

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

In the Matter of the Accusation Against:

TRUNG H TU; T&H SMOG TEST ONLY

976 N. 4th St. #B

San Jose, CA 95112

Automotive Repair Dealer Registration No. ARD 296513

Smog Check Test Only Station License No. TC 296513

and

THANH NGUYEN

1452 Suzay Ct.

San Jose, CA 95122

Smog Check Inspector License No. EO 643099

Respondents.

Case No. 79/23-10729

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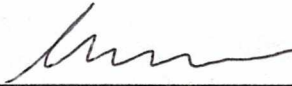
OAH No. 2024060006

DECISION

The attached Stipulated Revocations of Licenses and Order 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 April 11, 2025.

IT IS SO ORDERED March 4, 2025.



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

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 79/23-10729

12 **TRUNG H TU**
13 **T&H SMOG TEST ONLY**
14 **976 N 4th St., #B**
San Jose, CA 95112

OAH No. 2024060006

15 **Automotive Repair Dealer Registration No. ARD 296513**
Smog Check Station License No. TC 296513

STIPULATED
REVOCATIONS OF
LICENSES AND
ORDER

16 **THANH NGUYEN**
17 **1452 Suzay CT.**
San Jose, CA 95122

18 **Smog Check Inspector License No. EO 643099**

19 Respondents.
20
21

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
26 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
27 Rob Bonta, Attorney General of the State of California, by Justin R. Surber, Deputy Attorney
28 General.

2. Trung H. Tu dba T&H Smog Test Only and Thanh Nguyen (Respondents) are represented in this proceeding by attorney William D. Ferreira, whose address is: 580 California Street, Suite 1200, San Francisco, CA 94104-1071.

3. On or about January 28, 2020, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 296513 to Trung H. Tu dba T&H Smog Test Only (Respondent Tu). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2025, unless renewed.

4. On or about April 9, 2020, the Bureau of Automotive Repair issued Smog Check Station License Number TC 296513 to Respondent Tu. The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2025, unless renewed. Respondent Tu was certified as a STAR Station on April 27, 2022.

5. On or about May 20, 2021, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 643099 to Thanh Nguyen (Respondent Nguyen). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2025, unless renewed.

JURISDICTION

6. Accusation No. 79/23-10729 was filed before the Director of the Department of Consumer Affairs (Director) and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on January 16, 2024. Respondents timely filed their Notice of Defense contesting the Accusation. A copy of Accusation No. 79/23-10729 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

7. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. 79/23-10729. Respondents also have carefully read, fully discussed with counsel, and understands the effects of this Stipulated Revocation of Licenses and Order.

8. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine

1 the witnesses against them; the right to present evidence and to testify on their own behalf; the
2 right to the issuance of subpoenas to compel the attendance of witnesses and the production of
3 documents; the right to reconsideration and court review of an adverse decision; and all other
4 rights accorded by the California Administrative Procedure Act and other applicable laws.

5 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
6 every right set forth above.

7 CULPABILITY

8 10. Respondent Tu understands that the charges and allegations in Accusation No. 79/23-
9 10729, if proven at a hearing, constitute cause for imposing discipline upon his Automotive
10 Repair Dealer Registration and Smog Check Station License.

11 11. Respondent Nguyen understands that the charges and allegations in Accusation No.
12 79/23-10729, if proven at a hearing, constitute cause for imposing discipline upon her Smog
13 Check Inspector License.

14 12. For the purpose of resolving the Accusation without the expense and uncertainty of
15 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual
16 basis for the charges in the Accusation and that those charges constitute cause for discipline.
17 Respondents hereby gives up their right to contest that cause for discipline exists based on those
18 charges.

19 13. Respondent Tu understands that by signing this stipulation he enables the Director to
20 issue an order revoking his Automotive Repair Dealer Registration and Smog Station License
21 without further process.

22 14. Respondent Nguyen understands that by signing this stipulation she enables the
23 Director to issue an order Revoking her Smog Check Inspector without further process.

24 CONTINGENCY

25 15. This stipulation shall be subject to approval by the Director or the Director's designee.
26 Respondents understand and agree that counsel for Complainant and the staff of the Bureau of
27 Automotive Repair may communicate directly with the Director and staff regarding this
28 stipulation and revocation, without notice to or participation by Respondents or their counsel. By

1 signing the stipulation, Respondents understand and agree that they may not withdraw this
2 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
3 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
4 Revocation and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
5 be inadmissible in any legal action between the parties, and the Director shall not be disqualified
6 from further action by having considered this matter.

