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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. 77/25-19165

13 **BINH QUOC HUYNH,**
14 **OWNER/RESPONSIBLE MANAGING**
15 **EMPLOYEE**
16 **dba SAN JOSE STAR SMOG**
17 **478 Stockton Avenue A**
18 **San Jose, CA 95126**

ACCUSATION

19 **Mailing Address:**
20 **3312 Landess Avenue A**
21 **San Jose, CA 95132**

22 **Automotive Repair Dealer Registration No.**
23 **ARD 312723**
24 **Smog Check Test Only Station License No.**
25 **TC 312723,**

26 **BINH QUOC HUYNH**
27 **478 Stockton Avenue A**
28 **San Jose, CA 95126**

Mailing Address:
3312 Landess Avenue A
San Jose, CA 95132

Smog Check Inspector License No.
EO 644705,

Respondents.

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1 **PARTIES**

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

4 2. On May 15, 2025, the Bureau issued Automotive Repair Dealer Registration No.
5 ARD 312723 to Binh Quoc Huynh (Respondent Huynh), Owner/Responsible Managing
6 Employee dba San Jose Star Smog (Respondent San Jose Star Smog). This automotive repair
7 dealer registration was in full force and effect at all times relevant to the charges brought in this
8 accusation and will expire on May 31, 2026, unless renewed.

9 3. On June 2, 2025, the Bureau issued Smog Check Test Only Station License No.
10 TC 312723 to Respondent San Jose Star Smog. This smog check test only station license was in
11 full force and effect at all times relevant to the charges brought in this accusation and will expire
12 on May 31, 2026, unless renewed.

13 4. On August 19, 2025, the Bureau certified Respondent San Jose Star Smog as a
14 STAR Station. This certification will remain active unless the automotive repair dealer
15 registration or smog check station license is revoked, cancelled, becomes delinquent, or the
16 certification is invalidated.

17 5. On November 29, 2023, the Bureau issued Smog Check Inspector License No.
18 EO 644705 to Respondent Huynh. This smog check inspector license was in full force and effect
19 at all times relevant to the charges brought in this accusation and will expire on October 31, 2027,
20 unless renewed.

21 **JURISDICTION**

22 6. This accusation is brought before the Director of the Department of Consumer
23 Affairs for the Bureau under the authority of the following laws.

24 7. Business and Professions Code section 118, subdivision (b), states,
25 “The suspension, expiration, or forfeiture by operation of law of a license issued by a
26 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
27 order of a court of law, or its surrender without the written consent of the board, shall not, during
28 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its

1 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
2 provided by law or to enter an order suspending or revoking the license or otherwise taking
3 disciplinary action against the licensee on any such ground.”

4 8. Business and Professions Code section 9882, subdivision (a), states in part,
5 “There is in the Department of Consumer Affairs a Bureau of Automotive Repair under
6 the supervision and control of the director. The duty of enforcing and administering this chapter
7 is vested in the chief who is responsible to the director. The director may adopt and enforce those
8 rules and regulations that he or she determines are reasonably necessary to carry out the purposes
9 of this chapter and declaring the policy of the Bureau, including a system for the issuance of
10 citations for violations of this chapter as specified in Section 125.9.”

11 9. Business and Professions Code section 9884.13 states,
12 “The expiration of a valid registration shall not deprive the director or chief of jurisdiction
13 to proceed with any investigation or disciplinary proceeding against an automotive repair dealer
14 or to render a decision invalidating a registration temporarily or permanently.”

15 10. Business and Professions Code section 9884.22, subdivision (a), states,
16 “Notwithstanding any other provision of law, the director may revoke, suspend, or deny at
17 any time any registration required by this article on any of the grounds for disciplinary action
18 provided in this article. The proceedings under this article shall be conducted in accordance with
19 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
20 Code, and the director shall have all the powers granted therein.”

21 11. Health and Safety Code section 44002 states,
22 “The department shall have the sole and exclusive authority within the state for
23 developing and implementing the motor vehicle inspection program in accordance with this
24 chapter.

