

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

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ERIC MICHAEL BEAUTZ

565 Risso Court

Santa Cruz, CA 95062

Smog Check Inspector No. EO 137842

Smog Check Repair Technician License No. EI 137842

Respondent.

Case No. 79/21-1830

OAH No. 2021060866

DECISION

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

This Decision shall become effective on October 27, 2021.

DATED: Sept. 20, 2021



GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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10 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA
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14 In the Matter of the Accusation Against:
15 **ERIC MICHAEL BEAUTZ**
16 **565 Riso Court**
Santa Cruz, CA 95062
17 **Smog Check Inspector License No.**
EO137842
18 **Smog Check Repair Technician License No.**
EI137842
19
20 Respondent.

Case No. 79/21-1830

OAH No. 2021060866

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
25 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
26 Rob Bonta, Attorney General of the State of California, by Julianne Mossler, Deputy Attorney
27 General.

28 2. Respondent Eric Michael Beautz (Respondent) is representing himself in this

1 proceeding and has chosen not to exercise his right to be represented by counsel.

2 3. On or about April 30, 2013, the Bureau issued Smog Check Inspector License No.
3 EO137842 to Respondent. The Smog Check Inspector License was in full force and effect at all
4 times relevant to the charges brought in Amended Accusation No. 79/21-1830, and will expire on
5 May 31, 2023, unless renewed.

6 4. On or about April 30, 2013, the Bureau issued Smog Check Repair Technician
7 License No. EI137842 to Eric Michael Beautz (Respondent). The Smog Check Repair
8 Technician License was in full force and effect at all times relevant to the charges brought in
9 Amended Accusation No. 79/21-1830, and will expire on May 31, 2023, unless renewed.

10 **JURISDICTION**

11 5. Accusation No. 79/21-1830 was filed before the Director of the Department of
12 Consumer Affairs (Director). The Accusation and all other statutorily required documents were
13 properly served on Respondent on April 29, 2021. Respondent timely filed his Notice of Defense
14 contesting the Accusation. An Amended Accusation No. 79/21-1830 was filed before the
15 Director on May 10, 2021. The Amended Accusation and all other statutorily required
16 documents were properly served on Respondent on May 13, 2021. The Amended Accusation is
17 currently pending against Respondent.

18 6. A copy of Amended Accusation No. 79/21-1830 is attached as exhibit A and
19 incorporated by reference.

20 **ADVISEMENT AND WAIVERS**

21 7. Respondent has carefully read, and understands the charges and allegations in
22 Amended Accusation No. 79/21-1830. Respondent has also carefully read, and understands the
23 effects of this Stipulated Settlement and Disciplinary Order.

24 8. Respondent is fully aware of his legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Amended Accusation; the right to be represented by
26 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
27 the right to present evidence and to testify on his own behalf; the right to the issuance of
28 subpoenas to compel the attendance of witnesses and the production of documents; the right to

1 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 **CULPABILITY**

6 10. Respondent admits the truth of each and every charge and allegation in Amended
7 Accusation No. 79/21-1830.

8 11. Respondent agrees that his Smog Check Inspector License is subject to discipline and
9 he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order
10 below.

11 **CONTINGENCY**

12 12. This stipulation shall be subject to approval by the Director or the Director's
13 designee. Respondent understands and agrees that counsel for Complainant and the staff of the
14 Bureau of Automotive Repair may communicate directly with the Director and staff of the
15 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
16 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
17 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director
18 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and
19 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
20 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director
21 shall not be disqualified from further action by having considered this matter.

22 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
24 signatures thereto, shall have the same force and effect as the originals.

25 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 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.

15. 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:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Smog Check Inspector License No. EO137842 issued, and Smog Check Repair Technician License No. EI137842 to Respondent Eric Michael Beautz are revoked. However, the revocations are stayed and Respondent is placed on probation for one (1) year on the following terms and conditions:

1. **Obey All Laws.** During the period of probation, Respondent shall comply with all federal and state statutes, regulations and rules governing all BAR registrations and licenses held by Respondent.

