

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

In the Matter of the Accusation Against:

SCOTT ANTHONY RUSKAUFF
BACK TO LIFE AUTO
690 G Street, #120
Lincoln, CA 95648

Case No. 79/12-170

Automotive Repair Dealer Registration
No. ARD 256693
Smog Check Test Only Station License No. TC 256693

SCOTT ANTHONY RUSKAUFF
690 G Street
Lincoln, CA 95648

Advanced Emission Specialist Technician
License No. EA 136218

Respondent.

BACK TO LIFE AUTOMOTIVE
SCOTT ANTHONY RUSKAUFF
333 G Street Bay 1
Lincoln, CA 95648

Automotive Repair Dealer Reg.
No. ARD 159572 (cancelled)
Smog Check Test Only License No. TC 159572
(cancelled)

BACK TO LIFE AUTO INC.
dba BACK TO LIFE AUTO INC.
SCOTT ANTHONY RUSKAUFF, PR/SEC/TR
690 G Street, Suite 120
Lincoln, CA 95648

Automotive Repair Dealer Registration
No. ARD 267644
Smog Check Test Only Station License No. TC 267644

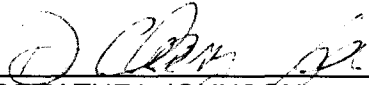
Affiliated Licenses.

DECISION

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

This Decision shall become effective 11/30/12.

DATED: OCT 31 2012



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
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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:

Case No. 79/12-170

13 **SCOTT ANTHONY RUSKAUFF**
BACK TO LIFE AUTO
14 **690 G Street, #120**
Lincoln, CA 95648
15 **Automotive Repair Dealer Registration No.**
ARD 256693
16 **Smog Check Test Only Station License No. TC**
256693

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17 **SCOTT ANTHONY RUSKAUFF**
18 **690 G Street**
Lincoln, CA 95648
19 **Advanced Emission Specialist Technician**
License No. EA 136218

20 **Respondent.**

21 _____
22 **BACK TO LIFE AUTOMOTIVE**
23 **SCOTT ANTHONY RUSKAUFF**
333 G Street Bay 1
24 **Lincoln, CA 95648**
Automotive Repair Dealer Registration No.
25 **ARD 159572 (cancelled)**
Smog Check Test Only License No. TC 159572
26 **(cancelled)**

1 **BACK TO LIFE AUTO INC.**
2 **dba BACK TO LIFE AUTO INC.**
3 **SCOTT ANTHONY RUSKAUFF, PR/SEC/TR**
4 **690 G Street, Suite 120**
5 **Lincoln, CA 95648**
6 **Automotive Repair Dealer Registration No.**
7 **ARD 267644**
8 **Smog Check Test Only Station License No. TC**
9 **267644**

Affiliated Licenses.

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

12 PARTIES

13 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
14 brought this action solely in his official capacity and is represented in this matter by Kamala D.
15 Harris, Attorney General of the State of California, by Karen R. Denvir, Deputy Attorney
16 General.

17 2. Respondent Scott Anthony Ruskauff, Back to Life Auto (Respondent) is representing
18 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

19 3. On or about November 17, 2008, the Bureau of Automotive Repair issued
20 Automotive Repair Dealer Registration No. ARD 256693 to Scott Anthony Ruskauff, Back to
21 Life Auto (Respondent). The Automotive Repair Dealer Registration was in full force and effect
22 at all times relevant to the charges brought in Accusation No. 79/12-170 and will expire on
23 September 30, 2012, unless renewed.

24 4. On or about November 18, 2008, the Bureau of Automotive Repair issued Smog
25 Check Test Only Station License No. TC 256693 to Scott Anthony Ruskauff, Back to Life Auto
26 (Respondent). The Smog Check Test Only Station License was in full force and effect at all
27 times relevant to the charges brought in Accusation No. 79/12-170 and will expire on September
28 30, 2012, unless renewed.

5. On a date uncertain in 1998, the Bureau issued Advanced Emission Specialist
Technician License No. EA 136218 ("technician license") to Respondent. The license was in full

1 force and effect at all times relevant to the charges brought herein and will expire on August 31,
2 2013, unless renewed.

3 6. On a date uncertain 1991, the Bureau issued Automotive Repair Dealer Registration
4 Number ARD 159572 to Respondent, doing business as Back to Life Automotive. The
5 registration was cancelled on July 5, 2009.

