

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

In the Matter of the Accusation Against:

DOUGLAS S. DEEM dba J & M SMOG & AUTO

31200 Highway 74

Homeland, CA 92548

Automotive Repair Dealer Registration No. ARD 243037

Smog Check Station License No. RC 243037

DOUGLAS SHERMAN DEEM

1451 River Stone Ct.

Hemet, CA 90545

Smog Check Inspector License No. EO 153686

Smog Check Repair Technician License No. EI 153686

CAITLIN JEAN MILLER

25839 2nd St.

Hemet, CA 92544

Smog Check Inspector License No. EO 632292

Smog Check Repair Technician License No. EI 632292

Respondents.

Case No. 79/16-18469

DECISION

The attached Stipulated Settlement and Disciplinary Order as to Respondent DOUGLAS SHERMAN DEEM, dba J & M SMOG & AUTO only 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 February 14, 2020.

DATED: Dec 20, 2019



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

1 XAVIER BECERRA
Attorney General of California
2 CARL W. SONNE
Supervising Deputy Attorney General
3 THEODORE S. DRGAR
Deputy Attorney General
4 State Bar No. 174951
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9517
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9
10 BEFORE THE
11 DEPARTMENT OF CONSUMER AFFAIRS
12 FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

13
14 In the Matter of the Accusation Against:

15 **DOUGLAS S. DEEM,**
16 **DBA J & M SMOG & AUTO**
31200 Hwy 74
Homeland, CA 92548

17 Automotive Repair Dealer Registration No.
18 ARD 243037
Smog Check Station License No. RC 243037

19 **DOUGLAS SHERMAN DEEM**
20 1451 River Stone Court
Hemet, CA 90545

21 Smog Check Inspector License No. EO
22 153686
Smog Check Repair Technician License No.
23 EI 153686,

24 and

25 **CAITLIN JEAN MILLER**
25839 2nd St.
Hemet, CA 92544
26 Smog Check Inspector License No. EO
27 632292

28 Respondents.

Case No. 79/16-18469

OAH No. 2019060425

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER,
DOUGLAS SHERMAN DEEM,
DBA J & M SMOG & AUTO**

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

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
5 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
6 Xavier Becerra, Attorney General of the State of California, by Theodore S. Dracar, Deputy
7 Attorney General.

8 2. Respondent Douglas Sherman Deem, doing business as J & M Smog & Auto
9 (Respondent) is represented in this proceeding by attorney Michael B. Levin, Esq., whose address
10 is: 3727 Camino del Rio South, Suite 200, San Diego, CA 92108-4035.

11 3. In 2005, the Bureau issued Automotive Repair Dealer registration number ARD
12 243037 to Respondent. The Automotive Repair Dealer Registration was in full force and effect at
13 all times relevant to the charges brought in Accusation No. 79/16-18469 and will expire on
14 December 31, 2019, unless renewed.

15 4. On or about March 15, 2006, the Bureau issued Smog Check Station License No. RC
16 243037 to Respondent. The Smog Check Station License will expire on December 31, 2019,
17 unless renewed.

18 5. In 2006, the Bureau issued Advanced Emission Specialist Technician License No. EA
19 153686 to Respondent. The Advanced Emission Specialist Technician License expired on
20 November 30, 2012, and was cancelled on November 30, 2012. Pursuant to California Code of
21 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to
22 Respondent's election, as Smog Check Inspector License No. EO 153686, effective November
23 30, 2012 and as Smog Check Repair Technician License No. EI 153686, effective December 17,
24 2012. Respondent's smog check inspector and smog check repair technician licenses were in full
25 force and effect at all times relevant to the charges brought in Accusation No. 79/16-18469, and
26 will expire on November 30, 2020, unless renewed.

27 6. This settlement only applies to the foregoing licenses held by Respondent. This
28 stipulation specifically does not apply to Respondent Caitlin Jean Miller.

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the Automotive Repair Dealer Registration number ARD 243037, the Smog Check Station License number RC 243037, the Smog Check Inspector License No. EO 153686, and the Smog Check Repair Technician License No. EI 153686 issued to Respondent Douglas Sherman Deem are revoked. However, revocations are stayed and Respondent's registration and licenses are placed on probation for five (5) years 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. **Posting of Sign.** During the period of suspension, Respondent shall prominently post a sign or signs, provided by BAR, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign or signs shall be conspicuously displayed in a location or locations open to and frequented by customers. The location(s) of the sign(s) shall be approved by BAR and shall remain posted during the entire period of actual suspension.

3. **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.

4. **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.

5. **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.

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

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

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

1 9. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$6,222.11
2 for the reasonable costs of the investigation and enforcement of case No. 79/16-18469.
3 Respondent shall make such payment in no more than 48 monthly payments. Any agreement for a
4 scheduled payment plan shall require full payment to be completed no later than six (6) months
5 before probation terminates. Respondent shall make payment by check or money order payable to
6 the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost
7 recovery payment for case No. 79/16-18469. Any order for payment of cost recovery shall
8 remain in effect whether or not probation is tolled. Probation shall not terminate until full cost
9 recovery payment has been made. BAR reserves the right to pursue any other lawful measures in
10 collecting on the costs ordered and past due, in addition to taking action based upon the violation
11 of probation.

