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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:

Case No. 79/24-7858

13 **THAM NGOC TRAN**
14 **DBA NT SMOG CHECK**
15 **639 Tully Rd # C**
16 **San Jose, CA 95111**

DEFAULT DECISION AND
ORDER

17 **Automotive Repair Dealer Registration No. ARD 301471**
18 **Smog Check, Test-Only, Station License No. TC 301471**

[Gov. Code, §11520]

19 **THAM NGOC TRAN**
20 **1894 Schulte Dr. #202**
21 **San Jose, CA 95133**

22 **Smog Check Inspector License No. EO 641886**

23 Respondent.

24 **FINDINGS OF FACT**

25 1. On or about May 4, 2026, Complainant Patrick Dorais, in his official capacity as the
26 Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation
27 No. 79/24-7858 against Tham Ngoc Tran dba NT Smog Check (Respondent) before the Director
28 of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

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2. On or about January 11, 2022, the Bureau issued Automotive Repair Dealer Registration Number ARD 301471 to Respondent. 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, 2027, unless renewed.

3. On or about February 10, 2022, the Bureau issued Smog Check, Test-Only, Station License Number TC 301471 to Respondent. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2027, unless renewed. On or about April 29, 2022, the Smog Check Station License was certified as a STAR station. STAR Certification was suspended on September 15, 2023.

4. On or about April 25, 2019, the Bureau issued Smog Check Inspector License Number EO 641886 to Respondent. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2027, unless renewed.

5. On or about May 26, 2026, Respondent was served by Certified and First Class Mail copies of the Accusation No. 79/24-7858, Statement to Respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's addresses of record which, pursuant to Business and Professions Code section 136, are required to be reported and maintained with the Bureau. Respondent's addresses of record were and are:

639 Tully Rd # C

San Jose, CA 95111

and

1894 Schulte Dr. #202

San Jose, CA 95133.

6. 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.

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

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1 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
2 notice of defense . . . and the notice shall be deemed a specific denial of all parts of
3 the accusation . . . not expressly admitted. Failure to file a notice of defense
4 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
5 discretion may nevertheless grant a hearing.

6 8. The Bureau takes official notice of its records and the fact that Respondent failed to
7 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
8 waived his right to a hearing on the merits of Accusation No. 79/24-7858.

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

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

14 10. Pursuant to their authority under Government Code section 11520, the Director after
15 having reviewed the proof of service dated May 26, 2026, signed by Jose Katigbak, finds
16 Respondent is in default. The Director will take action without further hearing and, based on the
17 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
18 finds that the charges and allegations in Accusation No. 79/24-7858, are separately and severally,
19 found to be true and correct by clear and convincing evidence.

20 DETERMINATION OF ISSUES

21 1. Based on the foregoing findings of fact, Respondent Tham Ngoc Tran dba NT Smog
22 check has subjected his Automotive Repair Dealer Registration No. ARD 301471, Smog Check,
23 Test-Only, Station License No. TC 301471, and Smog Check Inspector License No. EO 641886
24 to discipline.

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

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

- 1 a. Respondent has subjected his Automotive Repair Dealer Registration to discipline
2 under Code section 9884.7, subdivision (a)(4), in that he committed acts which
3 constitute fraud.
- 4 b. Respondent has subjected his Automotive Repair Dealer Registration to discipline
5 under Code section 9884.7, subdivision (a)(6), in that he violated California Code of
6 Regulations, title 16, section 3373, by creating and issuing false or misleading
7 certificates of compliance and vehicle inspection reports for vehicles that were clean
8 plugged.
- 9 c. Respondent has subjected his Automotive Repair Dealer Registration to discipline
10 under Code section 9884.7, subdivision (a)(1), in that Respondent made statements
11 which he knew or which by exercise of reasonable care should have known were
12 untrue or misleading.
- 13 d. Respondent has subjected his Smog Check Test Only Station License and Smog
14 Check Inspector License to discipline under Health and Safety Code sections
15 44072.10 and/or 44072.2, subdivision (d), in that he committed acts involving
16 dishonesty, fraud or deceit, whereby another was injured by issuing electronic
17 certificates of compliance for vehicles without performing bona fide inspections of
18 the emission control devices and systems.
- 19 e. Respondent has subjected his Smog Check Test Only Station License and Smog
20 Check Inspector License to discipline under Health and Safety Code sections
21 44072.10 and/or 44072.2, subdivisions (a) and (c), in that he violated sections of that
22 Code and applicable regulations, through conduct described in the Smog Program and
23 Clean Plugging Allegations, as follows:
- 24 i. Section 44012: Respondent failed to ensure that smog inspections were
25 performed on vehicles in accordance with procedures prescribed by the
26 department.

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- 1 ii. Section 44032: Respondent failed to ensure that smog inspections were
2 performed on vehicles in accordance with procedures prescribed by the
3 department.
- 4 iii. Section 3340.24, subdivision (c): Respondent falsely or fraudulently
5 issued electronic certificates of compliance to certain vehicles without
6 performing bona fide inspections of the emission control devices and
7 systems on those vehicles.
- 8 iv. Section 3340.30, subdivision (a): Respondent failed to inspect the
9 vehicles in accordance with Health and Safety Code section 44012 and
10 California Code of Regulations, title 16, section 3340.42.
- 11 v. Section 3340.41, subdivision (c): Respondent entered false information
12 about vehicles being tested into OIS.
- 13 vi. Section 3340.41, subdivision (h): Respondent had electronic devices or
14 software capable of simulating the OBD data stream from a vehicle or
15 manipulating OBD VIN, calibration identification, calibration
16 verification number, MIL status, readiness, or diagnostic trouble codes
17 collected from a vehicle during a Smog Check Inspection in the
18 approved testing area of the station.
- 19 vii. Section 3340.42: Respondent failed to conduct the required smog tests
20 and inspections on certain vehicles in accordance with the Bureau's
21 specifications.
- 22 viii. Section 3340.45: Respondent violated the procedures contained in the
23 Smog Check Manual by entering vehicle identification information for
24 vehicles that were not being tested.
- 25 ix. Section 44059: Respondent willfully made false statements in issuing
26 the Smog Certificates of compliance and on the Vehicle Inspection
27 Reports.

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 301471, issued to Respondent Tham Ngoc Tran dba NT Smog check, is revoked.

IT IS SO ORDERED that Smog Check, Test-Only, Station License No. TC 301471, issued to Respondent Tham Ngoc Tran dba NT Smog check, is revoked.

IT IS SO ORDERED that Smog Check Inspector License No. EO 641886 issued to Respondent Tham Ngoc 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 September 14, 2026.

It is so ORDERED Aug. 31, 2026



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

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DOJ Matter ID:SF2025900645

Attachment:
Exhibit A: Accusation