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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME**
11 **FURNISHINGS AND THERMAL INSULATION**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. AN 2016-1340

13 **ADAM KEEFAUVER,**
14 **aka ADAM RAY KEEFAUVER,**
15 **aka ADAM R. KEEFAUVER,**
16 **dba ALL APPLIANCE/MR. FREEZ**

STATEMENT OF ISSUES

Appliance Service Dealer Registration
Applicant

Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Dale Chasse ("Complainant") brings this Statement of Issues solely in his official
22 capacity as the Acting Bureau Chief of the Bureau of Electronic and Appliance Repair, Home
23 Furnishings and Thermal Insulation ("Bureau"), Department of Consumer Affairs.

24 2. On or about September 12, 2016, the Bureau received an application for an appliance
25 service dealer registration from Adam Keefauver, also known as Adam Ray Keefauver and Adam
26 R. Keefauver ("Respondent"), doing business as All Appliance/Mr. Freez. The Bureau denied the
27 application on November 7, 2016.

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JURISDICTION/STATUTORY AND REGULATORY PROVISIONS

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3. This Statement of Issues is brought before the Director of Consumer Affairs (“Director”) for the Bureau. All section references are to the Business and Professions Code (“Code”) unless otherwise indicated.

4. Code section 9831 states, in pertinent part, that the Director (Director of Consumer Affairs) shall refuse to validate the registration of an appliance service dealer if the applicant has committed acts or crimes constituting grounds for denial of licensure under section 480 of the Code.

5. Code section 9841 states, in pertinent part:

(a) The director may deny, suspend, revoke, or place on probation the registration of a service dealer for any of the following acts or omissions done by himself or herself or any employee, partner, officer, or member of the service dealer and related to the conduct of his or her business:

. . . .

(7) Conviction of a crime that has a substantial relationship to the qualifications, functions and duties of a registrant under this chapter, in which event the record of the conviction shall be conclusive evidence thereof . . .

6. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

. . . .

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made . . .

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1 7. Code section 22, subdivision (a), states:

2 “Board” as used in any provision of this Code, refers to the board in
3 which the administration of the provision is vested, and unless otherwise expressly
4 provided, shall include “bureau,” “commission,” “committee,” “department,”
5 “division,” “examining committee,” “program,” and “agency.”

6 8. Code section 477, subdivision (b), states, in pertinent part, that a “license” includes
7 “registration” and “certificate.”

8 9. Title 16, California Code of Regulations, section 2767 states, in pertinent part:

9 For the purposes of denial, suspension, or revocation of the registration of
10 a repair service dealer pursuant to Division 1.5 (commencing with Section 475) of the
11 Business and Professions Code, a crime or act shall be considered to be substantially
12 related to the qualifications, functions or duties of a service dealer if to a substantial
13 degree it evidences present or potential unfitness of a service dealer to perform the
14 functions authorized by his registration in a manner consistent with the public health,
15 safety, or welfare . . .

12 **CAUSE FOR DENIAL**

13 **(Criminal Convictions)**

14 10. Respondent’s application is subject to denial pursuant to Code sections 9841,
15 subdivision (a)(7), and 480, subdivisions (a)(1) and (a)(3)(A), in that Respondent has been
16 convicted of crimes which are substantially related to the qualifications, functions and duties of
17 an appliance service dealer, as follows:

18 a. On or about May 13, 1998, in the criminal proceeding entitled *People vs. Adam Ray*
19 *Keefauver* (Mendocino County Super. Ct., Ukiah Jud. Dist., Case No. SCUKCR-98-122),
20 Respondent was convicted of violating Penal Code section 243, subdivision (d) (battery with
21 bodily injury), a felony. On or about March 27, 2006, Respondent was sentenced to serve 3 years
22 in state prison. The circumstances of the crime are as follows: On or about January 14, 1998,
23 Respondent shot his girlfriend, J. M., in the forehead with a shotgun.