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

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

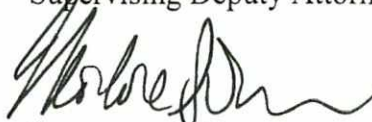
ENDORSEMENT

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

DATED: 10/11/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CARL W. SONNE
Supervising Deputy Attorney General



THEODORE S. DR CAR
Deputy Attorney General
Attorneys for Complainant

SD2017802466
72020442.docx

Exhibit A

Accusation No. 79/16-18469

1 XAVIER BECERRA
Attorney General of California
2 ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
3 THEODORE S. DRCAR
Deputy Attorney General
4 State Bar No. 174951
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9517
7 Facsimile: (619) 645-2061
E-mail: Ted.Drcar@doj.ca.gov
8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13
14 **DOUGLAS S. DEEM,**
dba J & M SMOG & AUTO
31200 Highway 74
15 **Homeland, CA 92548**
16 **Automotive Repair Dealer Registration No.**
ARD 243037
17 **Smog Check Station License No. RC 243037**
18 **DOUGLAS SHERMAN DEEM**
1451 River Stone Ct.
19 **Hemet, CA 90545**
20 **Smog Check Inspector License No. EO**
153686
21 **Smog Check Repair Technician License No.**
EI 153686
22 **CAITLIN JEAN MILLER**
23 **25839 2nd St.**
Hemet, CA 92544
24 **Smog Check Inspector License No. EO**
25 **632292**
Smog Check Repair Technician License No.
26 **EI 632292**
27 Respondents.

Case No. 79/16-18469

ACCUSATION

1 Complainant alleges:

2 **PARTIES**

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

5 **Douglas S. Deem, dba J & M Smog & Auto**

6 2. In 2005, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer
7 (ARD) Registration Number ARD 243037 to Douglas S. Deem, aka Douglas Sherman Deem
8 (Respondent Deem or Deem), dba J & M Smog & Auto. The Automotive Repair Dealer
9 Registration was in full force and effect at all times relevant to the charges brought herein and
10 will expire on December 31, 2018, unless renewed.

11 3. On or about March 15, 2006, the Bureau issued Smog Check Station License Number
12 RC 243037 to Respondent Deem. The Smog Check Station License was in full force and effect at
13 all times relevant to the charges brought herein and will expire on December 31, 2018, unless
14 renewed.

15 4. In 2006, the Director issued Advanced Emission Specialist Technician License
16 Number EA 153686 to Deem. Deem's advanced emission specialist technician license was
17 expired and was cancelled on November 30, 2012. Pursuant to California Code of Regulations,
18 title 16, section 3340.28, subdivision(e), the license was renewed, pursuant to Deem's election, as
19 Smog Check Inspector License No. EO 153686, effective November 30, 2012.¹ The Smog Check
20 Inspector License was in full force and effect at all times relevant to the charges brought herein
21 and will expire on November 30, 2020, unless renewed.

22 5. On or about December 17, 2012, the Bureau issued Smog Check Repair Technician
23 License Number EI 153686 to Deem. The Smog Check Repair Technician License was in full
24 force and effect at all times relevant to the charges brought herein but expired on November 30,
25 2018, and has not been renewed.

26 _____
27 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 17. Section 44002 of the H&S Code provides, in pertinent part, that the Director has all
2 the powers and authority granted under the Automotive Repair Act for enforcing the Motor
3 Vehicle Inspection Program.

4 18. Section 44012 of the H&S Code states in pertinent parts:

5 The test at the smog check stations shall be performed in accordance with procedures
6 prescribed by the Bureau . . . The department shall ensure, as appropriate to the test
7 method, the following:

8 (a) Emission control systems required by state and federal law are reducing excess
9 emissions in accordance with the standards adopted pursuant to subdivisions (a) and
10 (c) of Section 44013.

11 ...

12 (d) For other than diesel-powered vehicles, the vehicle's fuel evaporative system and
13 crankcase ventilation system are tested to reduce any nonexhaust sources of volatile
14 organic compound emissions, in accordance with procedures prescribed by the
15 Bureau.

16 ...

17 (f) A visual or functional check is made of emission control devices specified by the
18 department . . . The visual or functional check shall be performed in accordance with
19 procedures prescribed by the Bureau.

20 19. Section 44014 of the H&S Code states in pertinent part:

21 (a) Except as otherwise provided in this chapter, the testing and repair portion of the
22 program shall be conducted by smog check stations licensed by the department, and
23 by smog check technicians who have qualified pursuant to this chapter.

24 20. Section 44015 of the H&S Code states in pertinent part:

25 (a) A licensed smog check station shall not issue an electronic smog certificate of
26 compliance, except as authorized by this chapter, to any vehicle that meets the
27 following criteria:

28 (1) A vehicle that has been tampered with.

 ...

 (b) If a vehicle meets the requirements of Section 44012, a Smog Check Station
Licensed to issue certificates shall issue an electronic smog certificate of compliance
or a certificate of noncompliance.

