BEFORE THE DIRECTOR DEPARTMENT OF CONSUMER AFFAIRS BUREAU OF AUTOMOTIVE REPAIR STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KIMS SMOG TEST ONLY; JOHN SUKSOON KIM

3345 W. Olympic Blvd, #A
Los Angeles, CA 90019
Automotive Repair Dealer Registration No. ARD 213745
Smog Check, Test Only, Station License No. TC 213745

and

JOHN SUKSOON KIM 363 S. Westmoreland Ave Los Angeles, CA 90020 Advanced Emission Specialist Technician License No. EA 141598

Respondents.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective ____

512/13

Case No. 79/12-161

OAH No. 2012110159

DATED: April 12, 2013

DONALD CHÁNG Assistant Chief Counsel Department of Consumer Affairs

a	. 4	
1	Kamala D. Harris	
2	Attorney General of California KAREN B. CHAPPELLE	
3	Supervising Deputy Attorney General WILLIAM D. GARDNER	
4	Deputy Attorney General	
	State Bar No. 244817 300 So. Spring Street, Suite 1702	
5	Los Angeles, CA 90013 Telephone: (213) 897-2114	
6	Facsimile: (213) 897-2804 Attorneys for Complainant	
7	BEFOI	RE THE
8		ONSUMER AFFAIRS AUTOMOTIVE REPAIR
9		CALIFORNIA
10		1
11	In the Matter of the Accusation Against:	Case No. 79/12-161
12	KIMS SMOG TEST ONLY; JOHN	OAH No. 2012110159
13	SUKSOON KIM 3345 W. Olympic Blvd, #A	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER
14	Los Angeles, CA 90019 Automotive Repair Dealer Registration No.	
15	ARD 213745 Smog Check, Test Only, Station License No.	
16	TC 213745,	
17	and	
18	JOHN SUKSOON KIM 363 S. Westmoreland Ave	
19	Los Angeles, CA 90020 Advanced Emission Specialist Technician	
20	License No. EA 141598	
21	Respondents.	
22		
23	IT IS HEREBY STIPULATED AND AGE	REED by and between the parties to the above-
24	entitled proceedings that the following matters a	re true:
25	PAR	TIES
26		Chief of the Bureau of Automotive Repair. He
27	brought this action solely in his official capacity	
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		STIPULATED SETTLEMENT (79/12-161)

Harris, Attorney General of the State of California, by William D. Gardner, Deputy Attorney
 General.

Respondent Kims Smog Test Only; John Suksoon Kim and respondent John Suksoon
 Kim (collectively, "Respondent") are represented in this proceeding by attorney Dale J. Park,
 whose address is 3345 Wilshire Blvd., Suite 810, Los Angeles, CA 90010.

3. On a date uncertain in 2000, the Bureau of Automotive Repair issued Automotive
Repair Dealer Registration No. ARD 213745 to Kims Smog Test Only; John Suksoon Kim. The
Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
charges brought in Accusation No. 79/12-161 and will expire on November 30, 2013, unless
renewed.

4. On or about January 4, 2004, the Bureau of Automotive Repair issued Smog Check,
 Test Only, Station License No. TC 213745 to Kims Smog Test Only; John Suksoon Kim. The
 Smog Check, Test Only, Station License was in full force and effect at all times relevant to the
 charges brought in Accusation No. 79/12-161 and will expire on November 30, 2013, unless
 renewed.

5. On a date uncertain in 2001, the Bureau of Automotive Repair issued Advanced
Emission Specialist Technician License No. EA 141598 to John Suksoon Kim. The Advanced
Emission Specialist Technician License was in full force and effect at all times relevant to the
charges brought in Accusation No. 79/12-161 and will expire on October 31, 2013, unless
renewed.

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JURISDICTION

Accusation No. 79/12-161 was filed before the Director of Consumer Affairs
 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
 Respondent. The Accusation and all other statutorily required documents were properly served
 on Respondent on September 6, 2012. Respondent timely filed his Notice of Defense contesting
 the Accusation.

