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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 and Petition to  
Revoke Probation Against:

Case No. *79/15-125*

13 **BACK TO LIFE AUTO INC.**  
14 **SCOTT ANTHONY RUSKAUFF, PR/TR/SEC**  
15 **690 Lincoln Boulevard, Suite 120**  
**Lincoln, CA 95648**

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

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

18 Respondent.

19  
20 Patrick Dorais ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation and Petition to Revoke Probation solely in his  
23 official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of  
24 Consumer Affairs.

25 2. On or about January 6, 2012, the Bureau issued Automotive Repair Dealer  
26 Registration Number ARD 267644 ("registration") to Back to Life Auto Inc., with Scott Anthony  
27 Ruskauff as the President, Secretary, and Treasurer. The registration was in full force and effect  
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1 at all times relevant to the charges brought herein and will expire on January 31, 2016, unless  
2 renewed.

3 3. On or about February 7, 2012, the Bureau issued Smog Check Test Only Station  
4 Number TC 267644 ("station license") to Back to Life Auto Inc. ("Respondent"), with Scott  
5 Anthony Ruskauff as the President, Secretary, and Treasurer. The station license was in full force  
6 and effect at all times relevant to the charges brought herein and will expire on January 31, 2016,  
7 unless renewed.

### 8 PRIOR DISCIPLINE

9 4. Pursuant to a Stipulated Settlement and Disciplinary Order, in a disciplinary action  
10 titled, *"In the Matter of the Accusation Against: Scott Anthony Ruskauff, Back to Life Auto, Case*  
11 *No. 79/12-170,"* the Bureau adopted a Stipulated Settlement and Disciplinary Order effective  
12 November 31, 2012, wherein Respondent's Automotive Repair Dealer Registration Number ARD  
13 267644 and Smog Check Test Only Station License Number TC 267644 were revoked.  
14 However, the revocation was stayed and Respondent was placed on probation for a period of  
15 three (3) years under terms and conditions. In addition, Respondent's Automotive Repair Dealer  
16 Registration Number ARD 267644 and Smog Check Test Only Station License Number TC  
17 267644 were suspended for a period of thirty (30) days. The Decision and Order was based on  
18 numerous Findings of Fact, including the following: On or about December 1, 2011, Respondent  
19 issued a certificate of compliance to a vehicle that could not have passed the visual portion of the  
20 smog inspection because the vehicle's EGR (Exhaust Gas Recirculation) system was missing,  
21 thereby failing to perform emission control tests on a vehicle in accordance with procedures  
22 prescribed by the department, and Respondent failed to determine that all emission control  
23 devices and systems required by law were installed and functioning correctly in accordance with  
24 test procedures.

### 25 JURISDICTION

26 5. Business and Professions Code ("Code") section 9884.7 provides that the Director  
27 may revoke an automotive repair dealer registration.

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(4) Any other conduct that constitutes fraud.

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

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation, the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

12. 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.

**COST RECOVERY**

13. 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.

**ACCUSATION**

**UNDERCOVER OPERATION – NOVEMBER 13, 2014**

14. On or about November 13, 2014, a Bureau undercover operator (“operator”) drove a Bureau-documented Honda to Respondent's facility and requested a smog inspection. The

1 vehicle could not pass a smog inspection because the vehicle had a defective fuel evaporative  
2 canister and missing vapor hose. Respondent performed the smog inspection and issued  
3 electronic Certificate of Compliance Number [REDACTED], certifying that it had tested and  
4 inspected the vehicle and that the vehicle was in compliance with applicable laws and regulations.  
5 In fact, the vehicle could not have passed a smog inspection because the vehicle had a defective  
6 fuel evaporative canister and missing vapor hose. The operator paid Respondent \$40.00 and  
7 received a copy of the Invoice No. [REDACTED], and the Vehicle Inspection Report.

8 15. On or about November 19, 2014, a Bureau representative re-inspected the vehicle  
9 and found that the vehicle still had a defective fuel evaporative canister and missing vapor hose.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Untrue or Misleading Statements)**

12 16. Respondent's registration is subject to discipline pursuant to Code section 9884.7,  
13 subdivision (a)(1), in that on or about November 13, 2014, it made or authorized statements  
14 which it knew or in the exercise of reasonable care should have known to be untrue by certifying  
15 that the vehicle was in compliance with applicable laws and regulations. In fact, the vehicle  
16 could not have passed a properly performed smog inspection because the vehicle had a defective  
17 fuel evaporative canister and missing vapor hose.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 17. Respondent's registration is subject to discipline pursuant to Code section 9884.7,  
21 subdivision (a)(4), in that on or about November 13, 2014, it committed acts which constitute  
22 fraud by issuing electronic Certificate of Compliance No. [REDACTED] for the vehicle without  
23 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
24 thereby depriving the People of the State of California of the protection afforded by the Motor  
25 Vehicle Inspection Program.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 21. Respondent's station license is subject to discipline pursuant to Health & Safety  
4 Code section 44072.2, subdivision (d), in that on or about November 13, 2014, it committed  
5 dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic Certificate  
6 of Compliance No. [REDACTED] for the vehicle without performing a bona fide inspection of the  
7 emission control devices and systems on the vehicle, thereby depriving the People of the State of  
8 California of the protection afforded by the Motor Vehicle Inspection Program.

9 **PETITION**

10 22. At all times after the effective date of Respondent's probation, Condition 8 stated:

11 Should the Director of Consumer Affairs determine that Respondent has failed  
12 to comply with the terms and conditions of probation, the Department may, after  
13 giving notice and opportunity to be heard, temporarily or permanently invalidate the  
14 registration, and suspend or revoke the license.

15 23. Grounds exist to revoke Respondent's probation and reimpose the Order of  
16 revocation of Respondent's registration and smog check station license, in that he violated  
17 Condition 1 of his probation as follows:

18 **CAUSE TO REVOKE PROBATION**

19 **(Failure to Obey all Laws)**

20 24. At all times after the effective date of Respondent's probation, Condition 1 states:

21 Comply with all statutes, regulations, and rules governing automotive  
22 inspections, estimates, and repairs.

23 25. Respondent's probation is subject to revocation, in that he failed to comply with all  
24 statutes, regulations, and rules governing automotive inspections, estimates, and repairs, as set  
25 forth above in paragraphs 14 through 21.

26 **OTHER MATTERS**

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

