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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**:** **THIK THOK SMOG CHECK INC.** **LAN QUYNH MAI, President/Secretary, Treasurer** **2845 Monterey Rd/Hwy Unit 21** **SAN JOSE, CA 95111** **Automotive Repair Dealer Registration No. ARD 307636** **Smog Check Station License No. TC 307636** **LAN QUYNH MAI** **837 Berryessa Street** **Milpitas, CA 95035** **Mailing Address** **77 La Crosse Drive** **Morgan Hill, CA 95037** **Smog Check Inspector License No. EO 645167** Respondents.	Case No. 79/25-4871 **ACCUSATION**

PARTIES

1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

2. On or about November 29, 2023, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration Number ARD 307636 to Thik Thok Smog Check Inc.

(Respondent Thik Thok). Lan Quynh Mai (Respondent Mai) is the President, Secretary, and Treasurer of Respondent Thik Thok. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2026, unless renewed.

3. On or about January 9, 2024, the Bureau issued Smog Check Station License Number TC 307636 to Respondent Thik Thok. The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2026, unless renewed. On or about August 16, 2024, Respondent Thik Thok was certified as a STAR station. This certification will remain active unless the automotive repair dealer registration or smog check station license is revoked, cancelled, becomes delinquent, or the certification is suspended.

4. On or about August 26, 2024, the Bureau issued Smog Check Inspector License Number EO 645167 to Respondent Mai. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2026, unless renewed.

JURISDICTION

5. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau, under the authority of the following laws.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, and/or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

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8. Section 44002 of the Health and Safety Code provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

9. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

10. Section 9884.7 of the Code states:

> (a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:
>
> (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
>
> . . .
>
> (4) Any other conduct that constitutes fraud.
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> . . .
>
> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
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> . . .
>
> (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.
>
> . . .
>
> (e) For purposes of this section, "fraud" includes, but is not limited to, violations of this chapter involving misrepresentations and all of the following:
>
> (1) Any act or omission that is included within the definition of either "actual fraud" or "constructive fraud," as those terms are defined in Sections 1572 and 1573

of the Civil Code.

(2) A misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact.

(3) A promise or representation not made honestly and in good faith.

(4) An intentional failure to disclose a material fact.

(5) Any act in violation of Section 484 of the Penal Code.

11. Section 44012 of the Health and Safety Code states:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas, and shall ensure all of the following:

. . .

12. Section 44032 of the Health and Safety Code states:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

13. Section 44059 of the Health and Safety Code states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

14. Section 44072.2 of the Health and Safety Code states:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code, " 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

. . .

(c) Violates any of the regulations adopted by the director pursuant to this chapter.

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

. . .

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

15. Section 44072.8 of the Health and Safety Code states:

When a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

16. Section 44072.10, of the Health and Safety Code states, in pertinent part:

. . .

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

(1) Clean piping, clean plugging, clean glassing, clean tanking, or any other fraudulent inspection practice, as defined by the department.

(2) Tampering with a vehicle emission control system or test analyzer system.

(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

. . .

REGULATORY PROVISIONS

17. California Code of Regulations, title 16, section 3340.1, states:

. . .

"Clean plugging" means using a substitute vehicle's OBD system, or another source, to generate data readings or diagnostic information in order to cause the OIS to issue a certificate of compliance for the test vehicle.

. . .

18. California Code of Regulations, title 16, section 3340.24, states:

(a) Any disciplinary or reinstatement proceeding under this article involving licensed stations, licensed technicians, or fleet owners licensed pursuant to section 44020 of the Health and Safety Code shall be conducted in accordance with chapter 5

(commencing with section 11500) of division 3, Title 2 of the Government Code.

. . .

(c) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.

. . .

19. California Code of Regulations, title 16, section 3340.30, states:

A smog check technician shall comply with the following requirements at all times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

. . .

20. California Code of Regulations, title 16, section 3340.41, states:

. . .

(c) No person shall enter any vehicle identification information or emission control system identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information about the vehicle being tested.

. . .

(h) No licensed station shall have in the approved testing area at any time any electronic device or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection.

. . .

21. California Code of Regulations, title 16, section 3340.42, states:

Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

(a) All vehicles subject to a smog check inspection, shall receive one of the following test methods:

. . .

(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer. The OBD test failure criteria are specified in section

3340.42.2.

(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:

(1) A visual inspection of emission control components and systems to verify the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper operation.

