

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

In the Matter of the Statement of Issues Against:

SCOTT ANTHONY RUSKAUFF

Smog Check Inspector License No. Applicant

Respondent.

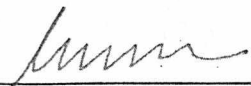
Case No. 79/22-1937

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 February 8, 2023.

DATED: Dec. 29, 2022



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

1 ROB BONTA
Attorney General of California
2 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6099
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12
13 In the Matter of the Statement of Issues
Against:

14 **SCOTT ANTHONY RUSKAUFF**
15 **Smog Check Inspector License Applicant**
16 Respondent.

Case No. 79/22-1937

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

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

26 2. Respondent Scott Anthony Ruskauff (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.
28

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that the application of Respondent Scott Anthony Ruskauff for
3 a Smog Check Inspector License is hereby granted. Upon successful completion of the licensure
4 examination and all other licensing requirements, a Smog Check Inspector License shall be issued
5 to Respondent. Said license shall be immediately revoked and the order of revocation stayed, and
6 the license placed on probation for two (2) years, which shall run concurrent to the probationary
7 order in Case No. 79/20-8143S, subject to the terms and conditions of that probation and to the
8 terms and conditions set forth below:

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

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

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

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

25 5. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
26 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
27 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure
28 and return, and of the dates of cessation and resumption of business in California. All provisions

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

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

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

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

28 ///

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

14 10. **Supervision Requirements** - Respondent shall not delegate his or her supervisory
15 duties, as they relate to the business activities relevant to the probationary registration and/or
16 license, to another person during the period of probation. Any persons employed by Respondent
17 to carry out such business activities shall be directly supervised by Respondent. In the event that a
18 bona fide medical condition arises during the period of probation, which temporarily prevents
19 Respondent from exercising direct supervision over employees, notice and medical substantiation
20 of the condition shall be submitted to BAR within ten (10) days of the medical affirmation of the
21 condition.

22
23
24
25
26 ///

27 ///

28 ///

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

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Smog Check Inspector License. I enter into this Stipulated Settlement and Disciplinary 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: 11/16/2022 Copy of Signature on File
SCOTT ANTHONY RUSKAUFF
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: 11/17/2022

Respectfully submitted,
ROB BONTA
Attorney General of California
ANDREW M. STEINHEIMER
Supervising Deputy Attorney General

Copy of Signature on File
ANAHITA S. CRAWFORD
Deputy Attorney General
Attorneys for Complainant

SA2022302960
36705624.docx