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7

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. 79/17-17041

13 **TUONG DINH NGUYEN, President; dba**  
14 **CARMEN AUTO CENTER, INC.**

256 Carmen Drive  
Camarillo, CA 93010

**A C C U S A T I O N**

15 Automotive Repair Dealer Registration No.  
16 ARD 271366  
17 Smog Check Station No. RC 271366

18 And

19 **JASON AMES ENGLAND**

190 Silver Fern Ct.  
Simi Valley, CA 93065

20 Smog Check Inspector License No. EO 140143  
21 Smog Check Repair Technician License No. EI  
22 140143

23 Respondents.

24 Complainant alleges:

25 **PARTIES**

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

2           2.     On or about January 7, 2013, the Bureau issued Automotive Repair Dealer  
3 Registration No. ARD 271366 to Respondent Tuong Dinh Nguyen, President, dba Carmen Auto  
4 Center, Inc. (Respondent Carmen Auto Center). The Automotive Repair Dealer Registration was  
5 in full force and effect at all times relevant to the charges brought herein and will expire on  
6 January 31, 2019, unless renewed.

7           Smog Check Station

8           3.     On or about January 16, 2013, the Bureau issued Smog Check Station License No.  
9 RC 271366 to Respondent Carmen Auto Center. The Smog Check Station License was in full  
10 forcè and effect at all times relevant to the charges brought herein and will expire on January 31,  
11 2019, unless renewed.

12           STAR Certified Station

13           4.     On or about February 13, 2013, the Bureau issued STAR Certification to Respondent  
14 Carmen Auto Center. The STAR Station Certification was in full force and effect at all times  
15 relevant to the charges brought herein and will remain active unless the ARD registration and/or  
16 the Smog Check Station license is revoked, cancelled, or the licenses become delinquent or  
17 certification is invalidated.

18           Smog Check Inspector (EO) and Smog Check Repair Technician (EI)

19           5.     In 1998, Advanced Emission Specialist (EA) Technician License No. EA 140143 was  
20 issued to Jason Ames England (Respondent England) and was due to expire on July 31, 2012;  
21 however, was cancelled on July 24, 2012. On or about July 24, 2012, the Bureau issued Smog  
22 Check Inspector License No. EO 140143 and Smog Check Repair Technician License No. EI  
23 140143 pursuant to Respondent England's election<sup>1</sup>. The Smog Check Inspector License (EO)  
24 and Smog Check Repair Technician License No. (EI) was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on July 31, 2020, unless renewed.

26 \_\_\_\_\_  
27           <sup>1</sup> Effective August 1, 2012, an Amendment to Sections 3340.28, 3340.29 and 3340.30, of  
28 Article 2, Chapter 1, Division 33, Title 16, CCR implemented a License restructure of Smog  
Check Technician (EA/EB) license types to Smog Check Inspector (EO) license and Smog Check  
Repair Technician (EI) license.

1 **JURISDICTION**

2 6. This Accusation is brought before the Director of the Department of Consumer  
3 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

4 7. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that  
5 the Director may revoke an automotive repair dealer registration.

6 8. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a  
7 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary  
8 proceeding against an automotive repair dealer or to render a decision temporarily or permanently  
9 invalidating (suspending or revoking) a registration.

10 9. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent  
11 part, that the Director has all the powers and authority granted under the Automotive Repair Act  
12 for enforcing the Motor Vehicle Inspection Program.

13 10. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or  
14 suspension of a license by operation of law, or by order or decision of the Director of Consumer  
15 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director  
16 of jurisdiction to proceed with disciplinary action.

17 **STATUTORY PROVISIONS**

18 11. Bus. & Prof. Code section 9884.7 states, in pertinent part:

19 (a) The director, where the automotive repair dealer cannot show there  
20 was a bona fide error, may refuse to validate, or may invalidate temporarily or  
21 permanently, the registration of an automotive repair dealer for any of the following  
22 acts or omissions related to the conduct of the business of the automotive repair  
23 dealer, which are done by the automotive repair dealer or any automotive technician,  
24 employee, partner, officer, or member of the automotive repair dealer.

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

28 . . . .

(4) Any other conduct that constitutes fraud.

. . . .

(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.

12. Bus. & Prof. Code section 477 provides, in pertinent part, that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or profession regulated by the Bus. & Prof. Code.