22. California Code of Regulations, title 16, section 3340.45, states:

All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the Smog Check Manual, dated January 2021, which is hereby incorporated by reference.

COST RECOVERY

23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

SMOG PROGRAM AND CLEAN PLUGGING ALLEGATIONS

24. California's Smog Check Program identifies motor vehicles with excess emissions so they can be properly repaired or retired. The program has greatly reduced air pollution and helped improve the health of many Californians.

25. California's Smog Check Program requires the owners of most motor vehicles in California to take and pass a Smog Check inspection and receive a Certificate of Compliance every two years when renewing their registration and also when the vehicle's title is transferred. These inspections are performed by Smog Check Inspectors at Smog Check Stations, both of which are licensed by BAR.

26. The Smog Check inspection in certain Enhanced areas of the State is an Acceleration Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known as a BAR 97. This is a computer-based five-gas analyzer that measures Hydrocarbons, Carbon

Monoxide, Oxides of Nitrogen, Carbon Dioxide, and Oxygen. The inspection involves a test of the vehicle's tailpipe emissions on a dynamometer. In Basic areas of the State, or depending on a vehicle's configuration (all-wheel drive, traction control issue), a similar test called a Two Speed Idle (TSI) test is performed, but instead of applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the emissions at idle as well as 2500 revolutions per minute (RPM).

27. The inspector also performs visual and functional tests on the vehicle as outlined in the Smog Check Manual. The visual inspection of the emission control components verifies the required emission control devices are present and properly connected. Functional tests are also performed which, depending on the vehicle, may include checking the ignition timing, malfunction indicator light (MIL), exhaust gas recirculation (EGR) system, a low-pressure test of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas cap.

28. BAR implemented a statewide change requiring the use of the On-Board Diagnostic Inspection System (BAR-OIS) instead of the EIS for the smog testing of 2000 model year and newer gas powered and 1998 and newer diesel vehicles.

29. The newer BAR-OIS smog inspection uses a Data Acquisition Device (DAD), a computer, a bar code scanner, and printer. The DAD is a scan tool that retrieves data from a vehicle's On-Board Diagnostic-generation II (OBD II) computer. The DAD connects the BAR OIS computer to the vehicle's diagnostic link connector (DLC) to retrieve the data from the vehicle. The bar code scanner is used to input technician information, the vehicle identification number (VIN), and DMV renewal information. The printer is used to print Vehicle Inspection Reports.

30. As part of the BAR-OIS smog inspections, the technician also performs a visual and functional test on the vehicle being inspected. The visual inspection of the emission control components verifies the required emission control devices are present and properly connected and a functional test is performed of the malfunction indicator light (MIL). The BAR-OIS software makes the determination whether or not the vehicle passes the inspection based on the results of

the OBD, visual and functional tests. If the vehicle passes the inspection a certificate of compliance is issued. The information from the smog inspection is then transmitted to the Vehicle Information Data (VID).

31. Data retrieved and recorded during an OIS smog check includes: the eVIN, which is the digitally stored VIN programmed into the vehicle's Powertrain Control Module (PCM); the communication protocol, which is the manufacturer/vehicle's specific "language" the PCM uses to relay information; and Parameter Identifications (PIDs), which are specific data values each PCM uses related to emissions controls.

32. PIDs are data points reported by the vehicle on-board computer to a scan tool or BAR-OIS. Examples of PIDs are engine speed, mass air flow, manifold absolute pressure, engine temperature, and other input and output values utilized by the vehicle's on-board computer.

33. eVINs may be identified multiple times during the BAR-OIS smog inspection. A vehicle's eVin is identified by the BAR-OIS during both the static portion of the OBD II test and during the dynamic portion of the OBD II test. A vehicle's eVIN will not change between the static and dynamic portion of the OBD II test.

34. BAR can access the VID to view test data on smog check inspections performed at any Smog Check Station, or search for, retrieve, and print a test record for a particular vehicle which has been tested.

35. During an OIS inspection, engine operating parameters are retrieved from the vehicle's OBD II system and recorded to the VID. This is accomplished during the functional portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

a. Engine speed in revolutions per minute (RPM),

b. Throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle shaft. The throttle position is measured in a percentage of opening from 0% at idle to up to 100% at full throttle.

c. Manifold absolute pressure as measured by a manifold air pressure sensor (MAP) connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a

normally aspirated vehicle are as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle, and 101 kpa at full throttle (atmospheric pressure at sea level).

d. Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air intake tract. Air flow is measured in grams per second (gps).