6 7. On or about July 23, 2001, the Bureau issued Smog Check Test Only Station License
7 Number TC 159572 to Respondent, doing business as Back to Life Automotive. The license was
8 cancelled on July 5, 2009.

9 8. On or about January 6, 2012, the Bureau issued Automotive Repair Dealer
10 Registration Number ARD 267644 to Back to Life Auto Inc., with Respondent as the President,
11 Secretary, and Treasurer. The registration was in full force and effect at all times relevant to the
12 charges brought herein and will expire on January 31, 2013, unless renewed.

13 9. On or about January 10, 2012, the Bureau issued Smog Check Test Only Station
14 License Number TC 267644 Back to Life Auto Inc., with Respondent as the President, Secretary,
15 and Treasurer. The station license was in full force and effect at all times relevant to the charges
16 brought herein and will expire on January 31, 2013, unless renewed.

17 JURISDICTION

18 10. Accusation No. 79/12-170 was filed before the Director of Consumer Affairs
19 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
20 Respondent. The Accusation and all other statutorily required documents were properly served
21 on Respondent on June 25, 2012. Respondent timely filed his Notice of Defense contesting the
22 Accusation.

23 11. A copy of Accusation No. 79/12-170 is attached as exhibit A and incorporated herein
24 by reference.

25 ADVISEMENT AND WAIVERS

26 12. Respondent has carefully read, and understands the charges and allegations in
27 Accusation No. 79/12-170. Respondent has also carefully read, and understands the effects of
28 this Stipulated Settlement and Disciplinary Order.

1 18. The parties understand and agree that facsimile copies of this Stipulated Settlement
2 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
3 effect as the originals.

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

10 20. In consideration of the foregoing admissions and stipulations, the parties agree that
11 the Director may, without further notice or formal proceeding, issue and enter the following
12 Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration Numbers ARD
15 256693, ARD 159572, and ARD 267644; Smog Check Test Only Station License Numbers TC
16 256693, TC 159572, and TC 267644; and Advanced Emission Specialist Technician License
17 Number EA 136218 to Respondent Scott Anthony Ruskauff, Back to Life Auto, Back to Life
18 Automotive, and Back to Life Auto, Inc. (Respondent) are revoked. However, the revocation of
19 Automotive Repair Dealer Registration Number ARD 267644, and Smog Check Test Only
20 Station License No. TC 267644 is stayed and Respondent is placed on probation for three (3)
21 years on the following terms and conditions.

22 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 267644 and
23 Smog Check Test Only Station License No. TC 267644 issued to Respondent Scott Anthony
24 Ruskauff, Back to Life Auto, Inc., are suspended for thirty (30) days, beginning on the effective
25 date of the decision.

26 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
27 automotive inspections, estimates and repairs.

28 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning

1 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
2 conspicuously displayed in a location open to and frequented by customers and shall remain
3 posted during the entire period of actual suspension.

4 4. **Reporting.** Respondent or Respondent's authorized representative must report in
5 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
6 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
7 maintaining compliance with the terms and conditions of probation.

8 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
9 any financial interest which any partners, officers, or owners of the Respondent facility may have
10 in any other business required to be registered pursuant to Section 9884.6 of the Business and
11 Professions Code.

12 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
13 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

14 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of
15 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
16 until the final decision on the accusation, and the period of probation shall be extended until such
17 decision.

18 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
19 Respondent has failed to comply with the terms and conditions of probation, the Department may,
20 after giving notice and opportunity to be heard, temporarily or permanently invalidate the
21 registration, and suspend or revoke the license.

22 9. **False and Misleading Advertising.** If the accusation involves false and misleading
23 advertising, during the period of probation, Respondent shall submit any proposed advertising
24 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

25 10. **Continuing Education Courses.** During the period of probation, Respondent shall
26 attend and successfully complete a Bureau certified Licensed Inspector Training Course (Level 2)
27 in diagnosis and repair of emission systems failures and engine performance, applicable to the
28 class of license held by the Respondent. Said course shall be completed and proof of completion

1 submitted to the Bureau within 180 days of the effective date of this decision and order. If proof
2 of completion of the course is not furnished to the Bureau within the 180-day period,
3 Respondents' license shall be immediately suspended until such proof is received.