13. Section 44012 of the Health & Saf. Code provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

14. Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section 40012.

15. Health & Saf. Code section 44072.2 states, in pertinent part:

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 . . .

16. Health & Saf. Code section 44072.8 states that 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.

17. Health & Saf. Code section 44072.10 states, in pertinent part:

....

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

5 . . . .

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

8 **REGULATORY PROVISIONS**

9 18. California Code of Regulations (CCR), title 16, section 3340.15, subdivision (h),  
10 prohibits a licensed smog check station from subletting inspections or repairs required as part of  
11 the Smog Check Program.

12 19. CCR, title 16, section 3340.24, subdivision (c); states:

13 "The bureau may suspend or revoke the license of or pursue other legal action against a  
14 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
15 certificate of noncompliance."

16 20. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
17 shall at all times "[i]nspect, test and repair vehicles, as applicable, in accordance with section  
18 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42  
19 of this article."

20 21. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check  
21 station "shall issue a certificate of compliance or noncompliance to the owner or operator of any  
22 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of  
23 this article and has all the required emission control equipment and devices installed and  
24 functioning correctly."

25 22. CCR, title 16, section 3340.41, subdivision (c), states that "[n]o person shall enter  
26 into the emissions inspection system any vehicle identification information or emission control  
27 system identification data for any vehicle other than the one being tested. Nor shall any person  
28 knowingly enter into the emissions inspection system any false information about the vehicle  
being tested."

1 23. CCR, title 16, section 3340.42, sets forth specific emissions test methods and  
2 procedures which apply to all vehicles inspected in the State of California.

3 **COST RECOVERY**

4 24. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request  
5 the administrative law judge to direct a licentiate found to have committed a violation or  
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
7 and enforcement of the case.

8 **VID DATA REVIEW**

9 25. On March 9, 2015, the Bureau implemented a policy change requiring the use of  
10 an On-Board Diagnostic Inspection System (OIS) in testing of 2000 model year and newer gas  
11 powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under, and 1998 and newer  
12 diesel powered vehicles 14,000 GVW and under. The OIS Bureau Test Data lists differences in  
13 Vehicle Identification Numbers (VIN) for vehicles that have received smog inspections, in  
14 addition to communication protocol (the language used to communicate) and Parameter ID (PID)  
15 differences with vehicles that have been certified correctly that are the same make and model  
16 vehicles.

17 26. On or about October 12, 2017, Bureau representative Ian Evans initiated an  
18 investigation in which he reviewed OIS test data for Carmen Auto Center, Inc. Representative  
19 Evans' investigation revealed that the data related to certain vehicles certified by Carmen Auto  
20 Center, Inc. contained a pattern of unmistakable discrepancies between the information  
21 transmitted during the inspections and documented information known about the subject vehicles.  
22 Specifically, representative Evans compared the data received from the certified vehicles to data  
23 from vehicles of the same year, make, and model and determined that the data from at least five  
24 (5) of the certified vehicles contained the following unmistakable discrepancies: (1) incorrect  
25 eVIN; (2) incorrect vehicle communication protocols; and (3) incorrect PID counts. These  
26 documented discrepancies confirm that the vehicles receiving smog certificates from Carmen  
27 Auto Center Inc. were fraudulently tested during the smog inspection using the clean plugging  
28

1 method.<sup>2</sup> The following chart illustrates the documented clean plugging activities of  
 2 Respondents between September 3, 2015, to July 23, 2017.

Test Date	Vehicle Certified & License No.	Certificate No.	Details	OIS Test Data Details
<b>Vehicle #1</b> 9/3/2015	2005 Chevrolet Corvette Lic. 5SKP669 <sup>3</sup>	Cert. YV138099C	EO 140143 (Respondent England)	Comm. Protocol: Matched  PID Count: 45/7/8 (expected: 43, or 43/7)  eVIN: Incorrect
<b>Vehicle #2</b> 11/28/2015	2005 BMW 325 SULEV Lic. 5355KDP <sup>4</sup>	Cert. QA463062C	EO 140143 (Respondent England)	Comm. Protocol: KWPF (expected: I914)  PID Count: 23 (expected: 22/8)  eVIN: Incorrect

21  
 22 <sup>2</sup> Clean plugging refers to the use of another vehicle's properly functioning On Board  
 23 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic  
 24 readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that  
 25 are not in smog compliance and/or not present for testing.

