

MATTHEW RODRIQUEZ
Acting Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General
JULIANNE MOSSLER
Deputy Attorney General
State Bar No. 243749
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 879-1349
Facsimile: (510) 622-2270
E-mail: Julianne.Mossler@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 79/21-1830

ERIC MICHAEL BEAUTZ
565 Rizzo Court
Santa Cruz, CA 95062

ACCUSATION

Smog Check Inspector License No. EO
137842
Smog Check Repair Technician License No.
EI 137842

Respondent.

PARTIES

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

2. On or about April 30, 2013, the Bureau issued Smog Check Inspector License Number EO 137842 to Eric Michael Beautz (Respondent). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought in this Accusation, and will expire on May 31, 2021, unless renewed.

3. On or about April 30, 2013, the Bureau issued Smog Check Repair Technician

1 License Number EI 137842 to Respondent. The Smog Check Repair Technician License was in
2 full force and effect at all times relevant to the charges brought in this Accusation, and will expire
3 on May 31, 2021, unless renewed.

4 **JURISDICTION**

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

7 5. Section 118, subdivision (b), of the Code provides that the
8 suspension/expiration/surrender/cancellation of a license shall not deprive the
9 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
10 within which the license may be renewed, restored, reissued or reinstated.

11 6. Section 477 of the Code provides, in relevant part, that Board includes bureau,
12 commission, committee, department, division, examining committee, program, and agency.
13 License includes certificate, registration or other means to engage in a business or profession
14 regulated by the Code.

15 7. Section 44002 of the Health and Safety Code provides, in relevant part, that the
16 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
17 the Motor Vehicle Inspection Program.

18 8. Section 44072.6 of the Health and Safety Code provides, in relevant part, that the
19 expiration or suspension of a license by operation of law, or by order or decision of the Director
20 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
21 the Director of jurisdiction to proceed with disciplinary action.

22 **STATUTORY PROVISIONS**

23 9. Section 44045.6 of the Health and Safety Code states in relevant part:

24 . . .

25 (c) The department may require remedial training at a certified training facility or
26 may take disciplinary action, whichever the department determines to be the most
27 appropriate, for any licensed technician who the department determines cannot perform
28 inspections, testing, or repairs as required under the program. The failure to complete the
remedial training when required by the department shall be a ground for revocation or
suspension of a smog check technician's license under Section 44072.2.

28 . . .

10. Section 44050 of the Health and Safety Code states in relevant part:

...

(e) Failure to comply with an order of abatement or payment of an administrative fine issued by the department pursuant to this section is grounds for suspension or revocation of the license, or placing the licensee on probation.

...

11. Section 44072.2 of the Health and Safety Code states in relevant 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.

...

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 3340.24, states in relevant part:

...

(d) The bureau may suspend or revoke the license of or pursue other legal action against a licensee that fails to complete retraining when required by the department, pursuant to section 44045.6 of the Health and Safety Code.

COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

14. On November 5, 2019, Respondent was issued Citation No. M2019-1944 and Order

1 of Abatement directing him to complete an 8-hour BAR Certified Citation Training Course and
2 pay a \$500.00 penalty amount.

3 15. The citation was served on Respondent during a Service Conference on December 18,
4 2019, and became effective on January 19, 2020.

5 16. On February 18, 2020, the Bureau received a request for informal office conference.
6 The request was denied because it was 30 days late.

7 17. In a letter dated August 5, 2020, the Bureau informed Respondent that it had not
8 received proof of training as required by the Order of Abatement. Respondent was asked to
9 provide proof of training within 30 days.

10 18. On September 23, 2020, Respondent submitted payment for the administrative fine,
11 along with a document that purported to be a Certificate of Course Completion for the mandated
12 8-hour BAR Certified Citation Training Course. The Certificate showed a completion date of
13 January 15, 2020. Bureau staff noted anomalies on the Certificate related to the date on the
14 Certificate, and that it bore a striking resemblance to a Certificate of Course Completion that
15 Respondent submitted in 2018. The anomalies on the Certificate prompted an investigation into
16 its validity.

17 19. According to the Bureau's Standards and Training Unit, Respondent did not enroll in
18 or complete a training course related to the January 15, 2020 Certificate.

19 20. To date, Respondent has not completed the training mandated by Citation No.
20 M2019-1944 and Order of Abatement.

21 **FIRST CAUSE FOR DISCIPLINE**
22 (Failure to Complete Remedial Training)
(Health & Saf. Code, §§ 44045.6, subd. (c), 44072.2)

23 21. Respondent has subjected his Smog Check Inspector License and Smog Check Repair
24 Technician License to disciplinary action under Health & Safety Code sections 44045.6,
25 subdivision (c), and 44072.2, in that he failed to complete the remedial training when required by
26 the Bureau. The circumstances are set forth in paragraphs 14 through 20, above.

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

(Failure to Comply with Order of Abatement)
(Health & Saf. Code, § 44050, subd. (e))

22. Respondent has subjected his Smog Check Inspector License and Smog Check Repair Technician License to disciplinary action under Health & Safety Code section 44072.2 in that he failed to comply with an order of abatement issued by the Bureau. The circumstances are set forth in paragraphs 14 through 20, above.

MATTERS IN AGGRAVATION

23. On June 23, 2017, Respondent was issued Citation No. M2017-1307 and Order of Abatement directing him to complete an 8-hour BAR Certified Citation Training Course. The training was completed on August 19, 2017.

OTHER MATTERS

24. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 137842 and/or Smog Check Repair Technician License Number EI 137842 issued to Eric Michael Beautz is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code issued in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Revoking or suspending Smog Check Inspector License Number EO 137842, issued to Eric Michael Beautz;

2. Revoking or suspending Smog Check Repair Technician License Number EI 137842 issued to Eric Michael Beautz;

3. Revoking or suspending any other license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code;

4. Ordering Eric Michael Beautz to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Code section 125.3; and,

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

DATED: As of Digital Signature Date

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