25 “For the purposes of administration and enforcement of this chapter, the department, and
26 the director and officers and employees thereof, shall have all the powers and authority granted
27 under Division 1 (commencing with Section 1) and Division 1.5 (commencing with Section 475)
28 and Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions

1 Code and under Chapter 33 (commencing with Section 3300) of Title 16 of the California Code
2 of Regulations. Inspections and repairs performed pursuant to this chapter, in addition to meeting
3 the specific requirements imposed by this chapter, shall also comply with all requirements
4 imposed pursuant to Division 1 (commencing with Section 1) and Division 1.5 (commencing
5 with Section 475) and Chapter 20.3 (commencing with Section 9880) of Division 3 of the
6 Business and Professions Code and Chapter 33 (commencing with Section 3300) of Title 16 of
7 the California Code of Regulations.”

8 12. Health and Safety Code section 44072 states,
9 “Any license issued under this chapter and the regulations adopted pursuant to it may be
10 suspended or revoked by the director. The director may refuse to issue a license to any applicant
11 for the reasons set forth in Section 44072.1. The proceedings under this article shall be conducted
12 in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2
13 of the Government Code, and the director shall have all the powers granted therein.”

14 13. Health and Safety Code section 44072.6 states,
15 “The expiration or suspension of a license by operation of law or by order or decision of
16 the director or a court of law, or the voluntary surrender of a license by a licensee shall not
17 deprive the director of jurisdiction to proceed with any investigation of, or action or disciplinary
18 proceedings against, the licensee, or to render a decision suspending or revoking the license.”

19 **STATUTORY AND REGULATORY PROVISIONS**

20 14. Business and Professions Code section 9884.7, subdivision (a), states in part,
21 “The director, where the automotive repair dealer cannot show there was a bona fide error,
22 may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer
23 for any of the following acts or omissions related to the conduct of the business of the automotive
24 repair dealer, which are done by the automotive repair dealer or any automotive technician,
25 employee, partner, officer, or member of the automotive repair dealer.

26 “(1) Making or authorizing in any manner or by any means whatever any statement
27 written or oral which is untrue or misleading, and which is known, or which by the exercise of
28 reasonable care should be known, to be untrue or misleading.

1 . . .

2 “(4) Any other conduct that constitutes fraud.

3 . . .

4 “(6) Failure in any material respect to comply with the provisions of this chapter or
5 regulations adopted pursuant to it.”

6 15. Business and Professions Code section 17200 states,

7 “As used in this chapter, unfair competition shall mean and include any unlawful, unfair
8 or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and
9 any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the
10 Business and Professions Code.”

11 16. Business and Professions Code section 17500 states in part,

12 “It is unlawful for any person, firm, corporation or association, or any employee thereof
13 with intent directly or indirectly to dispose of real or personal property or to perform services,
14 professional or otherwise, or anything of any nature whatsoever or to induce the public to enter
15 into any obligation relating thereto, to make or disseminate or cause to be made or disseminated
16 before the public in this state, or to make or disseminate or cause to be made or disseminated
17 from this state before the public in any state, in any newspaper or other publication, or any
18 advertising device, or by public outcry or proclamation, or in any other manner or means
19 whatever, including over the Internet, any statement, concerning that real or personal property or
20 those services, professional or otherwise, or concerning any circumstance or matter of fact
21 connected with the proposed performance or disposition thereof, which is untrue or misleading,
22 and which is known, or which by the exercise of reasonable care should be known, to be untrue or
23 misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so
24 made or disseminated any such statement as part of a plan or scheme with the intent not to sell
25 that personal property or those services, professional or otherwise, so advertised at the price
26 stated therein, or as so advertised.”

27 17. Health and Safety Code section 44012 states in part,

28 “The test at the smog check stations shall be performed in accordance with procedures

1 prescribed by the department and may require loaded mode dynamometer testing in enhanced
2 areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other
3 appropriate test procedures as determined by the department in consultation with the state
4 board."

5 18. Health and Safety Code section 44032 states in part,
6 "Qualified technicians shall perform tests of emission control devices and systems in
7 accordance with Section 44012."

8 19. Health and Safety Code section 44072.2 states in part,
9 "The director may suspend, revoke, or take other disciplinary action against a license as
10 provided in this article if the licensee, or any partner, officer, or director thereof, does any of the
11 following:

12 "(a) Violates any section of this chapter and the regulations adopted pursuant to it, which
13 related to the licensed activities.