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	A.	
1	7. A copy of Accusation No. 79/12-161 is attached as exhibit A and incorporated herein	
2	by reference.	
3	ADVISEMENT AND WAIVERS	
4	8. Respondent has carefully read, fully discussed with counsel, and understands the	
5	charges and allegations in Accusation No. 79/12-161. Respondent has also carefully read, fully	
6	discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary	
7	Order.	
8	9. Respondent is fully aware of his legal rights in this matter, including the right to a	
9	hearing on the charges and allegations in the Accusation; the right to be represented by counsel at	
10	his own expense; the right to confront and cross-examine the witnesses against him; the right to	
11	present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel	
12	the attendance of witnesses and the production of documents; the right to reconsideration and	
13	court review of an adverse decision; and all other rights accorded by the California	
14	Administrative Procedure Act and other applicable laws.	
15	10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and	
16	every right set forth above.	
17	CULPABILITY	
18	11. Respondent admits the truth of each and every charge and allegation in Accusation	
19	No. 79/12-161.	
20	12. Respondent agrees that his Automotive Repair Dealer Registration, Smog Check	
21	Station License and his Advanced Emission Specialist Technician License are subject to	
22	discipline and he agrees to be bound by the Director's probationary terms as set forth in the	
23	Disciplinary Order below.	
24	CONTINGENCY	
25	13. This stipulation shall be subject to approval by the Director of Consumer Affairs or	
26	his designee. Respondent understands and agrees that counsel for Complainant and the staff of	
27	the Bureau of Automotive Repair may communicate directly with the Director and staff of the	
28	Department of Consumer Affairs regarding this stipulation and settlement, without notice to or	
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	STIPULATED SETTLEMENT (79/12-161)	

participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

7 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
8 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
9 effect as the originals.

10 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
integrated writing representing the complete, final, and exclusive embodiment of their agreement.
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
writing executed by an authorized representative of each of the parties.

16 In consideration of the foregoing admissions and stipulations, the parties agree that
the Director may, without further notice or formal proceeding, issue and enter the following
Disciplinary Order:

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DISCIPLINARY_ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 213745 and Smog Check, Test Only, Station License No. TC 213745 to Respondent Kims Smog Test Only; John Suksoon Kim ("Respondent station") is revoked. However, the revocation is stayed and Respondent station is placed on probation for three (3) years under the terms and conditions set forth below.

IT IS FURTHER ORDERED that Advanced Emission Specialist Technician License No.
EA 141598 to John Suksoon Kim ("Respondent technician") is revoked. However, the
revocation is stayed and Respondent technician is placed on probation for one (1) year under the
terms and conditions set forth below.

Actual Suspension. Automotive Repair Dealer Registration No. ARD 213745,
 Station License No. TC 213745 and Advanced Emission Specialist Technician License No. EA
 141598 are suspended for five (5) consecutive days to begin on the effective date of the decision.

4 2. Obey All Laws. Comply with all statutes, regulations and rules governing
5 automotive inspections, estimates and repairs.

3. Post Sign. Post a prominent sign, provided by the Bureau, indicating the beginning
and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
conspicuously displayed in a location open to and frequented by customers and shall remain
posted during the entire period of actual suspension.

4. Reporting. Respondent or Respondent's authorized representative must report in
 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
 maintaining compliance with the terms and conditions of probation.

14 5. Report Financial Interest. Within 30 days of the effective date of this action, report
15 any financial interest which any partners, officers, or owners of the Respondent facility may have
16 in any other business required to be registered pursuant to Section 9884.6 of the Business and
17 Professions Code.

18 6. Random Inspections. Provide Bureau representatives unrestricted access to inspect
19 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

7. Jurisdiction. If an accusation is filed against Respondent during the term of
probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
until the final decision on the accusation, and the period of probation shall be extended until such
decision.

8. Violation of Probation. Should the Director of Consumer Affairs determine that
 Respondent has failed to comply with the terms and conditions of probation, the Department may,
 after giving notice and opportunity to be heard, temporarily or permanently invalidate, suspend or
 revoke the licenses and registration.

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9. Continuing Education Course. During the period of probation. Respondent
 technician shall attend and successfully complete a 28-hour Bureau certified training course in
 diagnosis and repair of emission systems failures and engine performance, applicable to the class
 of license held by the Respondent. Said course shall be completed and proof of completion.
 submitted to the Bureau within 90 days of the effective date of this decision and order. If proof of
 completion of the course is not furnished to the Bureau within the 90-day period. Respondental
 license shall be immediately suspended until such proof is received.