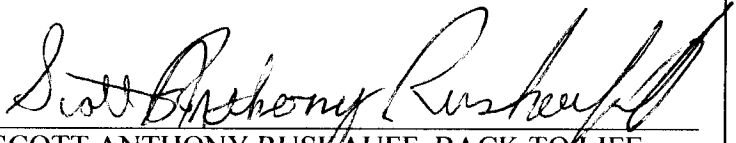
4 11. **Restrictions.** During the period of probation, Respondent shall not perform any form
5 of smog inspection, or emission system diagnosis or repair, until Respondent has purchased,
6 installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to
7 properly perform such work, and BAR has been given 10 days notice of the availability of the
8 equipment for inspection by a BAR representative.

9 12. **Cost Recovery.** The full amount of \$10,630.90 in cost recovery shall be payable to
10 the Bureau in twenty four (24) equal installments with the final payment due twelve (12) months
11 before the termination of probation. Failure to complete payment of cost recovery within this
12 time frame shall constitute a violation of probation which may subject Respondent's registration
13 and license to outright revocation; however, the Director or the Director's Bureau of Automotive
14 Repair designee may elect to continue probation until such time as reimbursement of the entire
15 cost recovery amount has been made to the Bureau.

16 ACCEPTANCE

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog
19 Check Test Only Station License. I enter into this Stipulated Settlement and Disciplinary Order
20 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
21 Director of Consumer Affairs.

22
23 DATED: 8-20-12


24 SCOTT ANTHONY RUSKAUFF, BACK TO LIFE
25 AUTO, BACK TO LIFE AUTOMOTIVE, BACK TO
26 LIFE AUTO, INC.
27 Respondent
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ENDORSEMENT

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


KAREN R. DENVIR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-170

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
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7 *Attorneys for Complainant*

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

11
12 In the Matter of the Accusation Against:

Case No. 79/12-170

13 **BACK TO LIFE AUTO**
14 **SCOTT ANTHONY RUSKAUFF, Owner**
690 G Street, Suite 120
15 **Lincoln, CA 95648**
Automotive Repair Dealer Registration No. ARD
16 **256693**
Smog Check Test Only Station License No. TC
17 **256693**

ACCUSATION
SMOG CHECK

18 **SCOTT ANTHONY RUSKAUFF**
19 690 G Street
Lincoln, CA 95648
20 Advanced Emission Specialist Technician License
No. EA 136218

21 **Respondent.**

22
23 **BACK TO LIFE AUTOMOTIVE**
24 **SCOTT ANTHONY RUSKAUFF, Owner**
333 G Street Bay 1
25 **Lincoln, CA 95648**
Automotive Repair Dealer Registration No. ARD
26 **159572 (cancelled)**
Smog Check Test Only Station License No. TC
27 **159572 (cancelled)**

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**BACK TO LIFE AUTO INC.
dba BACK TO LIFE AUTO INC.
SCOTT ANTHONY RUSKAUFF, PR/SEC/TR
690 G Street, Suite 120
Lincoln, CA 95648
Automotive Repair Dealer Registration No. ARD
267644
Smog Check Test Only Station License No. TC
267644**

Affiliated Licenses.

John Wallauch ("Complainant") alleges:

PARTIES

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

LICENSE INFORMATION

Back to Life Auto (690 G Street, Suite 120, Lincoln, CA)

Automotive Repair Dealer Registration No. ARD 256693

2. On or about November 17, 2008, the Bureau issued Automotive Repair Dealer Registration Number ARD 256693 ("registration") to Scott Anthony Ruskauff ("Respondent"), doing business as Back to Life Auto. The registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2012, unless renewed.

Smog Check Test Only Station License No. TC 256693

3. On or about November 18, 2008, the Bureau issued Smog Check Test Only Station License Number TC 256693 ("station license") to Respondent, doing business as Back to Life Auto. The station license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2012, unless renewed.

Advanced Emission Specialist Technician License EA 136218

4. On a date uncertain in 1998, the Bureau issued Advanced Emission Specialist Technician License No. EA 136218 ("technician license") to Respondent. The license was in full

1 force and effect at all times relevant to the charges brought herein and will expire on August 31,
2 2013, unless renewed.

3 **Back to Life Automotive (333 G Street Bay 1, Lincoln, CA)**

4 **Automotive Repair Dealer Registration No. ARD 159572**

5 5. On a date uncertain 1991, the Bureau issued Automotive Repair Dealer Registration
6 Number ARD 159572 to Respondent, doing business as Back to Life Automotive. The
7 registration was cancelled on July 5, 2009.

8 **Smog Check Test Only Station License No. TC 159572**

9 6. On or about July 23, 2001, the Bureau issued Smog Check Test Only Station License
10 Number TC 159572 to Respondent, doing business as Back to Life Automotive. The license was
11 cancelled on July 5, 2009.