14 . . .

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

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

17 . . .

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

20 20. California Code of Regulations, title 16, section 3340.24, subdivision (c), states,
21 "The Bureau may suspend or revoke the license of or pursue other legal action against a
22 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
23 certificate of noncompliance."

24 21. California Code of Regulations, title 16, section 3340.30, states in part,
25 "A licensed smog check inspector and/or repair technician shall comply with the
26 following requirements at all times while licensed:

27 "(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of
28 the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of

1 this article.”

2 22. California Code of Regulations, title 16, section 3340.35, subdivision (c), states in
3 part,

4 “A licensed station shall issue a certificate of compliance or noncompliance to the owner
5 or operator of any vehicle that has been inspected in accordance with the procedures specified in
6 section 3340.42 of this article and has all the required emission control equipment and devices
7 installed and functioning correctly.”

8 23. California Code of Regulations, title 16, section 3340.41, subdivision (c), states,
9 “No person shall enter into the emissions inspection system any vehicle identification
10 information or emission control system identification data for any vehicle other than the one
11 being tested. Nor shall any person knowingly enter into the emissions inspection system any
12 false information about the vehicle being tested.”

13 24. California Code of Regulations, title 16, section 3340.42, states in part,

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

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

18 . . .

19 “(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered
20 vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer.”

21 25. California Code of Regulations, title 16, section 3340.45, subdivision (a), states in
22 part,

23 “All Smog Check inspections shall be performed in accordance with requirements and
24 procedures prescribed.”

25 26. California Code of Regulations, title 16, section 3371, states in part,

26 “No dealer shall publish, utter, or make or cause to be published, uttered, or made any
27 false or misleading statement or advertisement which is known to be false or misleading, or
28 which by the exercise of reasonable care should be known to be false or misleading.”

27. California Code of Regulations, title 16, section 3373, states,

“No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public.”

COST RECOVERY

28. Business and Professions Code section 125.3, subdivision (a), states,

“Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board upon request of the entity bringing the proceedings, the administrative law judge may 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.”

SMOG CHECK PROGRAM

29. Beginning March 9, 2015, California's Smog Check Program requires smog inspectors and stations to use a functional computer test during smog inspections for most model year 2000 and newer gasoline and hybrid vehicles, and most 1998 and newer diesel vehicles. This test requires using a cable to connect the station's inspection system to the onboard diagnostic computer system of vehicle being tested. The inspection system then retrieves information from the vehicle's computer which is sent to the Bureau's vehicle information database. Some of this information includes:

- Engine speed in revolutions per minute (RPM)
- Throttle position measured by a throttle position sensor mounted onto the throttle shaft. Throttle position is measured in a percentage of opening ranging from near 0 percent at idle to near or 100 percent at full throttle.
- Manifold absolute pressure (MAP) measured in kilo pascals (kPa) by a manifold air pressure sensor connected to an intake manifold source. Typical readings for a normally aspirated vehicle are 25-45 kpa at idle and 101 kpa at full throttle.

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

30. During normal engine operation at idle, engine speed is relatively steady. At idle, the throttle position is steady at or near 0 percent, and the MAP and MAF readings are also steady. To increase engine speed, the throttle is opened. Opening the throttle increases the engine RPM, and also results in a corresponding increase in MAF and a change in MAP.

31. Some smog check stations and inspectors fraudulently issue smog certificates to vehicles that may not pass a smog check test or may not even be present during the test. One method to fraudulently issue certificates is "clean plugging," which is using another vehicle or another source, such as defeat devices¹, to generate passing data readings or diagnostic information for the station's inspection system.

CLEAN PLUGS

32. A Bureau representative performed a focused review of the Bureau's vehicle information database for vehicles that were issued certificates of compliance by Respondents. The representative obtained RPM, throttle position, MAP, and MAF readings for the inspections.