8 10. Cost Recovery. Payment to the Bureau of \$5,335.06 for costs associated with the investigation and enforcement of this matter shall be made to the Bureau no later than 12 months 9 before Respondent station's probation terminates. Payments may be made in thirty (24) monthly 10 installments. Failure to complete payment of cost recovery within this time frame shall constitute 11 12 a violation of probation which may subject Respondent's licenses and registration to outright revocation; however, the Director or the Director's Bureau of Automotive Repair designee may 13 elect to continue probation until such time as reimbursement of the entire cost recovery amount 14 has been made to the Bureau. 15

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Dale J. Park. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, my Smog Check Station License and my Advanced Emission Specialist Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

22 23 P. I. QR. 218 DATED: 24 ONLY: JOHN SUKSOON KIM KIMS SMOG TEST JOHN SUKSOON KIM 25 Respondent 26 11. 27 28 6 STIPULATED SETTLEMENT (79 12-10)

I have read and fully discussed with Respondent Kims Smog Test Only; John Suksoon Kim 1 the terms and conditions and other matters contained in the above Stipulated Settlement and 2 Disciplinary Order. I approve its form and content. 3 4 Rame 2/11/2013 DATED: 5 Dale J. Park 6 Attorney for Respondents 7 ENDORSEMENT 8 9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully 10 submitted for consideration by the Director of Consumer Affairs. 11 Dated: 2/11/13 Respectfully submitted, 12 KAMALA D. HARRIS 13 Attorney General of California KAREN B. CHAPPELLE 14 Supervising Deputy Attorney General 15 1 16 WILLIAM D. GARDNER Deputy Attorney General 17 Attorneys for Complainant 18 19 LA2011505735 51239378.doc 20 21 22 23 24 25 26 27 28 7 STIPULATED SETTLEMENT (79/12-161)