12 **Back to Life Auto Inc. (690 G Street, Suite 120, Lincoln, CA)**

13 **Automotive Repair Dealer Registration No. ARD 267644**

14 7. On or about January 6, 2012, the Bureau issued Automotive Repair Dealer
15 Registration Number ARD 267644 to Back to Life Auto Inc., with Respondent as the President,
16 Secretary, and Treasurer. The registration was in full force and effect at all times relevant to the
17 charges brought herein and will expire on January 31, 2013, unless renewed.

18 **Smog Check Test Only Station License No. TC 267644**

19 8. On or about January 10, 2012, the Bureau issued Smog Check Test Only Station
20 License Number TC 267644 Back to Life Auto Inc., with Respondent as the President, Secretary,
21 and Treasurer. The station license was in full force and effect at all times relevant to the charges
22 brought herein and will expire on January 31, 2013, unless renewed.

23 **STATUTORY PROVISIONS**

24 9. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
25 part:

26 (a) The director, where the automotive repair dealer cannot show there was a bona
27 fide error, may refuse to validate, or may invalidate temporarily or permanently, the
28 registration of an automotive repair dealer for any of the following acts or omissions related
to the conduct of the business of the automotive repair dealer, which are done by the

1 automotive repair dealer or any automotive technician, employee, partner, officer, or
2 member of the automotive repair dealer.

3 (1) Making or authorizing in any manner or by any means whatever any statement
4 written or oral which is untrue or misleading, and which is known, or which by the exercise
5 of reasonable care should be known, to be untrue or misleading.

6 (4) Any other conduct which constitutes fraud.

7 (6) Failure in any material respect to comply with the provisions of this chapter [the
8 Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or regulations adopted
9 pursuant to it.

10 (b) Except as provided for in subdivision (c), if an automotive repair dealer operates
11 more than one place of business in this state, the director pursuant to subdivision (a) shall
12 only refuse to validate, or shall only invalidate temporarily or permanently the registration
13 of the specific place of business which has violated any of the provisions of this chapter.
14 This violation, or action by the director, shall not affect in any manner the right of the
15 automotive repair dealer to operate his or her other places of business.

16 (c) Notwithstanding subdivision (b), the director may refuse to validate, or may
17 invalidate temporarily or permanently, the registration for all places of business operated in
18 this state by an automotive repair dealer upon a finding that the automotive repair dealer
19 has, or is, engaged in a course of repeated and willful violations of this chapter, or
20 regulations adopted pursuant to it.

21 10. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
22 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
23 against an automotive repair dealer or to render a decision invalidating a registration temporarily
24 or permanently.

25 11. Section 477 of the Code provides, in pertinent part, that "Board" includes "bureau,"
26 "commission," "committee," "department," "division," "examining committee," "program," and
27 "agency." "License" includes certificate, registration or other means to engage in a business or
28 profession regulated by the Code.

12. Section 118(b) of the Code states:

The suspension, expiration, or forfeiture by operation of law of a license issued
by a board in the department, or its suspension, forfeiture, or cancellation by order of
the board or by order of a court of law, or its surrender without the written consent of
the board, shall not, during any period in which it may be renewed, restored, reissued,
or reinstated, deprive the board of its authority to institute or continue a disciplinary
proceeding against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against the

licensee on any such ground.

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13. Section 44002 of the Health and Safety Code provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

14. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

15. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

16. Section 44072.8 of the Health and Safety Code states:

“When a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

COST RECOVERY

17. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (Violations of the Motor Vehicle Inspection Program)

3 21. Respondent's station license is subject to discipline pursuant to Health & Safety
4 Code section 44072.2, subdivision (a), in that on or about December 1, 2011, regarding the 2006
5 Chevrolet Silverado pickup truck, he failed to comply with the following sections of that Code:

6 a. **Section 44012, subdivision (f):** Respondent failed to perform emission control
7 inspections on the vehicle in accordance with procedures prescribed by the department.

8 b. **Section 44015, subdivision (b):** Respondent issued electronic Certificate of
9 Compliance No. OI528533C for the vehicle without properly inspecting the vehicle to determine
10 if it was in compliance with Health & Safety Code section 44012.