33. The data transmitted during at least 10 of these inspections showed that the throttle position, MAP, and MAF readings did not appropriately change after the RPM increased, which is not characteristic or expected for normal engine operation. When the RPM is increased, the throttle position should rise, the MAP should decrease, and the MAF should rise. All readings should be stable at idle and at the higher RPM, not erratic. The representative concluded that the 10 certificates issued during these inspections were fraudulent and issued by clean plugging.

Clean Plug #1

34. On October 19, 2025, Respondent Huynh issued a smog check certificate of compliance for a 2018 Jeep Grand Cherokee Trackhawk, VIN ending 163. At the beginning of the smog check, the engine speed was steady at around 550 RPM, the throttle position varied between 15.3 and 18 percent opening, and the MAP varied between 46 to 35 kPa. After the

¹ A defeat device is an outside entity such as a computer that generates false readings to "defeat" a smog check test.

1 engine speed was increased and held steady at around 1,460 RPM, the throttle position varied
2 between 12.9 and 16.1 percent opening, and the MAP varied between 46 and 35 kPa.

3 **Clean Plug #2**

4 35. On October 19, 2025, Respondent Huynh issued a smog check certificate of
5 compliance for a 2013 Audi A4 Premium, VIN ending 076. At the beginning of the smog check,
6 the engine speed was steady at around 670 RPM, the throttle position varied between 13.3 and
7 17.3 percent opening, and the MAF was steady between 10.01 to 9.93 gps. After the engine
8 speed was increased and held steady at around 1,550 RPM, the throttle position varied between
9 14.5 and 16.9 percent opening, and the MAF was steady between 9.97 and 9.93 gps.

10 **Clean Plug #3**

11 36. On October 19, 2025, Respondent Huynh issued a smog check certificate of
12 compliance for a 2009 Nissan Murano, VIN ending 579. At the beginning of the smog check, the
13 engine speed was steady at around 800 RPM, the throttle position varied between 7.5 and 11.4
14 percent opening, and the MAF was steady between 17.15 to 17.2 gps. After the engine speed was
15 increased and held steady at around 1,450 RPM, the throttle position varied between 7.5 and 10.6
16 percent opening, and the MAF was steady between 17.16 and 17.26 gps.

17 **Clean Plug #4**

18 37. On October 19, 2025, Respondent Huynh issued a smog check certificate of
19 compliance for a 2012 Nissan Altima Base, VIN ending 221. At the beginning of the smog
20 check, the engine speed was steady at around 750 RPM, the throttle position varied between 8.6
21 and 11.0 percent opening, and the MAF was steady between 13.45 to 13.54 gps. After the engine
22 speed was increased and held steady at around 1,550 RPM, the throttle position varied between
23 6.7 and 9.4 percent opening, and the MAF was steady between 13.47 and 13.52 gps.

24 **Clean Plug #5**

25 38. On October 19, 2025, Respondent Huynh issued a smog check certificate of
26 compliance for a 2003 Ford Mustang GT, VIN ending 776. At the beginning of the smog check,
27 the engine speed was steady at around 730 RPM, the throttle position varied between 23.1 and
28 19.2 percent opening, and the MAF varied between 5.37 to 7.38 gps. After the engine speed was

increased and held steady at around 1,530 RPM, the throttle position varied between 18.8 and 22.7 percent opening, and the MAF varied between 5.29 and 7.46 gps.

Clean Plug #6

39. On October 21, 2025, Respondent Huynh issued a smog check certificate of compliance for a 2009 Chevrolet Traverse LS, VIN ending 408. At the beginning of the smog check, the engine speed was steady at around 600 RPM, the throttle position varied between 34.1 and 36.9 percent opening, and the MAF was steady between 17.06 to 17.11 gps. After the engine speed was increased and held steady at around 1,550 RPM, the throttle position varied between 32.5 and 36.9 percent opening, and the MAF was steady between 16.97 and 17.08 gps.

Clean Plug #7

40. On October 21, 2025, Respondent Huynh issued a smog check certificate of compliance for a 2015 Mitsubishi Lancer GT, VIN ending 102. At the beginning of the smog check, the engine speed was steady at around 775 RPM, the throttle position varied between 15.7 and 17.6 percent opening, the MAP varied between 0 to 7 kPa, and the MAF was steady between 14.10 to 14.21 gps. After the engine speed was increased and held steady at around 1,550 RPM, the throttle position varied between 12.9 and 14.9 percent opening, the MAP varied between 0 and 9 kPa, and the MAF was steady between 14.18 and 14.23 gps.