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• 1	KAMALA D. HARRIS	
2	Attorney General of California ALFREDO TERRAZAS	
3	Senior Assistant Attorney General GREGORY J. SALUTE	
4	Supervising Deputy Attorney General State Bar No. 164015	2 2 2
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	а 1
6	Telephone: (213) 897-2520 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8		RE THE CONSUMER AFFAIRS
9	FOR THE BUREAU OF	AUTOMOTIVE REPAIR ALIFORNIA
10		
11	In the Matter of the Accusation Against:	79/12-161 Case No.
12	KIMS SMOG TEST ONLY	Case No.
12	3345 W. Olympic Blvd, #A	ACCUSATION
13	Los Angeles, CA 90019 <u>Mailing Address</u> :	
14	363 S. Westmoreland Avenue Los Angeles, CA 90020	SMOG CHECK
	JOHN ŠUKSOON KIM, OWNER Automotive Repair Dealer Registration No.	
16	ARD 213745 Smog Check Test Only Station License No.	
17	TC 213745,	
18	and	
19	JOHN SUKSOON KIM 363 S. Westmoreland Ave	
20	Los Angeles, CA 90020 Advanced Emission Specialist Technician	
21	License No. EA 141598	
22	Respondents.	
23		
24	Complainant alleges:	
25	PAR	TIES
26	1. John Wallauch ("Complainant") brin	gs this Accusation solely in his official capacity
27	as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.	
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1	Automotive Repair Dealer Registration	
2	2. On a date uncertain in 2000, the Bureau issued Automotive Repair Dealer	
3	Registration Number ARD 213745 ("registration") to John Suksoon Kim ("Respondent Kim"),	
4	doing business as Kims Smog Test Only. The registration was in full force and effect at all times	
5	relevant to the charges brought herein and will expire on November 30, 2012, unless renewed.	
6	Smog Check Test Only Station License	
7	3. On or about January 4, 2004, the Bureau issued Smog Check Test Only Station	
8	License Number TC 213745 ("station license") to Respondent Kim. The station license was in	
9	full force and effect at all times relevant to the charges brought herein and will expire on	
10	November 30, 2012, unless renewed.	
11	Advanced Emission Specialist Technician License	
12	4. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist	
13	Technician License Number EA 141598 ("technician license") to Respondent Kim. The	
14	technician license was in full force and effect at all times relevant to the charges brought herein	
15	and will expire on October 31, 2013, unless renewed.	
16	STATUTORY PROVISIONS	
17	5. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent	
18	part:	
19	(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the	
20	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	
21	by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.	
22	(1) Making or authorizing in any manner or by any means whatever any	
23	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.	
24	(4) Any other conduct that constitutes fraud.	
25	(b) Except as provided for in subdivision (c), if an automotive repair	
26	dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of	
27 28	the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.	
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1	(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.	
3	adopted pursuant to it.	
4	6. Code section 118, subdivision (b) states:	
5	The suspension, expiration, or forfeiture by operation of law of a license	
6	issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written	
7	consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by	
8	law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.	
. 9	enserptimary action against the neonsee on any such ground.	
10	7. Code section 9884.13 provides, in pertinent part, that the expiration of a valid	
11	registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary	
12	proceeding against an automotive repair dealer or to render a decision invalidating a registration	
13	temporarily or permanently.	
14	8. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"	
15	"commission," "committee," "department," "division," "examining committee," "program," and	
16	"agency." "License" includes certificate, registration or other means to engage in a business or	
17	profession regulated by the Code.	
18	9. Section 44002 of the Health and Safety Code provides, in pertinent part, that the	
19	Director has all the powers and authority granted under the Automotive Repair Act for enforcing	
20	the Motor Vehicle Inspection Program.	
21	10. Section 44072.2 of the Health and Safety Code states, in pertinent part:	
22	The director may suspend, revoke, or take other disciplinary action	
23	against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:	
24	(a) Violates any section of this chapter [the Motor Vehicle Inspection	
25	Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.	
26	(c) Violates any of the regulations adopted by the director pursuant to	
27	this chapter.	
28	(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.	
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1	11. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the	
2	expiration or suspension of a license by operation of law, or by order or decision of the Director	
3	of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive	
4	the Director of jurisdiction to proceed with disciplinary action.	
5	12. Section 44072.8 of the Health and Safety Code states:	
6	When a license has been revoked or suspended following a hearing under this article, any additional license issued under this sharter in the neuron of the	
7	this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.	
8	COST RECOVERY	
9	13. Code section 125.3 provides, in pertinent part, that a Board may request the	
10	administrative law judge to direct a licentiate found to have committed a violation or violations of	
11	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and	
