

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS**

BUREAU OF AUTOMOTIVE REPAIR

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ONTARIO SMOG; ROBERT JOHN RAINS, OWNER

152 North Mountain Avenue

Ontario, CA 91762

Automotive Repair Dealer Registration No. ARD 289295

Smog Check Station License No. TC 289295

and

ROBERT JOHN RAINS

152 North Mountain Avenue

Ontario, CA 91762

Smog Check Inspector License No. EO 640653

Respondents.

Case No. 79/22-12873

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OAH No. 2024090157

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 August 14, 2025.

IT IS SO ORDERED July 7, 2025.

Original Signature On File
GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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Attorney General of California
2 SHAWN P. COOK
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13 **ONTARIO SMOG**
14 **152 North Mountain Ave.**
Ontario, CA 91762
15 **Automotive Repair Dealer**
16 **Registration No. ARD 289295**
Smog Check Station License TC 289295
17
18 **Robert John Rains**
19 **152 North Mountain Ave.**
Ontario, CA 91763
20 **Smog Check Inspector No. EO 640653**

Case No. 79/22-12873

OAH No. 2024090157

**STIPULATED REVOCATION OF
LICENSE AND ORDER AS TO ROBERT
JOHN RAINS, DBA ONTARIO SMOG
AND ROBERT JOHN RAINS**

21 Respondents.

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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. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
27 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
28

1 Rob Bonta, Attorney General of the State of California, by Joshua S. Shuster, Deputy Attorney
2 General.

3 2. Respondent Robert John Rains DBA Ontario Smog, Robert John Rains and
4 Respondent Robert John Rains are represented in this proceeding by attorney Frank C.
5 Brucculeri, Esq., whose address is: 24341 La Hermosa Avenue, Laguna Niguel, CA 92677

6 3. On or about January 8, 2018, the Bureau issued Automotive Repair Dealer
7 Registration No. ARD 289295 to Robert John Rains DBA Ontario Smog, Robert John Rains
8 (Respondent Ontario Smog). The Automotive Repair Dealer Registration was cancelled on
9 August 29, 2023.

10 4. On or about January 24, 2018, the Bureau issued Smog Check Station License No.
11 TC 289295 to Robert John Rains DBA Ontario Smog, Robert John Rains (Respondent). The
12 Smog Check Station License was cancelled on August 29, 2023.

13 5. On or about October 13, 2017, the Bureau of Automotive Repair issued Smog Check
14 Inspector License Number EO 640653 to Robert John Rains (Respondent Rains). The Smog
15 Check Inspector License will expire on June 30, 2025, unless renewed.

16 **JURISDICTION**

17 6. Accusation No. 79/22-12873 was filed before the Director of the Department of
18 Consumer Affairs (Director), and is currently pending against Respondent. The Accusation and
19 all other statutorily required documents were properly served on Respondent on June 24, 2024.
20 Respondent timely filed his Notice of Defense contesting the Accusation.

21 7. A copy of Accusation No. 79/22-12873 is attached as exhibit A and incorporated
22 herein by reference.

23 **ADVISEMENT AND WAIVERS**

24 8. Respondent has carefully read, fully discussed with counsel, and understands the
25 charges and allegations in Accusation No. 79/22-12873. Respondent has also carefully read, fully
26 discussed with counsel, and understands the effects of this Stipulated Revocation of License and
27 Order.

9. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

11. Respondent understands that the charges and allegations in the Accusation Number 79/22-12873, if proven at a hearing, constitute cause for imposing discipline upon his Automotive Repair Dealer Registration, Smog Check Station License, and Smog Check Inspector License.

12. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

13. Respondent understands that by signing this stipulation he enables the Director to issue his order accepting the revocation of his Automotive Repair Dealer Registration, Smog Check Station License, and Smog Check Inspector License, without further process.

CONTINGENCY

14. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and

1 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
2 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director
3 shall not be disqualified from further action by having considered this matter.

4 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Revocation of License and Order, including PDF and facsimile
6 signatures thereto, shall have the same force and effect as the originals.

7 16. This Stipulated Revocation of License and Order is intended by the parties to be an
8 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
9 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
10 negotiations, and commitments (written or oral). This Stipulated Revocation of License and
11 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
12 writing executed by an authorized representative of each of the parties.

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

16 **ORDER**

17 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 289295
18 and Smog Check Station License No. TC 289295 issued to Robert John Rains, dba Ontario
19 Smog; and Smog Check Inspector License No. EO 640653 issued to Respondent Robert John
20 Rains are all revoked by the Bureau.

- 21 1. The revocations of Respondent's Automotive Repair Dealer Registration and Smog
22 Check Station License; and the revocation of Respondent's Smog Check Inspector's
23 License by the Bureau shall constitute the imposition of discipline against Respondent.
24 This stipulation constates a record of the discipline and shall become a part of
25 Respondent's license history with the Bureau.
- 26 2. Respondent shall lose all rights and privileges as a holder of an ARD registration, Smog
27 Check Station Licensee, and Smog Check Inspector in California as of the effective date
28 of the Director's Decision and Order.

3. Respondent shall cause to be delivered to the Bureau any physical licenses and registrations on or before the effective date of the Decision and Order.
4. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Bureau shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation Number 79/22-12873 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application or petition.
5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$14,685.30 prior to the issuance of a new license.
6. If Respondent should ever apply or reapply for a new license or certification, all of the charges and allegations contained in Accusation Number 79/22-12873 shall be deemed as true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Revocation of License and Order and have fully discussed it with my attorney, Frank C. Brucculeri, Esq.. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Station License, and Respondent's Smog Check Inspector's License. I enter into this Stipulated Revocation of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

DATED: May 29, 2025

Original signature on file

ROBERT JOHN RAINS DBA ONTARIO SMOG,
ROBERT JOHN RAINS
Respondent

I have read and fully discussed with Respondent Robert John Rains DBA Ontario Smog, Robert John Rains the terms and conditions and other matters contained in the above Stipulated Revocation of License and Order. I approve its form and content.

DATED: May 29, 2025

Original signature on file

FRANK C. BRUCCULERI, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: May 29, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

Original signature on file

JOSHUA S. SHUSTER
Deputy Attorney General
Attorneys for Complainant

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