

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.

Case No. 79/12-161

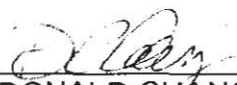
OAH No. 2012110159

**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 5/2/13.

DATED: April 12, 2013

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 WILLIAM D. GARDNER  
Deputy Attorney General  
4 State Bar No. 244817  
300 So. Spring Street, Suite 1702  
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*Attorneys for Complainant*  
7

8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**

10  
11 In the Matter of the Accusation Against:  
12 **KIMS SMOG TEST ONLY; JOHN**  
**SUKSOON KIM**  
13 **3345 W. Olympic Blvd, #A**  
**Los Angeles, CA 90019**  
14 **Automotive Repair Dealer Registration No.**  
**ARD 213745**  
15 **Smog Check, Test Only, Station License No.**  
**TC 213745,**  
16  
**and**  
17  
**JOHN SUKSOON KIM**  
18 **363 S. Westmoreland Ave**  
**Los Angeles, CA 90020**  
19 **Advanced Emission Specialist Technician**  
**License No. EA 141598**  
20

21 Respondents.

Case No. 79/12-161

OAH No. 2012110159  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

22  
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
24 entitled proceedings that the following matters are true:

25 PARTIES

26 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He  
27 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
28

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

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

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

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

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

21 JURISDICTION

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

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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

1 participation by Respondent or his counsel. By signing the stipulation, Respondent understands  
2 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the  
3 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the  
4 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
5 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
6 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  
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
13 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
15 writing executed by an authorized representative of each of the parties.

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

19 **DISCIPLINARY ORDER**

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

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

1           1.     **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 213745,  
2 Station License No. TC 213745 and Advanced Emission Specialist Technician License No. EA  
3 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.

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

10          4.     **Reporting.** Respondent or Respondent's authorized representative must report in  
11 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
12 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
13 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.

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

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

28     ///




1 9. **Continuing Education Course.** During the period of probation, Respondent  
2 technician shall attend and successfully complete a 28-hour Bureau certified training course in  
3 diagnosis and repair of emission systems failures and engine performance, applicable to the class  
4 of license held by the Respondent. Said course shall be completed and proof of completion  
5 submitted to the Bureau within 90 days of the effective date of this decision and order. If proof of  
6 completion of the course is not furnished to the Bureau within the 90-day period, Respondent's  
7 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  
9 investigation and enforcement of this matter shall be made to the Bureau no later than 12 months  
10 before Respondent station's probation terminates. Payments may be made in thirty (24) monthly  
11 installments. Failure to complete payment of cost recovery within this time frame shall constitute  
12 a violation of probation which may subject Respondent's licenses and registration to outright  
13 revocation; however, the Director or the Director's Bureau of Automotive Repair designee may  
14 elect to continue probation until such time as reimbursement of the entire cost recovery amount  
15 has been made to the Bureau.

16 **ACCEPTANCE**

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

23  
24 DATED: 2/8/13

  
25 \_\_\_\_\_  
26 KIMS SMOG TEST ONLY; JOHN SUKSOON KIM  
27 JOHN SUKSOON KIM  
28 Respondent

1 I have read and fully discussed with Respondent Kims Smog Test Only; John Suksoon Kim  
2 the terms and conditions and other matters contained in the above Stipulated Settlement and  
3 Disciplinary Order. I approve its form and content.

4  
5 DATED: 2/11/2013



6 Dale J. Park  
7 Attorney for Respondents

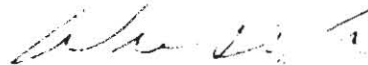
8 ENDORSEMENT

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

12 Respectfully submitted,

13 KAMALA D. HARRIS  
14 Attorney General of California  
15 KAREN B. CHAPPELLE  
16 Supervising Deputy Attorney General



17 WILLIAM D. GARDNER  
18 Deputy Attorney General  
19 *Attorneys for Complainant*

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3 GREGORY J. SALUTE  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
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8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**

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11 In the Matter of the Accusation Against:

Case No. 79/12-161

12 **KIMS SMOG TEST ONLY**  
13 **3345 W. Olympic Blvd, #A**  
**Los Angeles, CA 90019**  
**Mailing Address:**  
14 **363 S. Westmoreland Avenue**  
**Los Angeles, CA 90020**  
15 **JOHN SUKSOON KIM, OWNER**  
**Automotive Repair Dealer Registration No.**  
16 **ARD 213745**  
**Smog Check Test Only Station License No.**  
17 **TC 213745,**