12	enforcement of the case.	
13	UNDERCOVER OPERATION – OCTOBER 13, 2011	
14	14. On or about October 13, 2011, a Bureau undercover operator drove a Bureau-	
15	documented 2000 Chrysler Cirrus to Respondent Kim's facility and requested a smog inspection.	
16	The vehicle could not pass the visual portion of a smog inspection because the vehicle's positive	
17	crankcase ventilation ("PCV") system was missing. The operator signed and received a copy of	
18	the work order prior to the smog inspection. Charlie Won Yu, also known as Che Won Yu, a	
19	licensed smog technician, performed the smog inspection and issued electronic Certificate of	
20	Compliance No. for that vehicle. The operator paid \$60 for the smog inspection and	
21	received a copy of Invoice No. and the Vehicle Inspection Report.	
22	FIRST CAUSE FOR DISCIPLINE	
23	(Misleading Statements)	
24	15. Respondent Kim has subjected his registration to discipline under Code section	
25	9884.7, subdivision (a)(1), in that on or about October 13, 2011, he made statements which he	
26	knew or which by exercise of reasonable care he should have known were untrue or misleading	
27	when he issued electronic Certificate of Compliance No. for the 2000 Chrysler Cirrus,	
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1	certifying that the vehicle was in compliance with applicable laws and regulations when, in	
2	fact, the vehicle's PCV system was missing.	
3	SECOND CAUSE FOR DISCIPLINE	
4	(Fraud)	
5	16. Respondent Kim has subjected his registration to discipline under Code section	
6	9884.7, subdivision (a)(4), in that on or about October 13, 2011, he committed acts which	
7	constitute fraud by issuing electronic Certificate of Compliance No.	
8	Chrysler Cirrus without performing a bona fide inspection of the emission control devices and	
9	systems on that vehicle, thereby depriving the People of the State of California of the protection	
10	afforded by the Motor Vehicle Inspection Program.	
11	THIRD CAUSE FOR DISCIPLINE	
12	(Violation of the Motor Vehicle Inspection Program)	
13	17. Respondent Kim has subjected his station license to discipline under Health and	
14	Safety Code section 44072.2, subdivision (a), in that on or about October 13, 2011, regarding the	
15	2000 Chrysler Cirrus, he violated sections of that Code, as follows:	
16	a. Section 44012, subdivision (a): Respondent Kim failed to determine that all	
17	emission control devices and systems required by law were installed and functioning correctly in	
18	accordance with test procedures.	
19	b. Section 44012, subdivision (f): Respondent Kim failed to perform emission control	
20	tests on that vehicle in accordance with procedures prescribed by the department.	
21	c. Section 44015, subdivision (b): Respondent Kim issued electronic Certificate of	
22	Compliance No. without properly testing and inspecting that vehicle to determine if it	
23	was in compliance with section 44012 of that Code.	
24	FOURTH CAUSE FOR DISCIPLINE	
25	(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)	
26	18. Respondent Kim has subjected his station license to discipline under Health and	
27	Safety Code section 44072.2, subdivision (c), in that on or about October 13, 2011, regarding the	
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1	2000 Chrysler Cirrus, he violated sections of the California Code of Regulations, title 16, as	
2	follows:	
3	a. Section 3340.35, subdivision (c): Respondent Kim issued electronic Certificate of	
4	Compliance No. even though that vehicle had not been inspected in accordance with	
5	section 3340.42 of that Code.	
6	b. Section 3340.42: Respondent Kim failed to conduct the required smog tests and	
7	inspections on that vehicle in accordance with the Bureau's specifications.	
8	FIFTH CAUSE FOR DISCIPLINE	
	(Dishonesty, Fraud or Deceit)	
10	19. Respondent Kim subjected his station license to discipline under Health and Safety	
11	Code section 44072.2, subdivision (d), in that on or about October 13, 2011, regarding the 2000	
12	Chrysler Cirrus, he committed acts involving dishonesty, fraud or deceit whereby another was	
13	injured by issuing electronic Certificate of Compliance No.	
14	performing a bona fide inspection of the emission control devices and systems on the vehicle,	
15	thereby depriving the People of the State of California of the protection afforded by the Motor	
16	Vehicle Inspection Program.	
17	PRIOR CITATIONS	
18	20. To determine the degree of penalty, if any, to be imposed upon Respondent Kim,	
19	Complainant alleges as follows:	
20	a. On July 2, 2002, the Bureau issued Citation No. C03-0009 to Respondent Kim	
21	against his registration and station licenses for violations of Health and Safety Code section	
22	44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)	
23	and California Code of Regulations, title 16, ("Regulation"), section 3340,35, subdivision (c)	
24	(issuing a certificate of compliance to a vehicle improperly tested). Respondent Kim issued a	
25	certificate of compliance to a Bureau vehicle with a missing PCV system. The Bureau assessed a	
26	civil penalty of \$500. Respondent Kim complied with this citation on July 26, 2002.	
27	b. On June 9, 2008, the Bureau issued Citation No. C08-1080 to Respondent Kim	
28	against his registration and station licenses for violations of Health and Safety Code section	
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44012, subdivision (f) (failure to perform a visual/functional check of emission control devices) and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). Respondent Kim issued a certificate of compliance to a Bureau vehicle with a missing air injection system. The Bureau assessed a civil penalty of \$500. Respondent Kim complied with this citation on July 1, 2008.

