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

In the Matter of the Accusation Against:

Case No. 79/24-6492

**HUNG PHI QUACH;  
DBA EVOLUTION SMOG  
13718 Old Frontage Rd.  
Moreno Valley, CA 92553**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**and**

**HUNG PHI QUACH  
15446 Arlington Way  
Fontana, CA 92336**

**Automotive Repair Dealer Registration No.  
ARD 304529, Smog Check, Test-Only  
Station License No. TC 304529, Smog Check  
Inspector License No. EO 640877**

Respondent.

**FINDINGS OF FACT**

1. On or about September 11, 2024, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed Accusation No. 79/24-6492 against Hung Phi Quach; dba Evolution Smog (Respondent Evolution Smog) before the Bureau. (Accusation attached as Exhibit A.)

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1           2.     On or about December 14, 2022, the Bureau issued Automotive Repair Dealer  
2 Registration No. ARD 304529 to Respondent Evolution Smog. The Automotive Repair Dealer  
3 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
4 No. 79/24-6492 and will expire on December 31, 2024, unless renewed.

5           3.     On or about June 30, 2023, the Bureau issued Smog Check, Test-Only Station  
6 License No. TC 304529 to Hung Phi Quach; dba Evolution Smog. The Smog Check, Test-Only  
7 Station License was in full force and effect at all times relevant to the charges brought in  
8 Accusation No. 79/24-6492 and will expire on December 31, 2024, unless renewed.

9           4.     On or about January 24, 2018, the Bureau issued Smog Check Inspector License No.  
10 EO 640877 to Hung Phi Quach (Respondent Evolution Smog). The Smog Check Inspector  
11 License was in full force and effect at all times relevant to the charges brought in Accusation No.  
12 79/24-6492 and will expire on December 31, 2025, unless renewed

13           5.     On or about September 17, 2024, Respondent was served by Certified and First-Class  
14 Mail copies of the Accusation No. 79/24-6492, Statement to Respondent, Notice of Defense,  
15 Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
16 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
17 section 136, is required to be reported and maintained with the Bureau. Respondent's address of  
18 record was and is: 13718 Old Frontage Rd., Moreno Valley, CA 92553, and to an alternate  
19 address at: 15446 Arlington Way, Fontana, CA 92336.

20           6.     Service of the Accusation was effective as a matter of law under the provisions of  
21 Government Code section 11505, subdivision (c) and/or Business and Professions Code section  
22 124.

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

24                     The respondent shall be entitled to a hearing on the merits if the respondent  
25 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
26 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
27 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
28 discretion may nevertheless grant a hearing.

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1 Respondent Urzua conducted the inspections on those vehicles using the clean plugging and/or  
2 clean piping method in order to issue smog certificates of compliance and did not test or inspect the  
3 vehicles as required by Health and Safety Code section 44012.

4 b. Respondent Evolution Smog's registration is subject to disciplinary action pursuant to  
5 section 9884.7, subdivision (a)(4), in that Respondent Evolution Smog's employee Respondent  
6 Urzua committed acts which constitute fraud by issuing electronic certificates of compliance for  
7 the vehicles without performing bona fide inspections of the emission control devices and systems  
8 on those vehicles, thereby depriving the People of the State of California of the protection  
9 afforded by the Motor Vehicle Inspection Program.

10 c. Respondent Evolution Smog's smog station license is subject to disciplinary action  
11 pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health  
12 and Safety Code section 44072.10 subdivision (c), Respondent Evolution Smog failed to comply  
13 with the following sections of the Health and Safety Code: Section 44012; and Section 44015.

14 d. Respondent Evolution Smog's smog station license is subject to disciplinary action  
15 pursuant to Health and Safety Code section 44072.2, subdivision (c), Respondent Evolution  
16 Smog's employee Respondent Urzua failed to comply with the following provisions of the  
17 California Code of Regulations, Title 16, as follows: Section 3340.35, subdivision (c): and  
18 Section 3340.42.

19 e. Respondent Evolution Smog's smog station and repair license is subject to  
20 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in  
21 conjunction with Health and Safety Code section 44072.10 subdivision (c), Respondent Evolution  
22 Smog's employee Respondent Urzua committed acts involving dishonesty, fraud or deceit  
23 whereby another was injured by issuing electronic certificates of compliance for those vehicles  
24 without performing bona fide inspections of the emission control devices and systems on the  
25 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
26 Motor Vehicle Inspection Program.

1 **ORDER**

2  
3 IT IS SO ORDERED Automotive Repair Dealer Registration No. ARD 304529; Smog  
4 Check, Test-Only Station License Number TC 304529, issued to Hung Phi Quach; dba Evolution  
5 Smog; and Smog Check Inspector License Number EO 640877, issued to Hung Phi Quach, are  
6 revoked.

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

13 This Decision shall become effective on March 19, 2025.

14 It is so ORDERED March 5, 2025.

15 Original signature on file

16 \_\_\_\_\_  
17 GRACE ARUPO RODRIGUEZ  
18 Assistant Deputy Director  
19 Division of Legal Affairs  
20 Department of Consumer Affairs

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22 DOJ Matter ID:SD2024802946  
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