7 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
8 copies of this Stipulated Revocation of License and Order, including PDF and facsimile
9 signatures thereto, shall have the same force and effect as the originals.

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

16 18. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Director may, without further notice or formal proceeding, issue and enter the following
18 Order:

19 ORDERS

20 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 296513
21 and Smog Check Station License No. TC 296513, issued to Respondent Trung H. Tu dba T&H
22 Smog Test Only are revoked by the Bureau.

23 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 643099, issued to
24 Respondent Thanh Nguyen is revoked by the Bureau.

25 1. The revocation of Respondent Tu's Automotive Repair Dealer Registration and Smog
26 Check Station License by the Bureau shall constitute the imposition of discipline against
27 Respondent Tu. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent Tu's license history with the Bureau.

1 2. The revocation of Respondent Nguyen's Smog Check Inspector License by the
2 Bureau shall constitute the imposition of discipline against Respondent Nguyen. This stipulation
3 constitutes a record of the discipline and shall become a part of Respondent Nguyen's license
4 history with the Bureau.

5 3. Respondent Tu shall lose all rights and privileges as an Automotive Repair Dealer
6 and Smog Check Station in California as of the effective date of the Director's Decision and
7 Order.

8 4. Respondent Nguyen shall lose all rights and privileges as a Smog Check Inspector in
9 California as of the effective date of the Director's Decision and Order.

10 5. Respondent Tu shall cause to be delivered to the Bureau his pocket license and, if one
11 was issued, his wall certificates on or before the effective date of the Decision and Order.

12 6. Respondent Nguyen shall cause to be delivered to the Bureau her pocket license and,
13 if one was issued, her wall certificates on or before the effective date of the Decision and Order.

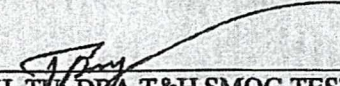
14 7. If Respondent Tu ever applies for licensure or petitions for reinstatement in the State
15 of California, the Bureau shall treat it as a new application for licensure. Respondent Tu must
16 comply with all the laws, regulations, and procedures for licensure in effect at the time the
17 application or petition is filed, and all of the charges and allegations contained in Accusation No.
18 79/23-10729 shall be deemed to be true, correct and admitted by Respondent Tu when the
19 Director determines whether to grant or deny the application or petition.

20 8. If Respondent Nguyen ever applies for licensure or petitions for reinstatement in the
21 State of California, the Bureau shall treat it as a new application for licensure. Respondent
22 Nguyen must comply with all the laws, regulations, and procedures for licensure in effect at the
23 time the application or petition is filed, and all of the charges and allegations contained in
24 Accusation No. 79/23-10729 shall be deemed to be true, correct and admitted by Respondent
25 Nguyen when the Director determines whether to grant or deny the application or petition.

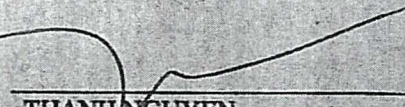
26 9. Respondents shall pay the agency its costs of investigation and enforcement in the
27 amount of \$12,518.60 prior to application for any new or reinstated license. Respondent are
28 jointly and severally liable for the payments of costs.

ACCEPTANCE

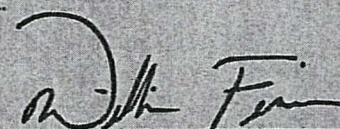
I have carefully read the above Stipulated Revocation of Licenses and Order and have fully discussed it with my attorney William D. Ferreira. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog Check Station. I enter into this Stipulated Revocation of Licenses and 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: 12/16/24 
TRUNG H. TU, DEA T&H SMOG TEST
Respondent

I have carefully read the above Stipulated Revocation of Licenses and Order and have fully discussed it with my attorney William D. Ferreira. I understand the stipulation and the effect it will have on my Smog Check Inspector License. I enter into this Stipulated Revocation of Licenses and 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: 12/16/24 
THANH NGUYEN
Respondent

I have read and fully discussed with Respondent Trung H. Tu and Respondent Thanh Nguyen the terms and conditions and other matters contained in this Stipulated Revocation of Licenses and Order. I approve its form and content.

DATED: 12/16/24 
WILLIAM D. FERREIRA
Attorney for Respondent

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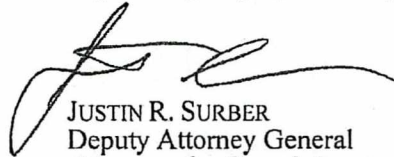
ENDORSEMENT

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

DATED: 12/16/24

Respectfully submitted,

ROB BONTA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General



JUSTIN R. SURBER
Deputy Attorney General
Attorneys for Complainant

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