26 <sup>3</sup> This vehicle was previously tested at another smog check station on January 17, 2017.  
 27 The OIS Test Detail for that test indicated a correct eVIN was transmitted, had the expected  
 28 communication protocol as ICAN11bt5, and transmitted a PID count as 43/7, all as expected.

<sup>4</sup> This vehicle was subsequently tested at another smog check station on October 4, 2017.  
 The OIS Test Detail for that test indicated a correct eVIN was transmitted, had the expected  
 communication protocol as I914, and transmitted a PID count as 22/8, all as expected.

1 2 3 4 5 6	<b>Vehicle #3</b> 12/26/2015	2005 BMW M3 Lic. 5LRV027 <sup>5</sup>	Cert. QC130005C	EO 140143 (Respondent England)	Comm. Protocol: ICAN11bt5 (expected: I914)  PID Count: 46/14 (expected: 22, 23, 23/1, 24, or 24/1)  eVIN: Incorrect
7 8 9 10 11	<b>Vehicle #4</b> 9/12/2016	2006 Toyota Corolla CE/LE/S Lic. 5NUC454 <sup>6</sup>	Cert. ZJ835398C	EO 140143 (Respondent England)	Comm. Protocol: ICAN11bt5 (expected: I914)  PID Count: 46 (expected: 17, or 18)  eVIN: Incorrect
12 13 14 15 16	<b>Vehicle #5</b> 7/23/2017	2003 Ford Expedition XLT Lic. 5DVJ745 <sup>7</sup>	Cert. ZZ571064C	EO 140143 (Respondent England)	Comm. Protocol: ICAN11bt5 (expected: JPWM)  PID Count: 38 (expected: 22)  eVIN: Incorrect

17 27. The data analysis conducted on Respondent Carmen Auto Center's smog check  
18 between September 3, 2015, to July 23, 2017 shows that Respondent participated in a scheme to  
19 perform at least five (5) fraudulent smog check inspections resulting in the issuance of five (5)  
20 fraudulent electronic smog check certificates of compliance.

21  
22  
23 <sup>5</sup> This vehicle was previously tested at another smog check station on February 14, 2017.  
24 The OIS Test Detail for that test indicated a correct eVIN was transmitted, had the expected  
communication protocol as I914, and transmitted a PID count as 23/1, all as expected.

25 <sup>6</sup> This vehicle was previously tested at another smog check station on September 29, 2016.  
26 The OIS Test Detail for that test indicated a correct eVIN was transmitted, had the expected  
communication protocol as I914, and transmitted a PID count as 18, all as expected.

27 <sup>7</sup> This vehicle was previously tested at another smog check station on August 14, 2015.  
28 The OIS Test Detail for that test indicated a correct eVIN was transmitted, had the expected  
communication protocol as JPWM, and transmitted a PID count as 22, all as expected.



1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 28. Respondent Carmen Auto Center's Automotive Repair Dealer Registration is subject  
4 to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that it  
5 made or authorized statements which it knew or in the exercise of reasonable care should have  
6 known to be untrue or misleading, as follows: Respondent Carmen Auto Center certified that the  
7 5 vehicles identified in paragraph 26 above, had passed inspection and were in compliance with  
8 applicable laws and regulations. In fact, Respondent Carmen Auto Center conducted the  
9 inspections of the 5 vehicles identified in paragraph 26 above, using clean-plugging methods in  
10 that it substituted or used a different vehicle(s), or another source, during the OBD II functional  
11 tests in order to issue smog certificates of compliance for the vehicles. Respondent Carmen Auto  
12 Center did not test or inspect any of the 5 vehicles as required by Health & Saf. Code section  
13 44012. Complainant refers to, and by this reference incorporates, the allegations contained in  
14 paragraphs 26 through 27, above, as though set forth fully herein.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 29. Respondent Carmen Auto Center's Automotive Repair Dealer Registration is subject  
18 to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that it  
19 committed acts that constitute fraud by issuing electronic smog certificates of compliance for the  
20 5 vehicles identified in paragraph 26 above, without performing bona fide inspections of the  
21 emission control devices and systems on the vehicles, thereby depriving the People of the State of  
22 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
23 refers to, and by this reference incorporates, the allegations contained in paragraphs 26 through  
24 27, above, as though set forth fully herein.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Material Violation of Automotive Repair Act)**