 21. Section 44032 of the H&S Code states:

No person shall perform, for compensation, tests or repairs of emission control
devices or systems of motor vehicles required by this chapter unless the person
performing the test or repair is a qualified smog check technician and the test or

1 repair is performed at a licensed smog check station. Qualified technicians shall
2 perform tests of emission control devices and systems in accordance with Section
3 44012.

4 22. Section 44035, subdivision (a), of the H&S Code states in pertinent part:

5 A smog check station's license or a qualified smog check technician's qualification
6 may be suspended or revoked by the department, after a hearing, for failure to meet or
7 maintain the standards prescribed for qualification, equipment, performance, or
8 conduct.

9 23. Section 44072.2 of the H&S Code states, in pertinent part:

10 The director may suspend, revoke, or take other disciplinary action against a license
11 as provided in this article if the licensee, or any partner, officer, or director thereof,
12 does any of the following:

13 (a) Violates any section of this chapter [the Motor Vehicle Inspection Program (H&S
14 Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to
15 the licensed activities.

16 (c) Violates any of the regulations adopted by the director pursuant to this chapter.

17 (d) Commits any act involving dishonesty, fraud, or deceit whereby another is
18 injured.

19 ...

20 (f) Aids or abets unlicensed persons to evade the provisions of this chapter.

21 ...

22 (h) Violates or attempts to violate the provisions of this chapter relating to the
23 particular activity for which he or she is licensed.

24 24. Section 44072.6 of the H&S Code provides, in pertinent part, that the expiration or
25 suspension of a license by operation of law, or by order or decision of the Director of Consumer
26 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
27 of jurisdiction to proceed with disciplinary action.

28 25. H&S Code section 44072.10 states, in pertinent part:

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

...

(2) Tampering with a vehicle emissions control system or test analyzer system.

1 (3) Tampering with a vehicle in a way that would cause it to falsely pass or falsely
2 fail an inspection.

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

5 **REGULATIONS**

6 26. California Code of Regulations, title 16 (Regulation(s)), section 3340.15 states in
7 pertinent part:

8 A smog check station shall meet the following requirements for licensure and shall
9 comply with these requirements at all times while licensed.

10 . . .

11 (b) . . . Testing and/or repairing of vehicles pursuant to the Smog Check Program
12 shall be performed by a licensed inspector and/or repair technician, consistent with
13 their license classification.

14 . . .

15 (e) The station shall make, keep secure, and have available for inspection on request
16 of the bureau, or its representative, legible records showing the station's transactions
17 as a licensee for a period of not less than three years after completion of any
18 transaction to which the records refer. All records shall be open for reasonable
19 inspection and/or reproduction by the bureau or its representative. Station records
20 required to be maintained shall include copies of:

21 (1) All certificates of compliance and certificates of noncompliance in stock and/or
22 issued,

23 (2) Repair orders relating to the inspection and repair activities, and

24 (3) Vehicle inspection reports generated either manually or by the emissions
25 inspection system. . . .

26 27. Regulation section 3340.24, subdivision (c), states:

27 (c) The bureau may suspend or revoke the license of or pursue other legal action
28 against a licensee, if the licensee falsely or fraudulently issues or obtains an electronic
smog certificate of compliance or a certificate of noncompliance.

29 28. Regulation section 3340.30 states in pertinent part:

30 A licensed smog check inspector and/or repair technician shall comply with the
31 following requirements at all times while licensed:

32 (a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012
33 of the Health and Safety Code, section 44035 of the Health and Safety Code, and
34 section 3340.42 of this article.

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

...

(d) Upon expiration of the inspector and/or repair technician license immediately cease to inspect, test, or repair failed vehicles, as applicable.

29. Regulation section 3340.35 states in pertinent part:

(c) A licensed station shall issue an electronic smog certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly. ...

(d) No person shall sell, issue, cause or permit to be issued any certificate purported to be a valid certificate of compliance or noncompliance unless duly licensed to do so.

30. Regulation section 3340.41 states in pertinent part:

(b) No person shall enter into the BAR-97 Emissions Inspection System or the OBD Inspection System any access or qualification number other than as authorized by the bureau, nor in any way tamper with the BAR-97 Emissions Inspection System or the OBD Inspection System.

31. Regulation section 3340.42 states in pertinent part:

Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

...

(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:

(1) A visual inspection of emission control components and systems to verify the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper operation.

32. Regulation section 3340.45 states in pertinent part:

(a) All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed by the following:

(2) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This manual shall become effective on or after January 1, 2013.

///
///

1 33. Regulation section 3373 states:

2 No automotive repair dealer or individual in charge shall, in filling out an estimate,
3 invoice, or work order, or record required to be maintained by section 3340.15(e) of
4 this chapter, withhold therefrom or insert therein any statement or information which
5 will cause any such document to be false or misleading, or where the tendency or
6 effect thereby would be to mislead or deceive customers, prospective customers, or
7 the public.