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c. On October 12, 2010, the Bureau issued Citation No. C2011-0438 to Respondent
Kim against his registration and station licenses for violations of Health and Safety Code section
44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
improperly tested). Respondent Kim issued a certificate of compliance to a Bureau vehicle with a
missing fuel evaporative canister. The Bureau assessed a civil penalty of \$1,500. Respondent
Kim complied with this citation on October 25, 2010.

d. On June 29, 2011, the Bureau issued Citation No. C2011-1517 to Respondent Kim
against his registration and station licenses for violations of Health and Safety Code section
44012, subdivision (f) (failure to determine that emission control devices and systems required by
State and Federal law are installed and functioning correctly). Respondent Kim issued a
certificate of compliance to a Bureau vehicle with the ignition timing adjusted beyond the
manufacturer's specifications. The Bureau assessed a civil penalty of \$1,500. Respondent Kim
complied with this citation on August 3, 2011.

e. On July 2, 2002, the Bureau issued Citation No. M03-0110 to Respondent Kim 20 against his technician license for violations of Health and Safety Code section 44032, (qualified 21 technicians shall perform tests of emission control systems and devices in accordance with 22 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section 23 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in 24 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section 25 3340.42). Respondent Kim issued a certificate of compliance to a Bureau vehicle with a missing 26 PCV system. Respondent Kim was required to attend an 8-hour training course. Respondent 27 $\overline{28}$ Kim complied with this citation on August 13, 2002.

f. On June 9, 2008, the Bureau issued Citation No. M08-1081 to Respondent Kim 1 2 against his technician license for violations of Health and Safety Code section 44032, (qualified technicians shall perform tests of emission control systems and devices in accordance with 3 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section .4 3340.30, subdivision (a) (gualified technicians shall inspect, test, and repair vehicles in 5 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section 6 7 3340.42). Respondent Kim issued a certificate of compliance to a Burcau vehicle with a missing aid injection system. Respondent Kim was required to attend an 8-hour training course. 8 13 Respondent Kim complied with this citation on July 2, 2008. و در الشرور الراق

On October 12, 2010, the Bureau issued Citation No. M2011-0439 to Respondent 10 g. Kim against his technician license for violations of Health and Safety Code section 44032, 11 (qualified technicians shall perform tests of emission control systems and devices in accordance 12 with section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") 13 section 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in 14 accordance with sections 44012 and 44035 of the Health and Safety Code and California Code of 15 Regulation section 3340.42). Respondent Kim issued a certificate of compliance to a Bureau 16 vehicle with a missing fuel evaporative canister. Respondent Kim was required to attend a 16-17 hour training course. Respondent Kim complied with this citation on October 27, 2010. 18

h. On June 29, 2011, the Bureau issued Citation No. M2011-1518 to Respondent Kim
against his technician license for violations of Health and Safety Code section 44032, (qualified
technicians shall perform tests of emission control systems and devices in accordance with
section 44012 of that Code). Respondent Kim issued a certificate of compliance to a Bureau
vehicle with the ignition timing adjusted beyond the manufacturer's specifications. Respondent
Kim was required to attend a Basic Clean Air Car Course. Respondent Kim complied with this
citation on September 2, 2011.

OTHER MATTERS

27 21. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
28 or permanently or refuse to validate, the registrations for all places of business operated in this

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1	state by to John Suksoon Kim, upon a finding that he has, or is, engaged in a course of repeated	
2	and willful violations of the laws and regulations pertaining to an automotive repair dealer.	
3	22. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station	
4	License Number TC 213745, issued to John Suksoon Kim, doing business as Kims Smog Test.	
5	Only, is revoked or suspended, any additional license issued under this chapter in the name of	
6	said licensee may be likewise revoked or suspended by the director, including but not limited to	
7	Advanced Emission Specialist Technician License Number EA 141598, issued to John Suksoon	
8	Kim.	
9	PRAYER	
10	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
11	and that following the hearing, the Director of Consumer Affairs issue a decision:	
12	1. Revoking, suspending, or placing on probation Automotive Repair Dealer	
13	Registration Number ARD 213745, issued to John Suksoon Kim, doing business as Kims Smog	
14	Test Only;	
15	2. Revoking, suspending or placing on probation any other automotive repair dealer	
16	registration issued to John Suksoon Kim;	
17	3. Revoking or suspending Smog Check Test Only Station License Number TC 213745,	
18	issued to John Suksoon Kim, doing business as Kims Smog Test Only;	
19	4. Revoking or suspending any additional license issued under Chapter 5 of the Health	
20	and Safety Code in the name of John Suksoon Kim, including but not limited to Advanced	
21	Emission Specialist Technician License Number EA 141598, issued to John Suksoon Kim;	
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75	1	5. Ordering John Suksoon Kim to pay the Bureau of Automotive Repair the reasonable
	2	costs of the investigation and enforcement of this case, pursuant to Business and Professions
	3	Code section 125.3; and,
5 11 6 12	- 4-	6. Taking such other and further action as deemed necessary and proper.
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	7	DATED June 7 2012 Stoh Wallouph
	8	JOHN WALLAUCH
en s	9	Chief Bureau of Automotive Repair
	10	Department of Consumer Affairs State of California
	11	Complainant
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