrestricted access to all records pursuant to BAR laws and regulations.

20 7. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
21 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
22 of California, Respondent shall notify the Bureau in writing within 10 days of the dates of
23 departure and return, and of the dates of cessation and resumption of business in California. All
24 provisions of probation other than cost reimbursement requirements, restitution requirements,
25 training requirements, and that Respondent obey all laws, shall be held in abeyance during any
26 period of time of 30 days or more in which Respondent is not residing or engaging in business
27 within the jurisdiction of California. All provisions of probation shall recommence on the effective
28 date of resumption of business in California. Any period of time of 30 days or more in which

Respondent is not residing or engaging in business within the jurisdiction of California shall not apply to the reduction of this probationary period or to any period of actual suspension not previously completed. Tolling is not available if business or work relevant to the probationary license or registration is conducted or performed during the tolling period.

8. **Violation of Probation.** If Respondent violates or fails to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard may set aside the stay order and carry out the disciplinary order provided in the decision. Once Respondent is served notice of the Bureau's intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter.

9. **Maintain Valid License.** Respondent shall, at all times while on probation, maintain a current and active registration and/or license(s) with the Bureau, including any period during which suspension or probation is tolled. If Respondent's registration or license is expired at the time the decision becomes effective, the registration or license must be renewed by Respondent within 30 days of that date. If Respondent's registration or license expires during a term of probation, by operation of law or otherwise, then upon renewal Respondent's registration or license shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration and/or license during the period of probation shall also constitute a violation of probation.

10. **Cost Recovery.** Respondent shall pay the Bureau \$4,494.00 for the reasonable costs of the investigation and enforcement of Case No. 79/21-12217. Respondent shall make such payment in equal installments of \$86.43 per month for fifty-one (51) months and one (1) final payment of \$86.07. Full payment shall be completed no later than six (6) months before probation terminates. Respondent shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for case No. 79/21-12217. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. The Bureau reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

11. **Completion of Probation.** Upon successful completion of probation, Respondent's affected registration and/or license will be fully restored or issued without restriction, if Respondent meets all current requirements for registration or licensure and has paid all outstanding fees, monetary penalties, or cost recovery owed to the Bureau.

12. **License Surrender.** Following the effective date of a decision that orders a stay of invalidation or revocation, if Respondent ceases business operations or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request that the stay be vacated. Such request shall be made in writing to the Bureau. The Director and the Bureau Chief reserve the right to evaluate the Respondent's request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the decision. Respondent may not petition the Director for reinstatement of the surrendered registration and/or license, or apply for a new registration or license under the jurisdiction of the Bureau at any time before the date of the originally scheduled completion of probation. If Respondent applies to the Bureau for a registration or license at any time after that date, Respondent must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to the Bureau and left outstanding at the time of surrender.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary 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 and Smog Check, Test Only, Station License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

DATED: 8/22/2022

Eason Xie

EASON Y. XIE, OWNER
ALOSTA SMOG TEST ONLY CENTER
Respondent

I have read and fully discussed with Respondent Eason Y. Xie, doing business as Alosta Smog Test Only Center, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8/22/2022

Michael B. Levin

MICHAEL B. LEVIN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

VIVIAN CHO
Deputy Attorney General
Attorneys for Complainant

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1 I have read and fully discussed with Respondent Eason Y. Xie, doing business as Alosta
2 Smog Test Only Center, the terms and conditions and other matters contained in the above
3 Stipulated Settlement and Disciplinary Order. I approve its form and content.

4
5 DATED: _____

MICHAEL B. LEVIN
Attorney for Respondent


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8 **ENDORSEMENT**

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted
10 for consideration by the Director of the Department of Consumer Affairs.

11
12 DATED: August 23, 2022

Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 THOMAS L. RINALDI
16 Supervising Deputy Attorney General



17 VIVIAN CHO
18 Deputy Attorney General
19 *Attorneys for Complainant*

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