11 c. **Section 44016:** Respondent failed to perform the required smog inspections in
12 accordance with the Bureau's specifications.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 (Failure to Comply with Regulations)

15 22. Respondent's station license is subject to discipline pursuant to Health & Safety
16 Code section 44072.2, subdivision (c), in that on or about December 1, 2011, regarding the 2006
17 Chevrolet Silverado pickup truck, he failed to comply with provisions of California Code of
18 Regulations, title 16, as follows:

19 a. **Section 3340.35, subdivision (c):** Respondent issued electronic Certificate of
20 Compliance No. OI528533C for the vehicle even though the vehicle had not been inspected in
21 accordance with section 3340.42.

22 b. **Section 3340.41, subdivision (c):** Respondent entered false information into the
23 Emission Inspection System unit by entering "Pass" for the visual portion of the inspection when,
24 in fact, the EGR system was missing.

25 c. **Section 3340.42:** Respondent failed to perform an emission control inspection on
26 the vehicle in accordance with procedures prescribed by the department.

27 ///

28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 23. Respondent's station license is subject to discipline pursuant to Health & Safety
4 Code section 44072.2, subdivision (d), in that on or about December 1, 2011, regarding the 2006
5 Chevrolet Silverado pickup truck, he committed dishonest, fraudulent or deceitful acts whereby
6 another is injured by issuing electronic Certificate of Compliance No. OI528533C for the vehicle
7 without performing a bona fide inspection of the emission control devices and systems on the
8 vehicle, thereby depriving the People of the State of California of the protection afforded by the
9 Motor Vehicle Inspection Program.

10 **SIXTH CAUSE FOR DISCIPLINE**

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

12 24. Respondent's technician license is subject to discipline pursuant to Health and
13 Safety Code section 44072.2, subdivision (a), in that on or about December 1, 2011, regarding the
14 2006 Chevrolet Silverado pickup truck, he violated the following sections of that Code:

15 a. **Section 44012, subdivision (f):** Respondent failed to perform emission control
16 inspections on the vehicle in accordance with procedures prescribed by the department.

17 b. **Section 44016:** Respondent failed to conduct the required smog inspections in
18 accordance with the Bureau's specifications.

19 c. **Section 44032:** Respondent failed to perform an inspection of the emission
20 control devices and systems on the vehicle in accordance with section 44012 of that Code.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations)**

23 25. Respondent's technician license is subject to discipline pursuant to Health and
24 Safety Code section 44072.2, subdivision (c), in that on or about December 1, 2011, regarding the
25 2006 Chevrolet Silverado pickup truck, he violated the following sections of the California Code
26 of Regulations, title 16:

27 a. **Section 3340.30, subdivision (a):** Respondent failed to perform the emission
28 control inspection in accordance with Health and Safety Code section 44012.

1 b. On or about December 27, 2006, the Bureau issued Citation No. C07-0424 against
2 Respondent for violating Health and Safety Code section 44012(f) (failure to perform a
3 visual/functional check of emission control devices according to procedures prescribed by the
4 department), and California Code of Regulations, title 16, section 3340.35(c) (issuing a certificate
5 of compliance to a vehicle that was improperly tested), for issuing a certificate of compliance to a
6 Bureau undercover vehicle with a non-functional Exhaust Gas Recirculation ("EGR") system.
7 The Bureau assessed civil penalties totaling \$500 against Respondent for the violations.
8 Respondent complied with this citation on February 7, 2007.

9 c. On or about April 2, 2007, the Bureau issued Citation No. C07-0698 against
10 Respondent for violating Health and Safety Code section 44012(f) (failure to perform a
11 visual/functional check of emission control devices according to procedures prescribed by the
12 department), and California Code of Regulations, title 16, section 3340.35(c) (issuing a certificate
13 of compliance to a vehicle that was improperly tested), for issuing a certificate of compliance to a
14 Bureau undercover vehicle with a missing PCV system. The Bureau assessed civil penalties
15 totaling \$1,000 against Respondent for the violations. Respondent complied with this citation on
16 June 8, 2007.

17 d. On or about September 10, 2008, the Bureau issued Citation No. C09-0222 against
18 Respondent for violating Health and Safety Code section 44012(f) (failure to perform a
19 visual/functional check of emission control devices according to procedures prescribed by the
20 department), and California Code of Regulations, title 16, section 3340.35(c) (issuing a certificate
21 of compliance to a vehicle that was improperly tested), for issuing a certificate of compliance to a
22 Bureau undercover vehicle with a missing hot air tube to the thermostatic air cleaner. The Bureau
23 assessed civil penalties totaling \$500 against Respondent for the violations. Respondent
24 complied with this citation on October 1, 2008.

