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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:

13 **HAISON NGUYEN**
14 **DBA TS SMOG**
15 1608 Almaden Expressway
16 San Jose, CA 95125

17 **Mailing Address:**
18 1452 Suzay Ct.
19 San Jose, CA 95122

20 Automotive Repair Dealer Registration No. ARD 300672
21 Smog Check Station License No. TC 300672

22 **HAISON NGUYEN**
23 1452 Suzay Ct.
24 San Jose, CA 95122

25 Smog Check Inspector License No. EO 639713

26 Respondent.

Case No. 79/23-12644

OAH No. 2025010002

**DEFAULT DECISION AND
ORDER**

[Gov. Code, §11520]

27 **FINDINGS OF FACT**

28 1. On or about August 20, 2024, Complainant Patrick Dorais, in his official capacity as
the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed

1 Accusation No. 79/23-12644 against Haison Nguyen dba TS Smog (Respondent) before the
2 Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

3 1. On or about September 7, 2021, the Bureau issued Automotive Repair Dealer
4 Registration Number ARD 300672 to Respondent dba TS Smog. The Automotive Repair Dealer
5 Registration was in full force and effect at all times relevant to the charges brought herein and
6 will expire on September 30, 2025, unless renewed.

7 2. On or about December 1, 2021, the Bureau issued Smog Check Station License
8 Number TC 300672 to Respondent dba TS Smog. The Smog Check Station License was in full
9 force and effect at all times relevant to the charges brought herein and will expire on September
10 30, 2025, unless renewed. The Smog Check Station shall be referred to as TS Smog.

11 3. On or about September 21, 2016, the Bureau issued Smog Check Inspector License
12 Number EO 639713 to Respondent. The Smog Check Inspector License was in full force and
13 effect at all times relevant to the charges brought herein and will expire on September 30, 2026,
14 unless renewed.

15 2. On or about August 27, 2024, Respondent was served with Accusation No. 79/23-
16 12644.

17 3. On or about September 17, 2024, Respondent's Counsel signed and returned a Notice
18 of Defense, requesting a hearing in this matter.

19 4. On, May 15, 2025, a Notice of Hearing was served by mail at Respondent's address
20 of record which was and is:

21 1608 Almaden Expressway

22 San Jose, CA 95125

23
24 Mailing Address:

25 1452 Suzay Ct.

26 San Jose, CA 95122.

27 The Notice of Hearing informed him that an administrative hearing in this matter was scheduled
28 for July 22, 2025.

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

6. The matter was called for hearing at the date, time and location set forth in the Notice of Hearing. The assigned Administrative Law Judge found that the service of the Notice of Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A default was declared and on motion of counsel for Complainant, the matter was remanded to the Bureau under Government Code section 11520.

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

(c) The respondent shall be entitled to a hearing on the merits if the respondent 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 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

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

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

9. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proofs of service dated August 27, 2024 and May 15, 2025, signed by Jose Katigbak and H. Truong, finds Respondent is in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 79/23-12644, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Haison Nguyen dba TS Smog has subjected his Automotive Repair Dealer Registration No. ARD 300672, Smog Check Station License No. TC 300672, and Smog Check Inspector License No. EO 639713 to discipline.

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

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

- 6 a. Respondent has subjected his Automotive Repair Dealer Registration to discipline
7 under Business and Professions Code (Code) section 9884.7, subdivision (a)(1), in
8 that Respondent made statements which he knew or which by exercise of reasonable
9 care should have known were untrue or misleading.
- 10 b. Respondent has subjected his Automotive Repair Dealer Registration to discipline
11 under Code section 9884.7, subdivision (a)(4), in that he committed acts and is
12 responsible for acts which constitute fraud.
- 13 c. Respondent has subjected his Automotive Repair Dealer Registration to discipline
14 under Code section 9884.7, subdivision (a)(6), in that he violated California Code of
15 Regulations, title 16, section 3373, by creating and issuing false or misleading
16 certificates of compliance and vehicle inspection reports.
- 17 d. Respondent has subjected his Smog Check Station License and Smog Check
18 Inspector License to discipline under Health and Safety Code sections 44072.10
19 and/or 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud
20 or deceit, whereby another was injured, by issuing electronic certificates of
21 compliance for vehicles without performing bona fide inspections of the emission
22 control devices and systems on the vehicles, thereby depriving the People of the State
23 of California of the protection afforded by the Motor Vehicle Inspection Program.
- 24 e. Respondent has subjected his Smog Check Station License and Smog Check
25 Inspector License to discipline under Health and Safety Code sections 44072.10
26 and/or 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and
27 applicable regulations as follows:
- 28

- i. Section 44012 of the Code: Respondent failed to ensure that smog inspections were performed on vehicles in accordance with procedures prescribed by the department.
- ii. California Code of Regulations, title 16, section 3340.15: Respondent tested a vehicle outside the approved work area of TS Smog Check.
- iii. California Code of Regulations, title 16, section 3340.24, subdivision (c): Respondent falsely or fraudulently issued electronic certificates of compliance to certain vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles.
- iv. California Code of Regulations, title 16, 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.
- v. California Code of Regulations, title 16, section 3340.41, subdivision (c): Respondent entered false information about vehicles being tested into OIS and EIS.
- vi. California Code of Regulations, title 16, section 3340.42: Respondent failed to conduct the required smog tests and inspections on certain vehicles in accordance with the Bureau's specifications.
- vii. California Code of Regulations, title 16, section 3340.45 Respondent violated the procedures contained in the Smog Check Manual by entering vehicle identification information for vehicles that were not being tested.

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 300672, Smog Check Station License No. TC 300672, and Smog Check Inspector License No. EO 639713, issued to Respondent Haison Nguyen dba TS Smog, are 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 September 29, 2025.

It is so ORDERED Sept. 22, 2025



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

44722980

Attachment:
Exhibit A: Accusation