Clean Plug #8

41. On October 21, 2025, Respondent Huynh issued a smog check certificate of compliance for a 2008 Toyota Tacoma Access Cab, VIN ending 343. At the beginning of the smog check, the engine speed was steady at around 550 RPM, the throttle position varied between 22.4 and 23.5 percent opening, and the MAF was steady between 12.82 to 12.90 gps. After the engine speed was increased and held steady at around 1,500 RPM, the throttle position decreased from 23.9 to 19.6 percent opening, and the MAF was steady between 12.85 and 12.92 gps.

Clean Plug #9

42. On October 22, 2025, Respondent Huynh issued a smog check certificate of compliance for a 2003 GMC Yukon, VIN ending 995. At the beginning of the smog check, the engine speed was steady at around 650 RPM, the throttle position was fixed at 5.1 percent

opening, the MAP was fixed at 34 kPa, and the MAF was fixed at 5.11 gps. After the engine speed was increased and held steady at around 1,625 RPM, the throttle position varied between 0.8 and 3.5 percent opening, the MAP varied between 40 and 32 kPa, and the MAF varied between 3.44 and 5.09 gps.

Clean Plug #10

43. On October 22, 2025, Respondent Huynh issued a smog check certificate of compliance for a 2003 Ford Mustang GT, VIN ending 721. At the beginning of the smog check, the engine speed was steady at around 650 RPM, the throttle position was fixed at 18 percent opening, and the MAF was fixed at 3.98 gps. After the engine speed was increased and held steady at around 1,610 RPM, the throttle position varied between 14.1 and 17.6 percent opening, and the MAF was steady between 3.52 and 4.59 gps.

CERTIFICATE SALES

44. All certificates of compliance issued by Respondent Huynh for Clean Plugs 1-10 above were purchased by Respondent San Jose Star Smog and delivered on June 4, 2025.

CAUSES FOR DISCIPLINE

Respondent San Jose Star Smog

FIRST CAUSE FOR DISCIPLINE (Automotive Repair Dealership Registration Only)

Untrue or Misleading Statements

45. Respondent San Jose Star Smog has subjected its automotive repair dealership registration to discipline for making untrue or misleading statements (Bus. & Prof. Code, § 9884.7, subd. (a)(1)). The facts are set forth in paragraphs 34-43 above.

SECOND CAUSE FOR DISCIPLINE

Fraud

46. Respondent San Jose Star Smog has subjected its automotive repair dealership registration and smog check station license to discipline for fraud (Bus. & Prof. Code, § 9884.7, subd. (a)(4); Health & Saf. Code, § 44072.2, subd. (d)). The facts are set forth in paragraphs 34-43 above.

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THIRD CAUSE FOR DISCIPLINE

Violation of Statutes and Regulations

47. Respondent San Jose Star Smog has subjected its automotive repair dealership registration and smog check test only station license to discipline for violating the Business and Professions Code, the Health and Safety Code, and regulations adopted by the Bureau (Bus. & Prof. Code, § 9884.7, subd. (a)(6); Health & Saf. Code, § 44072.2, subds. (a), (c), (d) & (h)). The facts are set forth in paragraphs 34-43 above.

a. Respondent San Jose Star Smog engaged in unfair competition (Bus. & Prof. Code, § 17200).

b. Respondent San Jose Star Smog did not perform smog tests in accordance with department procedures (Health & Saf. Code, § 44012).

c. Respondent San Jose Star Smog issued false smog certificates of compliance (Cal. Code Regs., tit. 16, § 3340.24, subd. (c)).

d. Respondent San Jose Star Smog issued smog certificates of compliance for vehicles that were not tested in accordance with department procedures (Cal. Code Regs., tit. 16, § 3340.35, subd. (c)).

e. Respondent San Jose Star Smog did not perform onboard diagnostic tests on vehicles it certified that it smog checked (Cal. Code Regs., tit. 16, § 3340.42, subd. (a)(3)).

f. Respondent San Jose Star Smog did not perform smog tests in accordance with department procedures (Cal. Code Regs., tit. 16, § 3340.45, subd. (a)).

g. Respondent San Jose Star Smog made false statements or misleading statements (Cal. Code Regs., tit. 16, § 3371).

h. Respondent San Jose Star Smog made false statements or misleading statements on a record (Cal. Code Regs., tit. 16, § 3373).