25 e. On or about December 17, 2008, the Bureau issued Citation No. C09-0735 against
26 Respondent for violating Health and Safety Code section 44012(f) (failure to perform a
27 visual/functional check of emission control devices according to procedures prescribed by the
28 department), and California Code of Regulations, title 16, section 3340.35(c) (issuing a certificate

1 of compliance to a vehicle that was improperly tested), for issuing a certificate of compliance to a
2 Bureau undercover vehicle with a missing PCV system. The Bureau assessed civil penalties
3 totaling \$1,000 against Respondent for the violations. Respondent complied with this citation on
4 March 24, 2009.

5 f. On or about April 20, 2009, the Bureau issued Citation No. C09-1201 against
6 Respondent for violating Health and Safety Code section 44012(f) (failure to perform a
7 visual/functional check of emission control devices according to procedures prescribed by the
8 department), and California Code of Regulations, title 16, section 3340.35(c) (issuing a certificate
9 of compliance to a vehicle that was improperly tested), for issuing a certificate of compliance to a
10 Bureau undercover vehicle with a missing Evaporative Storage Canister ("EVAP"). The Bureau
11 assessed civil penalties totaling \$2,000 against Respondent for the violations. Respondent
12 complied with this citation on June 25, 2009.

13 **Back to Life Auto (690 G Street, Suite 120, Lincoln, CA)**
14 **Smog Check Test Only Station License No. TC 256693**

15 g. On or about January 11, 2011, the Bureau issued Citation No. C2011-0787 against
16 Respondent for violating Health and Safety Code section 44012(f) (failure to perform a
17 visual/functional check of emission control devices according to procedures prescribed by the
18 department), and California Code of Regulations, title 16, section 3340.35(c) (issuing a certificate
19 of compliance to a vehicle that was improperly tested), for issuing a certificate of compliance to a
20 Bureau undercover vehicle with a missing PCV system. The Bureau assessed civil penalties
21 totaling \$2,500 against Respondent for the violations. Respondent complied with this citation on
22 February 28, 2011.

23 **Advanced Emissions Specialist Technician License No. EA 136218**

24 h. On or about April 2, 2007, the Bureau issued Citation No. M07-0699 against
25 Respondent for violating Health and Safety Code section 44032 (failure to perform tests and
26 inspections in accordance with Health and Safety Code section 44012), and California Code of
27 Regulations, title 16, section 3340.30(a) (inspect, test, and repair vehicles in accordance with
28 Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16,

1 section 3340.32) for issuing a certificate of compliance to a Bureau undercover vehicle with a
2 missing PCV system. Respondent was required to attend an 8-hour training course. On or about
3 June 6, 2007, Respondent completed the required training course.

4 i. On or about September 10, 2008, the Bureau issued Citation No. M09-0223 against
5 Respondent's technician license for violating Health and Safety Code section 44032 (failure to
6 perform tests and inspections in accordance with Health and Safety Code section 44012), and
7 California Code of Regulations, title 16, section 3340.30(a) (inspect, test, and repair vehicles in
8 accordance with Health and Safety Code sections 44012 and 44035, and California Code of
9 Regulations, title 16, section 3340.32) for issuing a certificate of compliance to a Bureau
10 undercover vehicle with a missing hot air tube to the thermostatic air cleaner. Respondent was
11 required to attend an 8-hour training course. On or about October 16, 2008, Respondent
12 completed the required training course.

13 j. On or about April 20, 2009, the Bureau issued Citation No. M09-1202 against
14 Respondent's technician license for violating Health and Safety Code section 44032 (failure to
15 perform tests and inspections in accordance with Health and Safety Code section 44012), and
16 California Code of Regulations, title 16, section 3340.30(a) (inspect, test, and repair vehicles in
17 accordance with Health and Safety Code sections 44012 and 44035, and California Code of
18 Regulations, title 16, section 3340.32) for issuing a certificate of compliance to a Bureau
19 undercover vehicle with a missing EVAP. Respondent was required to attend a 16-hour training
20 course. On or about June 22, 2009, Respondent completed the required training course.

21 **OTHER MATTERS**

22 28. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on
23 probation the registrations for all places of business operated in this state by Scott Anthony
24 Ruskauff, upon a finding that he has, or is, engaged in a course of repeated and willful violation
25 of the laws and regulations pertaining to an automotive repair dealer.

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8. Taking such other and further action as deemed necessary and proper.

DATED: June 21 2012



JOHN WALLAUCH
Chief

Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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