8 COST RECOVERY

9 34. Section 125.3 of the Code 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 #1: 1991 JEEP

14 35. On October 28, 2016, the Bureau conducted an undercover operation with a 1991
15 Jeep (Jeep) at Deem's facility. The Jeep had a gap in the hose between the fuel tank and the pipe
16 going to the vent orifice on the Jeep's EVAP canister, which created a gross leak that would
17 cause the Jeep to fail the Low Pressure Fuel Evaporative Tester (LPFET) functional test² which is
18 required as part of a smog check inspection.

19 36. The Bureau's undercover operator drove to Deem's facility and asked for a smog
20 inspection of the 1991 Jeep. Deem provided a written estimate to perform the smog check. The
21 operator remained in the customer waiting room during the test. He observed that Deem did not
22 leave the office, but could not see who performed the test. The operator observed Respondent
23 Miller hand Deem some paperwork related to the test.

24 37. The operator was informed that the Jeep passed inspection, he paid for the smog
25 check and certificate, and was given documentation including a Vehicle Inspection Report (VIR)
26 and a Certificate of Compliance. The VIR was signed by Deem, and the VIR indicated that the
27 inspection was performed by Deem himself and listed Deem's Smog Check Inspector License

28 ² The LPFET test is performed on 1995 and older vehicles. During the smog check, the
Fuel Evaporative Test machine is connected to the vehicle and tests the integrity of the vehicle's
fuel evaporative system. The Fuel Evaporative Test machine gives a result of pass or fail, which
the technician enters into the BAR-97 Emissions Inspection System (EIS).

1 number EO 153686. The VIR claimed that a LPFET test was performed with a passing result, and
2 that the fuel cap passed visual and functional tests. Likewise, the data sent to the Bureau's
3 Vehicle Information Database (VID) for the Jeep's smog check indicated that the fuel cap visual,
4 fuel cap functional test³ and LPFET test were all performed with passing results, and that Deem
5 was the inspector who performed the inspection.

6 38. Videotaped surveillance revealed that the Jeep's fuel door was never opened during
7 the smog check, and that the LPFET equipment was not connected to the Jeep during the smog
8 check. The fuel cap is inside the fuel door, and it has to be removed to test the functional fuel cap
9 leak-down test. Video surveillance revealed that Respondent Miller was the technician who
10 performed the Jeep's smog check. Her license had expired on June 30, 2016, and was not
11 renewed until December 2, 2016.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 39. Respondent Deem's registration is subject to disciplinary action pursuant to Code
15 section 9884.7, subdivision (a)(1), in that Deem made or authorized statements which he knew or
16 in the exercise of reasonable care should have known to be untrue or misleading as follows:
17 Deem certified that he had inspected the Jeep, but the inspection was performed by Miller; he
18 certified that visual and functional tests of the fuel cap had been performed, but the fuel door to
19 the fuel cap was never opened; and he certified that the Jeep had passed the LPFET test, but it
20 was never performed.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 40. Respondent Deem's registration is subject to disciplinary action pursuant to Code
24 section 9884.7, subdivision (a)(4), in that Deem committed acts which constitute fraud by issuing
25 an electronic smog certificate of compliance for the Jeep without performing bona fide inspection
26 and testing of the emission control devices and systems on the vehicle; and by falsely claiming

27 ³ The functional test of the fuel cap involves removing it from the vehicle and connecting
28 it to a fuel cap receptacle on the smog machine which pressurizes the system to determine if any
pressure is lost through the cap.

1 that he, a licensed inspector, had performed the smog check, thereby depriving the People of the
2 State of California of the protection afforded by the Motor Vehicle Inspection Program.

3 **THIRD CAUSE FOR DISCIPLINE**

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

5 41. Respondent Deem's Smog Check Station License is subject to disciplinary action
6 pursuant to H&S Code section 44072.2, subdivision (a), in that Respondent Deem failed to
7 comply with provisions of the Code, as follows:

8 a. **Section 44012, subdivision (d):** Deem failed to perform the LPFET functional test
9 on the Jeep.

10 b. **Section 44012, subdivision (f):** Deem failed to perform a visual inspection to ensure
11 that a fuel cap was in place on the Jeep and failed to perform a fuel cap functional test on the
12 Jeep, in accordance with procedures prescribed by the Bureau.

13 c. **Sections 44014, subdivision (a) and 44032:** Deem failed to use a qualified smog
14 check technician to test the Jeep, because Miller's Smog Check Inspector License had expired on
15 June 30, 2016, and was not renewed until December 2, 2016.

16 d. **Section 44015, subdivision (a):** Deem issued an electronic smog certificate of
17 compliance for the Jeep without properly testing and inspecting it to determine if it was in
18 compliance with H&S Code section 44012.

19 e. **Section 44072.2, subdivision (f):** By certifying that he had performed testing and
20 inspection of the Jeep, Deem aided and abetted Miller in evading the requirements of sections
21 44012 and 44032 that testing and inspection be performed by a qualified technician.

22 **FOURTH CAUSE FOR DISCIPLINE**

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

24 42. Respondent Deem's Smog Check Station License is subject to disciplinary action
25 pursuant to H&S Code section 44072.2, subdivision (c), in that Deem failed to comply with
26 provisions of the Regulations, as follows:

27 ///

28 ///

1 c. **Section 3340.41, subdivision (b):** Deem permitted Miller to access the Bureau's
2 Emissions Inspection System for the Jeep's smog check using Deem's inspector license
3 identification.