36. During normal engine operation at idle, engine speed is relatively steady around its target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or MAF readings are also steady. For the engine speed to increase, the throttle would have to be opened to increase airflow through the engine. The engine's management systems supply fuel and spark timing appropriate to any changes in throttle position and engine speed. An increase in throttle, measured by the TPS, which increases engine RPM, would result in a corresponding increase in MAF as well as a change in MAP.

37. BAR has become aware of methods some Smog Check stations and Smog Check inspectors use to issue smog certificates to vehicles that will not pass a Smog Check test on their own, or in some instances, are not even present during the time the test is performed.

38. One method is known as "clean plugging." "Clean plugging" is the act of using one vehicle's properly functioning OBD II system, or another source such as an electronic defeat device, to generate passing data readings or diagnostic information for the purpose of issuing a smog certificate of compliance to a vehicle that is not in smog compliance and/or not being tested.

39. The BAR initiated an investigation of Respondent Thik Thok's smog check station. The investigation revealed Respondent Mai personally performed 10 smog inspections at Respondent Thik Thok's smog check station using clean-plugging methods. Respondents issued 10 certificates of compliance to the clean plugged vehicles.

40. A BAR representative closely reviewed data for the clean-plugged vehicles inspected and certified by Respondents. The data revealed that vehicles that were purportedly tested by Respondents were not and could not have been connected to the DAD during the entire portion of the OBD II inspection.

41. For 10 of the vehicles the review showed a pattern of vehicles being certified with engine operating parameters not corresponding to normal engine operation. Those vehicles received smog certificates but were not tested during the OBD II functional test. The results of those inspections are as follows.

Clean Plug 1:

42. On or about March 17, 2025, Respondents issued smog certificate # JD627469C to a 2001 Chevrolet Tahoe. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

43. The Dynamic OBD Data and Dynamic Data Charts for the 2001 Chevrolet Tahoe shows between time stamp 402 and 21616 engine speed is steady at around 550 RPM. During this time the throttle is decreasing from 4.7% to 3.5%, then remain at 3.5%, the MAP at 39kpa then increase to 46kpa, then decrease to 34kpa. The MAF is at 2.98gps, then increase to 4.87gps, then decrease to 4.34gps. At time stamp 22744 the engine speed begins to accelerate the throttle opening increase but still under the maximum value during idle, the MAP increase but lower than idle maximum value, the MAF increase but still under the maximum value during idle. Between time stamp 24352 and 39658 the engine speed is accelerated then held steady at around 2000 RPM. During this time the throttle is increase to 5.5%, then decrease to 5.1%, then decrease to 3.9% opening, The MAP increase to 39kpa, then decrease to 35kpa, then increase to 43kpa, The MAF is increasing to 4.67gps, then decrease to 2.76gps, then increase to 2.75gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 2:

44. On or about March 17, 2025, Respondents issued smog certificate # JD627473C to a 2001 Ford Mustang Cobra SVT. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

45. The Dynamic OBD Data, and Dynamic Data Charts for the 2001 Ford Mustang Cobra SVT shows between time stamp 522 and 23281 engine speed is steady at around 620 RPM. During this time the throttle is 22.7%, then decrease to 22%, then increase to 23.5% opening. The MAF is at 7.19gps, then increase to 7.31gps, then decrease to 7.41gps to 6.62gps, then decrease to around 6gps. At time stamp 23933 the engine speed begins to accelerate the throttle opening decrease and still under the maximum value during idle, the MAF decrease and still under the maximum value during idle. Between time stamp 26993 and 41913 the engine speed is accelerated then held steady at around 2250 RPM. During this time the throttle is decreasing to 22.7%, then decrease to 22% to 21.2% opening. The MAF is decreasing to 5.54gps, then increase to 7.47gps, then decrease to 7.32gps to 6.88gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 3:

46. On or about March 17, 2025, Respondents issued smog certificate # JD627480C to a 2004 Ford Mustang GT. Respondent did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

47. The Dynamic OBD Data, and Dynamic Data Charts for the 2004 Ford Mustang GT shows between time stamp 399 and 20754 engine speed is steady at around 700 RPM. During this time the throttle is at 20.4% then decrease to 19.2%, then increase to 22.7% then decrease to 20.4%. The MAF is at 4.09gps then increase to 4.17gps to 4.41gps then decrease to 3.36gps then increase to around 3.6kpa. At time stamp 21290 the engine speed begins to accelerate the throttle opening decrease and still under the maximum value during idle, the MAF increase but still under the maximum value during idle. Between time stamp 23548 and 38534 the engine speed is accelerated then held steady at around 1700 RPM. During this time the throttle is decreasing to 20% then decrease to 23.1% then decrease to 20.8% then increase to 22% opening. The MAF is increasing to 4.38gps then decrease to 3.52gps then continue to decrease to 3.41gps to 3.01gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions

and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 4:

48. On or about March 19, 2025, Respondents issued smog certificate # JD627494C to a 2001 GMC Denali. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

49. The Dynamic OBD Data, and Dynamic Data Charts for the 2001 GMC Denali shows between time stamp 351 and 20171 engine speed is steady at around 650 RPM. During this time the throttle is at 1.6% and increasing to 2.4% then decrease to 0.8 % then increase to 4.7% opening. The MAP is 34kpa then decrease to 32kpa then increase to 39kpa then decrease to 38kpa The MAF is at 7.61gps then decrease to 6.06gps then increase to 6.67gps then decrease to 6.45gps. At time stamp 20522 the engine speed begins to accelerate the throttle opening decrease and still under the maximum value during idle, the MAP decrease and under maximum value at idle, the MAF increase but still under the maximum value during idle. Between time stamp 21958 and 37445 the engine speed is accelerated then held steady at around 1550 RPM. During this time the throttle is increasing to 0.4% then increase to 2% to 5.5% then decrease to 1.2% opening. The MAP decreased to 36kpa then increase to 41kpa then decrease to 32kpa then increase to 32kpa. The MAF is increasing to 4.52gps then decrease to 3.63gps then increase to 6.69gps then decrease to 5.62gps then increase to 7.55gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 5:

50. On or about March 25, 2025, Respondents issued smog certificate # UK996004C to a 2003 Ford Windstar. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

51. The Dynamic OBD Data, and Dynamic Data Charts for the 2003 Ford Windstar shows between time stamp 383 and 18949 engine speed is steady at around 650 RPM. During this time the throttle is fixed at 15.3% opening. The MAF is also fixed at 3.82gps. At time stamp 19485 RPM increase and throttle opening remained fixed at 15.3% and MAF remained Fixed at 3.82gps. Between time stamp 23169 and 37183 the engine speed is accelerated then held steady at around 1500 RPM. During the steady elevated engine RPM, the throttle is fixed at 15.3% opening. The MAF is also fixed at 3.82gps. The steady idle and steady elevated engine speeds with the associated fixed throttle positions and subsequent fixed MAF readings with the same as idle speed parameters are not characteristic or expected for normal engine operation.

Clean Plug 6:

52. On or about March 25, 2025, Respondents issued smog certificate # UK996007C to a 2001 Ford F150. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

53. The Dynamic OBD Data, and Dynamic Data Charts for the 2001 Ford F150 shows between time stamp 392 and 17722 engine speed is steady at around 650 RPM. During this time the throttle is at 18.8% then increase to 23.1% then decrease to 20% then increase to 21.6% opening. The MAF is at 5.07gps then decrease to 4.18gps then increase to 4.27gps then decrease to 3.59gps. At time stamp 18855 the engine speed begins to accelerate the throttle opening decrease and still under the maximum value during idle, the MAF decrease and still under the maximum value during idle. Between time stamp 21586 and 36936 the engine speed is accelerated then held steady at around 1700 RPM. During this time the throttle is decreasing to 21.2% then increase to 23.9% then decrease to 19.6% then increase to 19.6% then increase to 20.8% opening. The MAF is decreasing to 2.79gps then increase to 4.28gps then increase to 4.67gps then decrease to 2.84gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 7:

54. On or about March 28, 2025, Respondents issued smog certificate # UK996050C to a 2003 Ford F150. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

55. The Dynamic OBD Data, and Dynamic Data Charts for the 2003 Ford F150 shows between time stamp 332 and 22663 engine speed is steady at around 700 RPM. During this time the throttle is at 18% then decrease to 15.3% then increase to 15.7% then decrease to 13.3% then increase to 16.5% opening. The MAF is at 4.37gps then increase to 4.43gps then decrease to 4.16gps then to 3.22gps then increase to 3.65gps. At time stamp 23012 the engine speed begins to accelerate the throttle opening decrease and still under the maximum value during idle, the MAF increase but still under the maximum value during idle. Between time stamp 25814 and 39700 the engine speed is accelerated then held steady at around 1770 RPM. During this time the throttle is decreasing to 14.9% then decreasing to 12.9% then increase to 13.3% then increase to 17.6% opening. The MAF increases to 4.92gps then decrease to 4.18gps then decrease to 2.9gps then increase to 3.63gps then decrease to 3.03gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 8:

56. On or about March 28, 2025, Respondents issued smog certificate # UM123951C to a 2003 Ford Mustang GT. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

57. The Dynamic OBD Data, and Dynamic Data Charts for the 2003 Ford Mustang GT shows between time stamp 338 and 25363 engine speed is steady at around 650 RPM. During this time the throttle is at 22.4% then decrease to 18.8% then increase to 20.8% then to 21.6% then to 23.95% opening. The MAF is at 4.09gps then increase to 4.42gps then decrease to 3.4gps then decrease to 3.32gps then increase to 4.34gps then at time stamp 25711 the engine speed begins to

accelerate the throttle opening remains steady, the MAF decrease and still under the maximum value during idle. Between time stamp 27468 and 43083 the engine speed is accelerated then held steady at around 1500 RPM. During this time the throttle remains steady 23.9% then increase to 24.3% then decrease to 22% then to19.6% then increase to 22.4% opening. The MAF is decreasing to 2.81gps then increase to 4.59gps then decrease to 3.96gps then to 3.05gps then to 2.77gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 9:

58. On or about March 31, 2025, Respondents issued smog certificate # UM123961C to a 2007 Chevrolet Silverado C3500. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

59. The Dynamic OBD Data, and Dynamic Data Charts for the 2007 Chevrolet Silverado C3500 shows between time stamp 348 and 27035 engine speed is steady at around 700 RPM. During this time the throttle is at 10.2% then decrease to 8.2% then increase to 10.6% then decrease to 6.7%. The MAP is at 34kpa then increase to 45kpa then increase to 46kpa then decrease to 40kpa. The MAF is at 6.94gps then decrease to 6.35gps then to 5.56gps then increase to around 5.93gps at time stamp 27743 the engine speed begins to accelerate the throttle opening remains steady and still under the maximum value during idle, the MAP decrease and below maximum idle value, the MAF increase but still under the maximum value during idle. Between time stamp 29145 and 45356 the engine speed is accelerated then held steady at around 1500 RPM. During this time the throttle is increasing to 7.1% then increasing to 11.4% then decrease to 8.6% then to 6.3% opening. The MAP decreasing to 38kpa then continue to decrease to 34kpa then increase to 36kpa then decrease to 32kpa then increase to 39kpa at time stamp. The MAF is increasing to 6.84gps then decrease to 5.37gps then increase to 6.45gps then increase to 6.78gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions

and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 10:

60. On or about April 5, 2025, Respondents issued smog certificate # UM348265C to a 2003 GMC Yukon Denali. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

61. The Dynamic OBD Data, and Dynamic Data Charts for the 2003 GMC Yukon Denali shows between time stamp 350 and 21368 engine speed is steady at around 700 RPM. During this time the throttle is at 9.8% then increase to 10.2% then decrease to 7.5% then increase to 11.8% opening. The MAP is at 38kpa then decrease to 35kpa then increase to 46kpa then decrease to 39kpa then decrease to around 35kpa. The MAF is at 6.06gps then increase to 7.2gps then decrease to 6.29gps then increase to 6.95gps. At time stamp 21722 the engine speed begins to accelerate the throttle opening remains steady and same opening as idle value, the MAP increase and below the maximum value at idle, the MAF decrease but still under the maximum value during idle. Between time stamp 24203 and 38517 the engine speed is accelerated then held steady at around 1900 RPM. During this time the throttle is steady at 11.8% then decreasing to 7.1% then increase to 8.2% then continue increase to 10.6% opening. The MAP is at 46kp then decrease to 42kpa then increase to 43kpa then decrease to 35kpa then continue to decrease to 32kpa. The MAF is decreasing to 6.65gps then increase to 7.35gps then decrease to 5.6gps then decrease to 5.38gps. The steady idle and steady elevated engine speeds with the associated varying throttle positions and subsequent varying MAP and/ or MAF readings are not characteristic or expected for normal engine operation.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Registration)

62. Respondent Thik Thok has subjected his Automotive Repair Dealer Registration to discipline under Code section 9884.7, subdivision (a)(1), in that Respondent made statements which he knew or which by exercise of reasonable care should have known were untrue or

misleading, as set forth above in the Smog Program and Clean Plugging Allegations. Respondent purported to test vehicles, and certified that the vehicles passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles using clean-plugging methods.