27 30. Respondent Carmen Auto Center's Automotive Repair Dealer Registration is subject  
28 to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that it

1 failed in a material respect to comply with the provisions of this chapter or regulations adopted  
2 pursuant to it when it issued electronic certificates of compliance for the 5 vehicles identified in  
3 paragraph 26 above, without performing bona fide inspections of the emission control devices  
4 and systems on those vehicles, thereby depriving the People of the State of California of the  
5 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
6 reference incorporates, the allegations contained in paragraphs 26 through 27, above, as though  
7 set forth fully herein.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Violations of the Motor Vehicle Inspection Program)**

10 31. Respondent Carmen Auto Center's Smog Check Station License is subject to  
11 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that it  
12 failed to comply with the following sections of that Code:

13 a. **Section 44012:** Respondent Carmen Auto Center failed to ensure that the emission  
14 control tests were performed on the 5 vehicles identified in paragraph 26 above, in accordance  
15 with procedures prescribed by the department.

16 b. **Section 44015:** Respondent Carmen Auto Center issued electronic smog certificates  
17 of compliance for the 5 vehicles identified in paragraph 26 above, without ensuring that the  
18 vehicles were properly tested and inspected to determine if they were in compliance with Health  
19 & Saf. Code section 44012.

20 Complainant refers to, and by this reference incorporates, the allegations contained in  
21 paragraphs 26 through 27, above, as though set forth fully herein.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Regulations Pursuant**  
24 **to the Motor Vehicle Inspection Program)**

25 32. Respondent Carmen Auto Center's Smog Check Station License is subject to  
26 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that it  
27 failed to comply with provisions of California Code of Regulations, title 16, as follows:  
28

1 a. **Section 3340.24, subdivision (c)**: Respondent Carmen Auto Center falsely or  
2 fraudulently issued electronic smog certificates of compliance for the 5 vehicles identified in  
3 paragraph 26 above.

4 b. **Section 3340.35, subdivision (c)**: Respondent Carmen Auto Center issued electronic  
5 smog certificates of compliance for the 5 vehicles identified in paragraph 26 above, even though  
6 the vehicles had not been inspected in accordance with section 3340.42.

7 c. **Section 3340.41, subdivision (c)**: Respondent Carmen Auto Center knowingly  
8 entered false information into the emissions inspection system for the 5 vehicles identified in  
9 paragraph 26 above.

10 d. **Section 3340.42**: Respondent Carmen Auto Center failed to ensure that the required  
11 smog tests were conducted on the 5 vehicles identified in paragraph 26 above, in accordance with  
12 the Bureau's specifications.

13 Complainant refers to, and by this reference incorporates, the allegations contained in  
14 paragraphs 26 through 27, above, as though set forth fully herein.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud or Deceit)**

17 33. Respondent Carmen Auto Center's Smog Check Station License is subject to  
18 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that it  
19 committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing  
20 electronic smog certificates of compliance for the 5 vehicles identified in paragraph 26 above,  
21 without performing bona fide inspections of the emission control devices and systems on the  
22 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
23 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
24 allegations contained in paragraphs 26 through 27, above, as though set forth fully herein.

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 **(Violations of the Motor Vehicle Inspection Program)**

27 34. Respondent England's Smog Check Inspector License (EO) and Smog Check Repair  
28 Technician License (EI) are subject to disciplinary action pursuant to Health & Saf. Code section

1 44072.2, subdivision (a), in that he failed to comply with section 44012 of that Code in a material  
2 respect, as follows: Respondent failed to perform the emission control tests on 5 of the vehicles  
3 identified in paragraph 26 above, in accordance with procedures prescribed by the department.  
4 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs  
5 26 through 27, above, as though set forth fully herein.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)**

8 35. Respondent England's Smog Check Inspector License (EO) and Smog Check Repair  
9 Technician License (EI) are subject to disciplinary action pursuant to Health & Saf. Code section  
10 44072.2, subdivision (c), in that he failed to comply with provisions of California Code of  
11 Regulations, title 16, as follows:

12 a. **Section 3340.24, subdivision (c)**: Respondent England falsely or fraudulently issued  
13 electronic smog certificates of compliance for 5 of the vehicles identified in paragraph 26 above.