4 d. **Section 3340.42, subdivision (b):** Deem failed to conduct required visual and
5 functional inspections on the Jeep in accordance with the Bureau's specifications.

6 e. **Section 3340.45, subdivision (a):** Deem failed to conduct the Jeep's smog check in
7 accordance with the requirements of the Smog Check Manual.

8 f. **Section 3373:** Deem created a false and misleading record by issuing an electronic
9 smog certificate of compliance that falsely stated the Jeep had passed a smog inspection, and
10 falsely stating that he had performed the smog check.

11 **EIGHTH CAUSE FOR DISCIPLINE**

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

13 46. Respondent Miller's Smog Check Inspector License and Smog Check Repair
14 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
15 subdivision (a), in that Respondent failed to comply with provisions of that Code, as follows:

16 a. **Section 44012, subdivisions (d) and (f):** Miller failed to perform the required visual
17 inspection of the Jeep's fuel cap and failed to perform required functional tests of the Jeep, in
18 accordance with procedures prescribed by the Bureau.

19 b. **Sections 44014, subdivision (a) and 44032:** Miller inspected and tested the Jeep
20 when she was not a qualified smog check technician because her Smog Check Inspector License
21 had expired on June 30, 2016, and was not renewed until December 2, 2016.

22 **NINTH CAUSE FOR DISCIPLINE**

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

24 47. Respondent Miller's Smog Check Inspector License and Smog Check Repair
25 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
26 subdivision (c), in that Miller failed to comply with the Regulations, as set forth below:

27 a. **Section 3340.24, subdivision (c):** Miller caused an electronic smog certificate of
28 compliance to be falsely or fraudulently issued for the Jeep.

1 **UNDERCOVER OPERATION #2: 1995 TOYOTA**

2 49. On November 22, 2016, the Bureau conducted an undercover operation with a 1995
3 Toyota (Toyota) at Deem's facility. The Toyota had a modified fuel inlet pipe that would cause it
4 to fail the LPFET functional test which is required as part of a smog check inspection.

5 50. The undercover operator drove to Deem's facility and asked for a smog inspection of
6 the Toyota. The operator was given a written estimate for the inspection. The operator was
7 informed that the Toyota passed inspection, and she paid for the smog check and certificate. The
8 operator was given documentation including a VIR for the smog check and a Certificate of
9 Compliance.

10 51. The VIR was signed by Deem and it indicated that the inspection was performed by
11 Deem. The VIR listed Deem's Smog Check Inspector License number EO 153686. The VIR
12 claimed that fuel cap visual, fuel cap functional and fuel EVAP tests were performed with passing
13 results. Likewise, the data sent to the Bureau's VID for the Toyota's smog check indicated that
14 the fuel cap visual, fuel cap leak down and LPFET tests were performed with passing results, and
15 that Deem was the inspector who performed the smog inspection.

16 52. Videotaped surveillance revealed that the fuel door was never opened during the
17 Toyota's smog check, and that the LPFET equipment was not connected during the smog check.
18 The fuel cap is inside the fuel door, and it has to be removed to test the functional fuel cap leak-
19 down test. The video recording also revealed that Respondent Miller was the technician who
20 performed the Toyota's smog check. Her license was expired when she tested this vehicle.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements)**

23 53. Respondent Deem's registration is subject to disciplinary action pursuant to Code
24 section 9884.7, subdivision (a)(1), in that Deem made or authorized statements which he knew or
25 in the exercise of reasonable care should have known to be untrue or misleading, as follows:

26 Deem certified that he had inspected the Toyota, but the inspection was performed by Miller; he
27 certified that visual and functional tests of the fuel cap had been performed, but the fuel door to

28 ///

1 the fuel cap was never opened; and he certified that the Toyota had passed the fuel cap leak down
2 and LPFET tests, but they were never performed.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 54. Respondent Deem's registration is subject to disciplinary action pursuant to Code
6 section 9884.7, subdivision (a)(4), in that Deem committed acts which constitute fraud as follows:
7 Deem issued an electronic smog certificate of compliance for the Toyota without performing a
8 bona fide inspection and test of the emission control devices and systems on the vehicle, and
9 falsely claiming that he, a licensed inspector, had performed the smog check, thereby depriving
10 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
11 Program.

12 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

14 55. Respondent Deem's Smog Check Station License is subject to disciplinary action
15 pursuant to H&S Code section 44072.2, subdivision (a), in that Respondent Deem failed to
16 comply with provisions of the Code, as follows:

17 a. **Section 44012, subdivision (d):** Deem failed to, and failed to perform the LPFET
18 functional test on the Toyota.

19 b. **Section 44012, subdivision (f):** Deem failed perform a visual inspection to ensure
20 that a fuel cap was in place on the Toyota, and failed to a fuel cap leak down test on the Toyota,
21 in accordance with procedures prescribed by the Bureau.

22 c. **Sections 44014, subdivision (a) and 44032:** Deem failed to use a qualified smog
23 check technician to test the Toyota, because Miller's Smog Check Inspector License had expired
24 on June 30, 2016, and was not renewed until December 2, 2016.

