

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

In the Matter of the Accusation Against:

**PHUONG VU TRAN**  
**DBA MONTEREY SMOG CHECK**  
**1565 Monterey Rd.**  
**San Jose, CA 95110**

**355 Colville Dr**  
**San Jose, CA 95123**

**Automotive Repair Dealer Registration No. ARD 283241**  
**Smog Check Test Only Station License No. TC 283241**

**PHUONG TRAN**  
**355 Colville Dr**  
**San Jose, CA 95123**

**Smog Check Inspector License No. EO 638362**

Respondent.

Case No. 79/24-21864

**DEFAULT DECISION AND  
ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about December 18, 2025, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/24-21864 against Phuong Vu Tran (Respondent) dba Monterey Smog Check before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

1           2.     On or about April 7, 2016, the Bureau of Automotive Repair issued Automotive  
2 Repair Dealer Registration Number ARD 283241 to Respondent dba Monterey Smog Check.  
3 The Automotive Repair Dealer Registration will expire on April 30, 2026, unless renewed.

4           3.     On or about May 5, 2016, the Bureau of Automotive Repair issued Smog Check Test  
5 Only Station License Number TC 283241 to Respondent. The Smog Check Test Only Station  
6 License will expire on April 30, 2026, unless renewed.

7           4.     On or about July 17, 2015, the Bureau of Automotive Repair issued Smog Check  
8 Inspector License Number EO 638362 to Respondent. The Smog Check Test Station License  
9 will expire on April 30, 2027, unless renewed.

10          5.     On or about December 18, 2025, Respondent was served by Certified and First Class  
11 Mail copies of the Accusation No. 79/24-21864, Statement to Respondent, Notice of Defense,  
12 Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
13 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
14 section 136, is required to be reported and maintained with the Bureau. Respondent's address of  
15 record was and is:

16 355 Colville Dr  
17 San Jose, CA 95123.

18          6.     Respondent was also served by Certified and First Class Mail copies of the  
19 Accusation No. 79/24-21864, Statement to Respondent, Notice of Defense, Request for  
20 Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
21 Monterey Smog Check's physical location:

22 1565 Monterey Rd.  
23 San Jose, CA 95110

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

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

27               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
28 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
parts of the accusation . . . not expressly admitted. Failure to file a notice of defense

1 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
2 discretion may nevertheless grant a hearing.

3 9. The Bureau takes official notice of its records and the fact that Respondent failed to  
4 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
5 waived his right to a hearing on the merits of Accusation No. 79/24-21864.

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

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

11 11. Pursuant to its authority under Government Code section 11520, the Director after  
12 having reviewed the proof of service dated December 18, 2025, signed by H. Truong finds  
13 Respondent is in default. The Director will take action without further hearing and, based on the  
14 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
15 finds that the charges and allegations in Accusation No. 79/24-21864, are separately and  
16 severally, found to be true and correct by clear and convincing evidence.

### 17 DETERMINATION OF ISSUES

18 1. Based on the foregoing findings of fact, Respondent Phuong Vu Tran dba Monterey  
19 Smog Check has subjected his Automotive Repair Dealer Registration No. ARD 283241, Smog  
20 Check Test Only Station License No. TC 283241, and Smog Check Inspector License No. EO  
21 638362 to discipline.

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

23 3. The Director of the Department of Consumer Affairs is authorized to revoke  
24 Respondent's Automotive Repair Dealer Registration, Smog Check Station License, and Smog  
25 Check Inspector License, based upon the following violations alleged in the Accusation which are  
26 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this  
27 case:

28 a. Respondent has subjected his Automotive Repair Dealer Registration to discipline  
under Code section 9884.7, subdivision (a)(1), in that Respondent made statements

1 which he knew or which by exercise of reasonable care should have known were  
2 untrue or misleading.

- 3 b. Respondent has subjected his Automotive Repair Dealer Registration to discipline  
4 under Code section 9884.7, subdivision (a)(4), in that he committed acts which  
5 constitute fraud.
- 6 c. Respondent has subjected his Automotive Repair Dealer Registration to discipline  
7 under Code section 9884.7, subdivision (a)(6), in that he violated California Code of  
8 Regulations, title 16, section 3373, by creating and issuing false or misleading  
9 certificates of compliance and vehicle inspection reports.
- 10 d. Respondent has subjected his Smog Check Test Only Station and Smog Check  
11 Inspector License to discipline under Health and Safety Code sections 44072.10  
12 and/or 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud  
13 or deceit, whereby another was injured by issuing electronic certificates of  
14 compliance for vehicles without performing bona fide inspections of the emission  
15 control devices and systems on the vehicles.
- 16 e. Respondent has subjected his Smog Check Test Only Station and Smog Check  
17 Inspector License to discipline under Health and Safety Code sections 44072.10  
18 and/or 44072.2, subdivisions (a) and (c), in that he violated the following section  
19 sections of that Code and applicable regulations:
- 20 i. **Section 44012:** Respondent failed to ensure that smog inspections were  
21 performed on vehicles in accordance with procedures prescribed by the  
22 department.
- 23 ii. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
24 issued electronic certificates of compliance to certain vehicles without  
25 performing bona fide inspections of the emission control devices and  
26 systems on those vehicles.
- 27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- iii. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in accordance with Health and Safety Code section 44012 and California Code of Regulations, title 16, section 3340.42.
- iv. **Section 3340.41, subdivision (c):** Respondent entered false information about vehicles being tested into OIS.
- v. **Section 3340.42:** Respondent failed to conduct the required smog tests and inspections on certain vehicles in accordance with the Bureau's specifications.
- vi. **Section 3340.45** Respondent violated the procedures contained in the Smog Check Manual by entering vehicle identification information for a vehicle that was not being tested.
- vii. **Section 44059:** Respondent willfully made false statements in issuing the Smog Certificates of compliance and on the Vehicle Inspection Reports.

///  
///  
///

**ORDER**

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 283241, issued to Respondent Phuong Vu Tran dba Monterey Smog Check, is revoked.

IT IS SO ORDERED that Smog Check Test Only Station License No. TC 283241, issued to Respondent Phuong Vu Tran dba Monterey Smog Check, is revoked.

IT IS SO ORDERED that Smog Check Inspector License No. EO 638362, issued to Respondent Phuong Vu Tran, is revoked.

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

This Decision shall become effective on February 23, 2026.

It is so ORDERED Feb. 12, 2026



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

44927500  
DOJ Matter ID:SF2025402840

Attachment:  
Exhibit A: Accusation