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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. 79/25-6010

13 **TUAT XUAN PHAM**  
14 **dba SKY FC**  
1168 Peach Court  
San Jose, CA 95116

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

15 **Mailing Address**  
931 Branham Lane Apt D  
San Jose, CA 95136

17 **Automotive Repair Dealer Registration No. ARD 311340**  
**Smog Check Station License No. TC 311340**

18 **TUAT XUAN PHAM**  
3623 Bridal Place Ct  
San Jose, CA 95121

20 **Smog Check Inspector License No. EO 644755**

21 Respondent.

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23 **FINDINGS OF FACT**

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25 1. On or about January 26, 2026, Complainant Patrick Dorais, in his official capacity as  
26 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation  
27 No. 79/25-6010 against Tuat Xuan Pham (Respondent) dba Sky Fc before the Director of the  
28 Department of Consumer Affairs. (The Accusation is attached as Exhibit A.)

1           1.     On or about January 27, 2025, the Bureau issued Automotive Repair Dealer  
2     Registration Number ARD 311340 to Respondent. The Automotive Repair Dealer Registration  
3     was in full force and effect at all times relevant to the charges brought herein and will expire on  
4     January 31, 2027, unless renewed.

5           2.     On or about April 3, 2025, the Bureau issued Smog Check Station License Number  
6     TC 311340 to Respondent. The Smog Check Station License was in full force and effect at all  
7     times relevant to the charges brought herein and will expire on January 31, 2027, unless renewed.  
8     The Smog Check Station License was STAR certified on July 18, 2025.

9           3.     On or about December 20, 2023, the Bureau issued Smog Check Inspector License  
10    Number EO 644755 to Respondent. The Smog Check Inspector License was in full force and  
11    effect at all times relevant to the charges brought herein and will expire on February 28, 2026,  
12    unless renewed.

13          2.     On or about January 27, 2026, Respondent was served by Certified and First Class  
14    Mail copies of the Accusation No. 79/25-6010, 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 addresses of record which, pursuant to Business and Professions Code  
17    section 136, are required to be reported and maintained with the Bureau. Respondent's addresses  
18    of record were and are:

19    931 Branham Lane Apt D

20    San Jose, CA 95136

21    and

22    3623 Bridal Place Ct

23    San Jose, Ca 95121.

24          3.     On or about January 27, 2026, Respondent was also served by Certified and First  
25    Class Mail copies of the Accusation No. 79/25-6010, Statement to Respondent, Notice of  
26    Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5,  
27    11507.6, and 11507.7) at the physical address of Respondent's Smog Check Station which was  
28    and is:

1 1168 Peach Court  
2 San Jose, CA 95116

3 4. On or about January 27, 2026, Respondent's attorney, William Ferreira, was served  
4 by Certified and First Class Mail copies of the Accusation No. 79/25-6010, Statement to  
5 Respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government  
6 Code sections 11507.5, 11507.6, and 11507.7) at his address which was and is:  
7 580 California Street  
8 San Francisco, CA 94104

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

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

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

17 7. The Bureau takes official notice of its records and the fact that Respondent failed to  
18 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
19 waived his right to a hearing on the merits of Accusation No. 79/25-6010.

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Director after  
26 having reviewed the proof of service dated January 27, 2026, signed by Jose Katigbak, finds  
27 Respondent is in default. The Director will take action without further hearing and, based on the  
28 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
finds that the charges and allegations in Accusation No. 79/25-6010, 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 Tuat Xuan Pham dba Sky Fc has subjected his Automotive Repair Dealer Registration No. ARD 311340, Smog Check Station License No. TC 311340, and Smog Check Inspector License No. EO 644755 to discipline.

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

3. The Director of the Department of Consumer Affairs is authorized to revoke Respondent's Automotive Repair Dealer Registration, Smog Check Station License and Smog Check Inspector License, 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:

- a. Respondent 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.
- b. Respondent 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.
- c. Respondent 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.
- d. Respondent has subjected his Smog Check Station License and 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 to vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the

1 State of California of the protection afforded by the Motor Vehicle Inspection  
2 Program. Respondent participated in clean-plugging.

3 e. Respondent has subjected his Smog Check Station License and Smog Check  
4 Inspector License to discipline under Health and Safety Code sections 44072.10  
5 and/or 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and  
6 applicable regulations, as follows:

- 7 i. **Section 44012:** Respondent failed to ensure that smog inspections were  
8 performed on vehicles in accordance with procedures prescribed by the  
9 department.
- 10 ii. **Section 3340.15, subdivision (a):** Respondent inspected vehicles outside of  
11 the Bureau approved work area.
- 12 iii. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued  
13 electronic certificates of compliance to certain vehicles without performing  
14 bona fide inspections of the emission control devices and systems on those  
15 vehicles.
- 16 iv. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in  
17 accordance with Health and Safety Code section 44012 and California Code  
18 of Regulations, title 16, section 3340.42.
- 19 v. **Section 3340.41, subdivision (c):** Respondent entered false information about  
20 vehicles being tested into OIS.
- 21 vi. **Section 3340.41, subdivision (h):** Respondent had electronic devices or  
22 software capable of simulating the OBD data stream from a vehicle or  
23 manipulating OBD VIN, calibration identification, calibration verification  
24 number, MIL status, readiness, or diagnostic trouble codes collected from a  
25 vehicle during a Smog Check Inspection in the approved testing area of the  
26 station.
- 27 vii. **Section 3340.42:** Respondent failed to conduct the required smog tests and  
28 inspections on certain vehicles in accordance with the Bureau's specifications.



**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**

(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Tuat Xuan Pham dba Sky Fc**

Case No.: **79/25-6010**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On January 27, 2026, I served the attached **ACCUSATION; STATEMENT TO RESPONDENT; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (X2); COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **ACCUSATION; STATEMENT TO RESPONDENT; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (X2); COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Tuat Xuan Pham, Owner  
Sky Fc  
1168 PEACH COURT  
SAN JOSE, CA 95116

9589 0710 5270 3646 9504 60

Tuat Xuan Pham dba SkyFC  
931 Branham Lane, Apt D  
San Jose, CA 95136

9589 0710 5270 3646 9504 77

Tuat Xuan Pham  
3623 BRIDAL PLACE CT  
SAN JOSE, CA 95121

9589 0710 5270 3646 9504 84

William D Ferreira, Esq  
Automotive Defense Specialists  
580 California Street, Suite 1200  
San Francisco, CA 94104

9589 0710 5270 3646 9504 91

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 27, 2026, at San Francisco, California.

\_\_\_\_\_  
Jose Katigbak

Declarant

\_\_\_\_\_  
  
Signature