25 d. **Section 44015, subdivision (a):** Deem issued an electronic smog certificate of
26 compliance for the Toyota without properly testing and inspecting it to determine if it was in
27 compliance with H&S Code section 44012.

28 ///

1 e. **Section 44072.2, subdivision (f):** By certifying that he had performed testing and
2 inspection of the Toyota, Deem aided and abetted Miller in evading the requirements of sections
3 44012 and 44032 that testing and inspection be performed by a qualified technician.

4 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

6 56. Respondent Deem's Smog Check Station License is subject to disciplinary action
7 pursuant to H&S Code section 44072.2, subdivision (c), in that Deem failed to comply with
8 provisions of the Regulations, as follows:

9 a. **Section 3340.15:** Deem allowed Miller, an unqualified technician whose smog check
10 inspection license had expired on June 30, 2016, to perform a smog check of the Toyota.

11 b. **Section 3340.24, subdivision (c):** Deem falsely or fraudulently issued an electronic
12 smog certificate of compliance for the Toyota.

13 c. **Section 3340.30, subdivision (a):** Deem failed to inspect and test the Toyota in
14 accordance with H&S Code sections 44012 and 44035, and Regulation section 3340.42.

15 d. **Section 3340.30, subdivision (d):** Despite expiration of Respondent Miller's Smog
16 Check Inspector License, Deem allowed Miller to inspect and test the Toyota using his Smog
17 Check Inspector License identification.

18 e. **Section 3340.35, subdivision (c):** Deem issued an electronic smog certificate of
19 compliance for the Toyota without inspecting and testing the Toyota in accordance with H&S
20 Code section 44012 and Regulation section 3340.42.

21 f. **Section 3340.41, subdivision (b):** Deem permitted Miller to access the Bureau's
22 Emissions Inspection System for a smog check of the Toyota using Deem's inspector license.

23 g. **Section 3340.42, subdivision (b):** Deem failed to conduct required visual and
24 functional inspections on the Toyota.

25 h. **Section 3340.45, subdivision (a):** Deem failed to conduct the Jeep's smog check in
26 accordance with the requirements of the Smog Check Manual.

27 ///

28 ///

1 d. **Section 44072.2, subdivision (f):** By certifying that he had performed testing and
2 inspection of the Toyota, Deem aided and abetted Miller in evading the requirements of sections
3 44012 and 44032 that testing and inspection be performed by a qualified technician.

4 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

6 59. Respondent Deem's Smog Check Inspector License and Smog Check Repair
7 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
8 subdivision (c), in that Deem failed to comply with provisions of the Regulations, as follows:

9 a. **Section 3340.24, subdivision (c):** Deem falsely or fraudulently issued an electronic
10 smog certificate of compliance for the Toyota.

11 b. **Section 3340.30, subdivision (a):** Deem failed to conduct the Toyota's smog check
12 in accordance with the applicable statutory and regulatory requirements.

13 c. **Section 3340.41, subdivision (b):** Deem permitted Miller to access the Bureau's
14 Emissions Inspection System for the Toyota's smog check using Deem's inspector license
15 identification.

16 d. **Section 3340.42, subdivision (b):** Deem failed to conduct required visual and
17 functional inspections on the Toyota in accordance with the Bureau's specifications.

18 e. **Section 3340.45, subdivision (a):** Deem failed to conduct the Toyota's smog check
19 in accordance with the requirements of the Smog Check Manual.

20 f. **Section 3373:** Deem created a false and misleading record by issuing an electronic
21 smog certificate of compliance that falsely stated the Toyota had passed a smog inspection, and
22 falsely stating that he had performed the smog check.

23 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

25 60. Respondent Miller's Smog Check Inspector License and Smog Check Repair
26 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
27 subdivision (a), in that Respondent failed to comply with provisions of that Code, as follows:

28 ///

1 a. **Section 44012; subdivisions (d) and (f):** Miller failed to perform the required visual
2 inspection of the Toyota's fuel cap and failed to perform required functional tests on the Toyota,
3 in accordance with procedures prescribed by the Bureau.

4 b. **Sections 44014, subdivision (a) and 44032:** Miller inspected and tested the Toyota
5 when she was not a qualified smog check technician, because her Smog Check Inspector License
6 had expired on June 30, 2016, and was not renewed until December 2, 2016.

7 **NINETEENTH CAUSE FOR DISCIPLINE**

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

9 61. Respondent Miller's Smog Check Inspector License and Smog Check Repair
10 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
11 subdivision (c), in that Miller failed to comply with the Regulations, as follows:

12 a. **Section 3340.24, subdivision (c):** Miller caused an electronic smog certificate of
13 compliance to be falsely or fraudulently issued for the Toyota.

14 b. **Section 3340.30, subdivision (a):** Miller failed to inspect and test the Toyota in
15 accordance with H&S Code sections 44012 and 44035, and Regulation section 3340.42.

16 c. **Section 3340.30, subdivision (d):** Despite expiration of her Smog Check Inspector
17 License, Respondent Miller inspected and tested the Toyota.