SECOND CAUSE FOR DISCIPLINE

(Fraud - Registration)

63. Respondent Thik Thok has subjected his Automotive Repair Dealer Registration to discipline under Code section 9884.7, subdivision (a)(4), in that he committed acts which constitute fraud, as set forth above in the Smog Program and Clean Plugging Allegations.

THIRD CAUSE FOR DISCIPLINE

(False or Misleading Records-Registration)

64. Respondent Thik Thok has subjected his Automotive Repair Dealer Registration to discipline under Code section 9884.7, subdivision (a)(6), in that he violated California Code of Regulations, title 16, section 3373, by creating and issuing false or misleading certificates of compliance and vehicle inspection reports for the 10 vehicles that were clean plugged as set forth above in the Smog Program and Clean Plugging Allegations. The certificates and inspection reports indicated the vehicles were tested in accordance with all Bureau requirements and the vehicles were qualified to receive certificates of compliance. This was false as the vehicles were clean plugged.

FOURTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Smog Station License)

65. Respondent Thik Thok has subjected his Smog Check Test Only Station License to discipline under Health and Safety Code sections 44072.10 and/or 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud or deceit, whereby another was injured by issuing electronic certificates of compliance for vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection

Program. Respondent participated in clean-plugging as set forth above in the Smog Program and Clean Plugging Allegations above.

FIFTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program- Smog Station Licenses)

66. Respondent Thik Thok has subjected his Smog Check Test Only Station License to discipline under Health and Safety Code sections 44072.10 and/or 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and applicable regulations, through conduct described in the Smog Program and Clean Plugging Allegations, as follows:

a. Section 44012: Respondent failed to ensure that smog inspections were performed on vehicles in accordance with procedures prescribed by the department.

b. 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.

c. Section 3340.41, subdivision (h): Respondent had electronic devices or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL status, readiness, or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection in the approved testing area of the station.

d. Section 3340.42: Respondent failed to conduct the required smog tests and inspections on certain vehicles in accordance with the Bureau's specifications.

e. 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.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Smog Inspector License)

67. Respondent Mai has subjected his Smog Check Inspector License to discipline under Health and Safety Code sections 44072.10 and/or 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud or deceit, whereby another was injured by issuing electronic

certificates of compliance for vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Respondent participated in clean-plugging as set forth above in the Smog Program and Clean Plugging Allegations above.

SEVENTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program- Smog Inspector Licenses)

68. Respondent Mai has subjected his Smog Check Test Only Station License to discipline under Health and Safety Code sections 44072.10 and/or 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and applicable regulations, through conduct described in the Smog Program and Clean Plugging Allegations, as follows:

a. Section 44032: Respondent failed to ensure that smog inspections were performed on vehicles in accordance with procedures prescribed by the department.

b. 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.

c. 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.

d. Section 3340.41, subdivision (c): Respondent entered false information about vehicles being tested into OIS.

e. Section 3340.42: Respondent failed to conduct the required smog tests and inspections on certain vehicles in accordance with the Bureau's specifications.

f. 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.

g. Section 44059: Respondent willfully made false statements in issuing the Smog Certificates of compliance and on the Vehicle Inspection Reports.

OTHER MATTERS

69. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent Thik Thok upon a finding that Respondent Thik Thok has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

70. Pursuant to Health & Safety Code section 44072.8, if Respondent Thik Thok's Smog Check Station License is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

71. Pursuant to Health & Safety Code section 44072.8, if Respondent Mai's Smog Check Inspector License is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 307636, issued to Thik Thok Smog Check Inc.;

2. Revoking or suspending Smog Check Station License Number TC 307636, issued to Thik Thok Smog Check Inc.;

3. Revoking or suspending Smog Check Inspector License Number EO 645167, issued to Lan Quynh Mai;

4. Revoking or suspending any additional Automotive Repair Dealer Registration(s) issued to Thik Thok Smog Check Inc.;

5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code to Thik Thok Smog Check Inc.;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code to Lan Quynh Mai;

7. Ordering Thik Thok Smog Check Inc. to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;

8. Ordering Lan Quynh Mai to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;

and,

9. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

Dorais, Patrick@DCA
Digitally signed by Dorais, Patrick@DCA
Date: 2026.04.14 14:01:49 -07'00'

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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