24 b. On or about March 16, 2012, in the criminal proceeding entitled *People vs. Adam R.*
25 *Keefauver* (Placer County Super. Ct., Case No. 62-103954), Respondent was convicted of
26 violating Penal Code sections 422 (criminal threats), a felony, and 148, subdivision (a)(1)
27 (resisting, delaying or obstructing an officer or emergency medical technician), a misdemeanor.
28 Respondent admitted that he had a prior felony conviction pursuant to Penal Code section

1 1170.12, subdivisions (a) and (d), and was a habitual criminal pursuant to Penal Code section
2 667, subdivision (b)(i). On or about August 3, 2012, Respondent was sentenced to serve 2 years
3 and 8 months in state prison. The circumstances of the crimes are as follows: On or about
4 November 21, 2010, three Rocklin Police Department (“RPD”) officers were dispatched to
5 Durham Road for a domestic disturbance. Victim A. L. called the RPD and reported that
6 Respondent was drunk and threatened to cut her with a knife. Upon arrival, A. L. told the officers
7 that Respondent had thrown her cell phone on the roof of the house and was in the backyard
8 trying to get it off of the roof. The officers went out to the backyard, but did not see Respondent.
9 Later, the officers heard a loud crash come from the west side yard of the house; it sounded like
10 someone had jumped off the roof. The officers then saw Respondent running from the side yard
11 towards the backyard fence. The officers yelled “stop”, but Respondent continued to run. The
12 officers warned Respondent to stop or he would be “tased”. Respondent climbed up on the back
13 retaining wall and continued to run toward the back fence. One of the officers aimed his Taser at
14 Respondent and deployed it; Respondent fell to the ground. The other two officers grabbed
15 Respondent and detained him in handcuffs. Respondent had one dart probe in his left hand and
16 one dart probe on the left side of his pelvis. Later, one of the officers spoke with Respondent and
17 observed that he was intoxicated. Respondent had a strong odor of an alcoholic beverage coming
18 from his breath and person, his eyes were red and watery, and his speech was slurred.

19 c. On or about March 16, 2012, in the criminal proceeding entitled *People vs. Adam R.*
20 *Keefauver* (Placer County Super. Ct., Case No. 62-111788), Respondent was convicted of
21 violating Penal Code sections 136.1, subdivision (b)(1) (dissuading a witness), a felony, 243,
22 subdivision (e)(1) (battery against a spouse, cohabitant, etc.), a misdemeanor, and 166,
23 subdivision (c)(1) (willful/knowing violation of a protective order or stay-away court order), a
24 misdemeanor. Respondent admitted the allegations pursuant to Penal Code sections 1170.12,
25 subdivisions (a) and (d) (prior felony conviction), and 667, subdivision (b)(i) (habitual criminal).
26 On or about August 3, 2012, Respondent was sentenced to serve 4 years in state prison
27 consecutive with his sentence in Case Number 62-103954, for a total term of 6 years and 8
28 months. The circumstances of the crimes are as follows: On or about January 28, 2012,

1 Respondent was at A. L.'s residence and was asked to leave because he was drinking alcohol and
2 becoming agitated. Respondent was locked out of the house and kicked the interior garage door
3 in. Respondent shoved A. L. into the wall and forced her to stay on the ground against her will.
4 Respondent took A. L.'s purse and cell phone when she wanted to call the police for help.
5 Respondent made comments to harm and kill A. L., and A. L. felt Respondent would do so.
6 Lincoln Police Department Officers contacted Respondent outside the residence and found him in
7 possession of a butter knife. Respondent was arrested and booked into the PCSO jail.
8 Respondent was out on bail for a prior felony arrest at the time of the incident.

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. Denying the application of Adam Keefauver, also known as Adam Ray Keefauver
13 and Adam R. Keefauver, doing business as All Appliance/Mr. Freez, for an appliance service
14 dealer registration; and
15 2. Taking such other and further action as deemed necessary and proper.

16
17 DATED: **AUG 15 2017**



18 DALE CHASSE
19 Acting Bureau Chief
20 Bureau of Electronic and Appliance Repair, Home
21 Furnishings and Thermal Insulation
22 Department of Consumer Affairs
23 State of California
24 *Complainant*

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