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Respondent Huynh

FOURTH CAUSE FOR DISCIPLINE

Fraud

48. Respondent Huynh has subjected his smog check inspector license to discipline for fraud (Health & Saf. Code, § 44072.2, subd. (d)). The facts are set forth in paragraphs 34-43 above.

FIFTH CAUSE FOR DISCIPLINE

Violation of Statutes and Regulations

49. Respondent Huynh has subjected his smog check inspector license to discipline for violating the Health and Safety Code and regulations adopted by the Bureau (Health & Saf. Code, § 44072.2, subds. (a), (c), (d) & (h)). The facts are set forth in paragraphs 34-43 above.

a. Respondent Huynh engaged in unfair competition (Bus. & Prof. Code, § 17200).

b. Respondent Huynh made untrue or misleading statements (Bus. & Prof. Code, § 17500).

c. Respondent Huynh did not perform smog tests in accordance with department procedures (Health & Saf. Code, § 44012).

d. Respondent Huynh did not perform tests of emission control devices and systems in accordance with department procedures (Health & Saf. Code, § 44032).

e. Respondent Huynh issued a false smog certificate of compliance (Cal. Code Regs., tit. 16, § 3340.24, subd. (c)).

f. Respondent Huynh did not perform smog tests in accordance with statutes and department procedures (Cal. Code Regs., tit. 16, § 3340.30, subd. (a)).

g. Respondent Huynh entered information and data into the onboard diagnostic inspection system for a vehicle other than the one being tested (Cal. Code Regs., tit. 16, § 3340.41, subd. (c)).

h. Respondent Huynh did not perform onboard diagnostic tests on vehicles he certified that he smog checked (Cal. Code Regs., tit. 16, § 3340.42, subd. (a)(3)).

i. Respondent Huynh did not perform smog tests in accordance with department procedures (Cal. Code Regs., tit. 16, § 3340.45, subd. (a)).

OTHER MATTERS

50. Under Business and Professions 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 San Jose Star Smog upon a finding that it has or is engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

51 Under Health & Safety Code section 44072.8, if the smog check test only station license issued to Respondent Binh Quoc Huynh, Owner/Responsible Managing Employee dba San Jose Star Smog is revoked or suspended, any additional license issued under division 26, chapter 5, part 5 of the Health and Safety Code in the name of the licensee also may be revoked or suspended by the Director.

52. Under Health & Safety Code section 44072.8, if Respondent Huynh's smog check inspector license is revoked or suspended, any additional license issued under division 26, chapter 5, part 5 of the Health and Safety Code in the name of the licensee also may be revoked or suspended by the Director.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this accusation and that following the hearing the Director issues a decision:

1. Revoking, suspending, or placing on probation Automotive Repair Dealer Registration No. ARD 312723 issued to Respondent Binh Quoc Huynh, Owner/Responsible Managing Employee dba San Jose Star Smog;

2. Revoking or suspending Smog Check Test Only Station License No. TC 312723 issued to Respondent Binh Quoc Huynh, Owner/Responsible Managing Employee dba San Jose Star Smog;

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1 3. Revoking, suspending, or placing on probation the automotive repair registration
2 for all places of business operated in this state by Respondent Huynh, owner of Respondent San
3 Jose Star Smog;

4 4. Revoking or suspending Smog Check Inspector License No. EO 644705 issued to
5 Respondent Huynh;

6 5. Revoking or suspending any additional license issued to Respondent Huynh under
7 division 26, part 5, chapter 5 of the Health and Safety Code;

8 6. Ordering Respondents San Jose Star Smog and Huynh to pay the Bureau the
9 reasonable costs of the investigation and enforcement of this case under Business and Professions
10 Code section 125.3; and

11 7. Taking such other and further action as deemed necessary and proper.

12
13 DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.02.19 14:36:22
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PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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