2. **Quarterly Reporting.** During the period of probation, Respondent shall report either by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

3. **Report Financial Interests.** Respondent shall, within 30 days of the effective date of the decision and within 30 days from the date of any request by BAR during the period of probation, report any financial interest which any Respondent or any partners, officers, or owners of any Respondent facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

4. **Access to Examine Vehicles and Records.** Respondent shall provide BAR representatives unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Respondent shall also provide BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

5. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction

1 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure
2 and return, and of the dates of cessation and resumption of business in California. All provisions
3 of probation other than cost reimbursement requirements, restitution requirements, training
4 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
5 time of 30 days or more in which Respondent is not residing or engaging in business within the
6 jurisdiction of California. All provisions of probation shall recommence on the effective date of
7 resumption of business in California. Any period of time of 30 days or more in which Respondent
8 is not residing or engaging in business within the jurisdiction of California shall not apply to the
9 reduction of this probationary period or to any period of actual suspension not previously
10 completed. Tolling is not available if business or work relevant to the probationary license or
11 registration is conducted or performed during the tolling period.

12 **6. Violation of Probation.** If Respondent violates or fails to comply with the terms and
13 conditions of probation in any respect, the Director, after giving notice and opportunity to be
14 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
15 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall
16 maintain jurisdiction, and the period of probation shall be extended until final resolution of the
17 matter.

18 **7. Maintain Valid License.** Respondent shall, at all times while on probation, maintain
19 a current and active registration and/or license(s) with BAR, including any period during which
20 suspension or probation is tolled. If Respondent's registration or license is expired at the time the
21 decision becomes effective, the registration or license must be renewed by Respondent within 30
22 days of that date. If Respondent's registration or license expires during a term of probation, by
23 operation of law or otherwise, then upon renewal Respondent's registration or license shall be
24 subject to any and all terms and conditions of probation not previously satisfied. Failure to
25 maintain a current and active registration and/or license during the period of probation shall also
26 constitute a violation of probation.

27 **8. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$7,091.22
28 for the reasonable costs of the investigation and enforcement of case No. 79/21-1830.

Respondent shall make such payment as follows: Respondent shall make monthly payments of \$1,181.87. Respondent shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for case No. 79/21-1830. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. BAR reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

9. **Completion of Probation.** Upon successful completion of probation, Respondent's affected registration and/or license will be fully restored or issued without restriction, if Respondent meets all current requirements for registration or licensure and has paid all outstanding fees, monetary penalties, or cost recovery owed to BAR.

10. **License Surrender.** Following the effective date of a decision that orders a stay of invalidation or revocation, if Respondent ceases business operations or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request that the stay be vacated. Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right to evaluate the Respondent's request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the decision. Respondent may not petition the Director for reinstatement of the surrendered registration and/or license, or apply for a new registration or license under the jurisdiction of BAR at any time before the date of the originally scheduled completion of probation. If Respondent applies to BAR for a registration or license at any time after that date, Respondent must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

11. **Notification to Employer.** When performing services that fall within the scope of his or her license, Respondent shall provide each of his or her current or future employers a copy of the decision and the underlying Amended Accusation before commencing employment. Notification to Respondent's current employer shall occur no later than the effective date of the

1 decision. Respondent shall submit to BAR, upon request, satisfactory evidence of compliance
2 with this term of probation.

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
5 stipulation and the effect it will have on my Smog Check Inspector License, and Smog Check
6 Repair Technician License. I enter into this Stipulated Settlement and Disciplinary Order
7 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
8 Director of the Department of Consumer Affairs.

9
10 DATED: 8/30/2021

Signed Copy on File

ERIC MICHAEL BEAUTZ

Respondent

12 **ENDORSEMENT**

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
14 submitted for consideration by the Director of the Department of Consumer Affairs.

15 DATED: 8/30/2021

Respectfully submitted,

17 ROB BONTA

Attorney General of California

18 DIANN SOKOLOFF

Supervising Deputy Attorney General

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20 JULIANNE MOSSLER

21 Deputy Attorney General

Attorneys for Complainant

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