18 d. **Section 3340.35, subdivision (d):** Respondent Miller was unqualified because her
19 Smog Check Inspector License had expired on June 30, 2016, but she performed a smog check
20 and caused an electronic smog certificate of compliance to be issued for the Toyota.

21 e. **Section 3340.41, subdivision (b):** Respondent Miller falsely accessed the Bureau's
22 Emissions Inspection System and reported inspection and test results for the Toyota using Deem's
23 inspector license, as if Deem had performed the smog check.

24 f. **Section 3340.42, subdivision (b):** Respondent Miller failed to conduct required
25 visual and functional inspections of the Toyota.

26 g. **Section 3340.45, subdivision (a):** Miller failed to conduct the Toyota's smog check
27 in accordance with the requirements of the Smog Check Manual.

28 ///

1 h. **Section 3373:** Miller created a false and misleading record by issuing an electronic
2 smog certificate of compliance that falsely stated that the Toyota had been given visual and
3 functional tests, that the Toyota passed a smog inspection, and that Deem performed the smog
4 check.

5 **TWENTIETH CAUSE FOR DISCIPLINE**

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

7 62. Respondent Miller's Smog Check Inspector License and Smog Check Repair
8 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
9 subdivision (d), in that Miller committed dishonest, fraudulent or deceitful acts whereby another
10 is injured by issuing an electronic smog certificate of compliance for the Toyota without
11 performing bona fide inspection and testing of the emission control devices and systems on the
12 vehicles, and claiming that Respondent Deem had had performed the smog check when Miller
13 had done it as an unlicensed inspector, thereby depriving the People of the State of California of
14 the protection afforded by the Motor Vehicle Inspection Program.

15 **UNDERCOVER OPERATION #3: 1992 PLYMOUTH**

16 63. On February 8, 2017, the Bureau conducted an undercover operation at Respondent
17 Deem's facility involving the Bureau's 1992 Plymouth (Plymouth). The Plymouth's fuel tank
18 pressure relief/rollover valve hose was disconnected, which would cause the Plymouth to fail the
19 LPFET functional test which is required as part of a smog check inspection.

20 64. The Bureau's undercover operator arrived at Deem's facility and asked for a smog
21 inspection of the Plymouth. The operator was given a written estimate for the inspection.

22 65. The operator was informed that the Plymouth passed inspection, he paid for the smog
23 check and certificate, and was given documentation including a VIR and a Certificate of
24 Compliance. The VIR showed that the smog check was performed by Respondent Miller, and that
25 she entered a "pass" for the LPFET functional tests. Likewise, the data sent to the Bureau's VID
26 for the Plymouth's smog check indicated that those tests were performed with passing results.

27 66. Videotaped surveillance revealed that Miller removed and reinstalled the Plymouth's
28 fuel cap, but did not connect the LPFET equipment during the smog check.

1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 67. Respondent Deem's registration is subject to disciplinary action pursuant to Code
4 section 9884.7, subdivision (a)(1), in that Deem made or authorized statements which he knew or
5 in the exercise of reasonable care should have known to be untrue or misleading, as follows:
6 Deem certified that the Plymouth had passed the LPFET test, but that test was never performed
7 on the Plymouth.

8 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 68. Respondent Deem's registration is subject to disciplinary action pursuant to Code
11 section 9884.7, subdivision (a)(4), in that Deem committed acts which constitute fraud as follows:
12 Deem issued an electronic smog certificate of compliance for the Plymouth without performing a
13 bona fide inspection of the emission control devices and systems on the vehicle, thereby
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle
15 Inspection Program.

16 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

18 69. Respondent Deem's Smog Check Station License is subject to disciplinary action
19 pursuant to H&S Code section 44072.2, subdivision (a), in that Deem failed to comply with
20 provisions of the Code, as follows:

21 a. **Section 44012, subdivision (f):** Deem failed to ensure that the emission control tests
22 were performed on the Plymouth in accordance with procedures prescribed by the Bureau.

23 b. **Section 44015, subdivision (a):** Deem issued an electronic smog certificate of
24 compliance for the Plymouth without properly testing and inspecting it to determine if it was in
25 compliance with H&S Code section 44012.

26 ///

27 ///

28 ///

1 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

3 70. Respondent Deem's Smog Check Station License is subject to disciplinary action
4 pursuant to H&S Code section 44072.2, subdivision (c), in that Deem failed to comply with
5 provisions of the Regulations, as follows:

6 a. **Section 3340.24, subdivision (c):** Deem falsely or fraudulently issued an electronic
7 smog certificate of compliance for the Plymouth.

8 b. **Section 3340.30, subdivision (a):** Deem failed to inspect and test the Plymouth in
9 accordance with H&S Code sections 44012 and 44035 and Regulation section 3340.42.

10 c. **Section 3340.35, subdivision (c):** Deem issued an electronic smog certificate of
11 compliance for the Plymouth even though it had not been inspected and tested in accordance with
12 section 3340.42.

13 d. **Section 3340.42, subdivision (b):** Deem failed to conduct the required LPFET
14 inspection on the Plymouth.