**ACCUSATION**  
**SMOG CHECK**

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 **PARTIES**

26 1. John Wallauch ("Complainant") brings this Accusation solely in his official capacity  
27 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

28 ///

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  
20 was a bona fide error, may deny, suspend, revoke, or place on probation the  
21 registration of an automotive repair dealer for any of the following acts or omissions  
22 related to the conduct of the business of the automotive repair dealer, which are done  
23 by the automotive repair dealer or any automotive technician, employee, partner,  
24 officer, or member of the automotive repair dealer.

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

25                           (4) Any other conduct that constitutes fraud.

26                           (b) Except as provided for in subdivision (c), if an automotive repair  
27 dealer operates more than one place of business in this state, the director pursuant to  
28 subdivision (a) shall only suspend, revoke, or place on probation the registration of  
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.

1 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or  
2 place on probation the registration for all places of business operated in this state by  
3 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,  
4 engaged in a course of repeated and willful violations of this chapter, or regulations  
5 adopted pursuant to it.

6 6. Code section 118, subdivision (b) states:

7 The suspension, expiration, or forfeiture by operation of law of a license  
8 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
9 order of the board or by order of a court of law, or its surrender without the written  
10 consent of the board, shall not, during any period in which it may be renewed,  
11 restored, reissued, or reinstated, deprive the board of its authority to institute or  
12 continue a disciplinary proceeding against the licensee upon any ground provided by  
13 law or to enter an order suspending or revoking the license or otherwise taking  
14 disciplinary action against the licensee on any such ground.

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

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

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

26 10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

27 The director may suspend, revoke, or take other disciplinary action  
28 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.



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  
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. [REDACTED] for that vehicle. The operator paid \$60 for the smog inspection and  
21 received a copy of Invoice No. [REDACTED] 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. [REDACTED] for the 2000 Chrysler Cirrus,

28 ///

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. [REDACTED] for the 2000  
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. [REDACTED] 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

28 ///

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. [REDACTED] 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**

9 **(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. [REDACTED] for that vehicle without  
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



1 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)  
2 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle  
3 improperly tested). Respondent Kim issued a certificate of compliance to a Bureau vehicle with a  
4 missing air injection system. The Bureau assessed a civil penalty of \$500. Respondent Kim  
5 complied with this citation on July 1, 2008.

6 c. On October 12, 2010, the Bureau issued Citation No. C2011-0438 to Respondent  
7 Kim against his registration and station licenses for violations of Health and Safety Code section  
8 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)  
9 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle  
10 improperly tested). Respondent Kim issued a certificate of compliance to a Bureau vehicle with a  
11 missing fuel evaporative canister. The Bureau assessed a civil penalty of \$1,500. Respondent  
12 Kim complied with this citation on October 25, 2010.

13 d. On June 29, 2011, the Bureau issued Citation No. C2011-1517 to Respondent Kim  
14 against his registration and station licenses for violations of Health and Safety Code section  
15 44012, subdivision (f) (failure to determine that emission control devices and systems required by  
16 State and Federal law are installed and functioning correctly). Respondent Kim issued a  
17 certificate of compliance to a Bureau vehicle with the ignition timing adjusted beyond the  
18 manufacturer's specifications. The Bureau assessed a civil penalty of \$1,500. Respondent Kim  
19 complied with this citation on August 3, 2011.

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

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

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

19 h. On June 29, 2011, the Bureau issued Citation No. M2011-1518 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). Respondent Kim issued a certificate of compliance to a Bureau  
23 vehicle with the ignition timing adjusted beyond the manufacturer's specifications. Respondent  
24 Kim was required to attend a Basic Clean Air Car Course. Respondent Kim complied with this  
25 citation on September 2, 2011.

#### 26 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

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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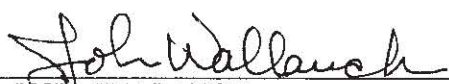
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5. Ordering John Suksoon Kim to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,  
6. Taking such other and further action as deemed necessary and proper.

DATED: June 7 2012



JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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