14 b. **Section 3340.30, subdivision (a)**: Respondent England failed to inspect and test 5 of  
15 the vehicles identified in paragraph 26 above, in accordance with Health & Saf. Code sections  
16 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

17 c. **Section 3340.41, subdivision (c)**: Respondent England knowingly entered false  
18 information into the emissions inspection system for 5 of the vehicles identified in paragraph 26  
19 above.

20 d. **Section 3340.42**: Respondent England failed to conduct the required smog tests on 5  
21 of the vehicles identified in paragraph 26 above, in accordance with the Bureau's specifications.

22 Complainant refers to, and by this reference incorporates, the allegations contained in  
23 paragraphs 26 through 27, above, as though set forth fully herein.

24 **NINTH CAUSE FOR DISCIPLINE**

25 **(Dishonesty, Fraud or Deceit)**

26 36. Respondent England's Smog Check Inspector License (EO) and Smog Check Repair  
27 Technician License (EI) are subject to disciplinary action pursuant to Health & Saf. Code section  
28 44072.2, subdivision (d), in that he committed dishonest, fraudulent, or deceitful acts whereby

1 another was injured by issuing electronic smog certificates of compliance for 5 of the vehicles  
2 identified in paragraph 26 above, without performing bona fide inspections of the emission  
3 control devices and systems on the vehicles, thereby depriving the People of the State of  
4 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
5 refers to, and by this reference incorporates, the allegations contained in paragraphs 26 through  
6 27, above, as though set forth fully herein.

7 **PRIOR DISCIPLINARY ACTION**

8 37. On or about May 24, 2016, Citation #C2016-1112 was issued to Carmen Auto Center,  
9 Inc., Tuong Dinh Nguyen, President, for issuing a Certificate of Compliance to a vehicle using  
10 the BAR97 when an OBD Inspection System (OIS) was required. On June 10, 2016, a Citation  
11 Service Conference was held and the Citation was dismissed on July 11, 2016.

12 38. On or about May 24, 2016, Citation #M2016-1113 was issued to Jason Ames  
13 England for issuing a Certificate of Compliance to a vehicle using the BAR97 when an OBD  
14 Inspection System (OIS) was required. On June 20, 2016, a Citation Service Conference was  
15 held and the Citation was dismissed on August 2, 2016.

16 **OTHER MATTERS**

17 39. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the  
18 Director may suspend, revoke or place on probation the registration for all places of business  
19 operated in this state by Tuong Dinh Nguyen upon a finding that Tuong Dinh Nguyen has, or is,  
20 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
21 automotive repair dealer.

22 40. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License  
23 RC 271366, issued to Tuong Dinh Nguyen is revoked or suspended, any additional license issued  
24 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said  
25 licensee may be likewise revoked or suspended by the Director.

26 41. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License  
27 No. EO 140143 and Smog Check Repair Technician License No. EI 140143 issued to James  
28 Ames England, is revoked or suspended, any additional license issued under Chapter 5 of Part 5

1 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise  
2 revoked or suspended by the Director.

3 **PRAYER**

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

- 6 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
7 271366, issued to Carmen Auto Center, Inc., Tuong Dinh Nguyen, President;
- 8 2. Revoking or suspending any other automotive repair dealer registration issued to  
9 Carmen Auto Center, Inc., Tuong Dinh Nguyen, President;
- 10 3. Revoking or suspending Smog Check Station License Number RC 271366, issued to  
11 Respondent Carmen Auto Center, Inc., Tuong Dinh Nguyen, President;
- 12 4. Revoking or suspending any additional license under Chapter 5 of Part 5 of Division  
13 26 of the Health and Safety Code in the name of Carmen Auto Center, Inc., Tuong Dinh Nguyen,  
14 President;
- 15 5. Revoking or suspending Smog Check Inspector License No. EO 140143 issued to  
16 Respondent Jason Ames England;
- 17 6. Revoking or suspending Smog Check Repair Technician License No. EI 140143  
18 issued to Respondent Jason Ames England;
- 19 7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
20 Division 26 of the Health and Safety Code in the name of Jason Ames England;
- 21 8. Ordering Respondent Carmen Auto Center, Inc., Tuong Dinh Nguyen, President; and  
22 Respondent Jason Ames England to pay the Bureau of Automotive Repair the reasonable costs of  
23 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
24 125.3; and,

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

DATED: July 6, 2018



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

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