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FILED

Date 3/21/11 By Kelli Okuma

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:
JOSHUA J. TUCKETT
11955 Jack Benny Drive, Suite 102
Rancho Cucamonga, CA 91739
Field Representative's License No. FR 40813

Respondent.

Case No. 2011-47

ACCUSATION

Complainant alleges:

PARTIES

1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

Field Representative's License

2. On or about September 27, 2006, the Board issued Field Representative's License Number FR 40813 in Branches 2 and 3 to Joshua J. Tuckett ("Respondent"). The field representative's license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

STATUTORY PROVISIONS

3. Section 8620 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a

1 licensee or applicant, has committed any acts or omissions constituting cause for disciplinary
2 action or in lieu of a suspension may assess a civil penalty.

3 4. Code section 8625 states:

4 The lapsing or suspension of a license or company registration by
5 operation of law or by order or decision of the board or a court of law, or the
6 voluntary surrender of a license or company registration shall not deprive the board of
7 jurisdiction to proceed with any investigation of or action or disciplinary proceeding
8 against such licensee or company, or to render a decision suspending or revoking
9 such license or registration.

8 5. Code section 8641 states:

9 Failure to comply with the provisions of this chapter, or any rule or
10 regulation adopted by the board, or the furnishing of a report of inspection without
11 the making of a bona fide inspection of the premises for wood-destroying pests or
12 organisms, or furnishing a notice of work completed prior to the completion of the
13 work specified in the contract, is a ground for disciplinary action.

12 6. Code section 8593 states:

13 The board shall require as a condition to the renewal of each operator's
14 and field representative's license that the holder submit proof satisfactory to the board
15 that he or she has informed himself or herself of developments in the field of pest
16 control either by completion of courses of continuing education in pest control
17 approved by the board or equivalent activity approved by the board. In lieu of
18 submitting that proof, the licenseholder, if he or she so desires, may take and
19 successfully complete an examination given by the board, designed to test his or her
20 knowledge of developments in the field of pest control since the issuance of his or her
21 license.

18 REGULATORY PROVISION

19 7. California Code of Regulations, title 16, section 1950, states, in pertinent part:

20 (a) Except as provided in section 1951, every licensee is required, as a
21 condition to renewal of a license, to certify that he or she has completed the
22 continuing education requirements set forth in this article. A licensee who cannot
23 verify completion of continuing education by producing certificates of activity
24 completion, whenever requested to do so by the Board, may be subject to disciplinary
25 action under section 8641 of the code.

24 COST RECOVERY

25 8. Code section 125.3 states, in pertinent part, that a Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

PRAYER

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WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Field Representative's License Number FR 40813, issued to Joshua J. Tuckett;

2. Ordering Joshua J. Tuckett to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 3/21/11

Kelli Okuma

KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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