15 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

17 71. Respondent Deem's Smog Check Station License is subject to disciplinary action
18 pursuant to H&S Code section 44072.2, subdivision (d), in that Respondent Deem committed a
19 dishonest, fraudulent or deceitful act whereby another is injured, as follows: Respondent Deem
20 issued an electronic smog certificate of compliance for the Plymouth without performing a bona
21 fide inspection of the emission control devices and systems on the vehicle, thereby depriving the
22 People of the State of California of the protection afforded by the Motor Vehicle Inspection
23 Program.

24 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

26 72. Respondent Miller's Smog Check Inspector License and Smog Check Repair
27 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
28 subdivision (a), in that Miller failed to comply H&S Code section 44012, subdivisions (d) and (f),

1 by failing to perform required functional tests on the Plymouth in accordance with procedures
2 prescribed by the Bureau.

3 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

5 73. Respondent Miller's Smog Check Inspector License and Smog Check Repair
6 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
7 subdivision (c), because Miller failed to comply with the Regulations, as follows:

8 a. **Section 3340.24, subdivision (c):** Miller caused an electronic smog certificate of
9 compliance to be falsely or fraudulently issued for the Plymouth.

10 b. **Section 3340.30, subdivision (a):** Miller failed to inspect and test the Plymouth in
11 accordance with H&S Code sections 44012 and 44035, and Regulation section 3340.42.

12 c. **Section 3340.42, subdivision (b):** Miller failed to conduct required functional
13 inspections on the Plymouth.

14 d. **Section 3340.45, subdivision (a):** Miller failed to conduct the Plymouth's smog
15 check in accordance with the requirements of the Smog Check Manual.

16 e. **Section 3373:** Miller created a false and misleading record by issuing an electronic
17 smog certificate of compliance that falsely stated that the Plymouth had been given visual and
18 functional tests and it passed a smog inspection.

19 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

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

21 74. Respondent Miller's Smog Check Inspector License and Smog Check Repair
22 Technician License are subject to disciplinary action pursuant to H&S Code section 44072.2,
23 subdivision (d), in that Miller committed dishonest, fraudulent or deceitful acts whereby another
24 is injured by issuing an electronic smog certificate of compliance for the Plymouth without
25 performing a bona fide inspection of the emission control devices and systems on the vehicle,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

28 ///

1 **OTHER MATTERS**

2 75. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,
3 or may invalidate temporarily or permanently, the registrations for all places of business operated
4 in this state by Respondent Douglas S. Deem, a.k.a. Douglas Sherman Deem, upon a finding that
5 said Respondent Deem has, or is, engaged in a course of repeated and willful violations of the
6 laws and regulations pertaining to an automotive repair dealer.

7 76. Pursuant to H&S Code section 44072.8, if Smog Check Station License Number RC
8 243037, issued to Respondent Douglas S. Deem, dba J & M Smog & Auto, is revoked or
9 suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the H&S
10 Code in his name may be likewise revoked or suspended by the Director.

11 77. Under H&S Code section 44072.8, if Smog Check Inspector License Number EO
12 153686 or Smog Check Repair Technician License Number EI 153686 issued to Respondent
13 Deem is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of
14 Division 26 of the H&S Code in his name may be likewise revoked or suspended by the Director.


15 78. Under H&S Code section 44072.8, if Smog Check Inspector License Number EO
16 632292 or Smog Check Repair Technician License Number EI 632292 issued to Respondent
17 Caitlin Jean Miller is revoked or suspended, any additional license issued under
18 Chapter 5 of Part 5 of Division 26 of the H&S Code in her name may be likewise revoked or
19 suspended by the Director.

20 **PRAYER**

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

- 23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
24 243037 issued to Douglas S. Deem, dba J & M Smog & Auto;
- 25 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to
26 Douglas S. Deem;
- 27 3. Revoking or suspending Smog Check Station License Number RC 243037 issued to
28 Douglas S. Deem, dba J & M Smog & Auto;

- 1 4. Revoking or suspending Smog Check Inspector License Number EO 153686 issued
- 2 to Douglas Sherman Deem;
- 3 5. Revoking or suspending Smog Check Repair Technician License Number EI 153686
- 4 issued to Douglas Sherman Deem;
- 5 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
- 6 Division 26 of the H&S Code in the name of Douglas S. Deem, aka Douglas Sherman Deem.
- 7 7. Revoking or suspending Smog Check Inspector License Number EO 632292 issued
- 8 to Caitlin Jean Miller;
- 9 8. Revoking or suspending Smog Check Repair Technician License Number EI 632292
- 10 issued to Caitlin Jean Miller;
- 11 9. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
- 12 Division 26 of the H&S Code in the name of Caitlin Jean Miller.
- 13 10. Ordering Douglas S. Deem and Caitlin Jean Miller to pay the Bureau the reasonable
- 14 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 15 11. Taking such other and further action as deemed necessary and proper.

16
17
18 DATED: March 21, 2019 
19 PATRICK DORAIS
20 Chief
21 Bureau of Automotive Repair
22 Department of Consumer Affairs
23 State of California
24 *Complainant*

23 SD2017802466
24 71606238_5.docx