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FILED

Date 3/16/11 By *Kelli Okuma*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-45

12 **ALEXANDER M. BEATTY**
45521 Barrymore Avenue
13 Lancaster, CA 93534

ACCUSATION

14 Field Representative's License No. FR 41550

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about April 4, 2007, the Board issued Field Representative's License Number
23 FR 41550 in Branch 3 (termite) to Alexander M. Beatty ("Respondent"), employee of Jeff Hiatt,
24 Inc. On November 8, 2010, Respondent's field representative's license was placed on inactive
25 status due to the cancellation of Jeff Hiatt, Inc.'s company registration certificate. Respondent's
26 field representative's license will expire on June 30, 2012, unless renewed.

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1 depends on the number of branches of pest control in which licenses are held. The
2 subject matter covered by each activity shall be designated as "technical" or "general"
3 by the Board when the activity is approved. Hour values shall be assigned by the
4 Board to each approved educational activity, in accordance with the provisions of
5 section 1950.5.

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7 (d) Field representatives licensed in one branch of pest control shall have
8 completed 16 continuing education hours, field representatives licensed in two
9 branches of pest control shall have completed 20 continuing education hours, field
10 representatives licensed in three branches of pest control shall have completed 24
11 continuing education hours during each three year renewal period. In each case, a
12 minimum of four continuing education hours in a technical subject directly related to
13 each branch of pest control held by the licensee must be gained for each branch of
14 pest control licensed and a minimum of eight hours must be gained from Board
15 approved courses on the Structural Pest Control Act, the Rules and Regulations, or
16 structural pest control related agencies' rules and regulations . . ."

17 COST RECOVERY

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

22 CAUSE FOR DISCIPLINE

23 *(Failure to Verify Completion of Continuing Education)*

24 8. In or about June 2009, Respondent submitted a license renewal application to the
25 Board. On June 25, 2009, Respondent certified under penalty of perjury on the application form
26 that he had successfully completed 16 hours of continuing education during his last renewal
27 period.

28 9. On December 8, 2009, February 8, 2010, May 11, 2010, and October 5, 2010, a
representative of the Board sent Respondent written requests for copies of his continuing
education certificates for the renewal period of July 1, 2006, through June 30, 2009. Respondent
was advised that his failure to verify his continuing education hours, or to supply the requested
information, could subject his field representative's license to disciplinary action.

10. Respondent is subject to disciplinary action pursuant to Code section 8641, in that,
Respondent failed to comply with Regulation 1950 by failing to verify that he completed courses
of continuing education in pest control approved by the Board. Specifically, Respondent failed to

1 submit copies of his continuing education certificates for the renewal period of July 1, 2006,
2 through June 30, 2009, as requested by the Board's representatives.

3 **OTHER MATTERS**

4 11. Code section 8620 provides, in pertinent part, that a respondent may request that a
5 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,
6 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
7 at the time of the hearing and must be noted in the proposed decision. The proposed decision
8 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

9 12. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
10 License Number FR 41550, issued to Respondent Alexander M. Beatty, Alexander M. Beatty
11 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
12 responsible managing employee for any registered company during the time the discipline is
13 imposed, and any registered company which employs, elects, or associates Alexander M. Beatty
14 shall be subject to disciplinary action.

15 **PRAYER**

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

18 1. Revoking or suspending Field Representative's License Number FR 41550, issued
19 to Alexander M. Beatty;

20 2. Prohibiting Alexander M. Beatty from serving as an officer, director, associate,
21 partner, qualifying manager or responsible managing employee of any registered company during
22 the period that discipline is imposed on Field Representative's License Number FR 41550, issued
23 to Alexander M. Beatty;

24 3. Ordering Alexander M. Beatty to pay the Structural Pest Control Board the
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
26 Professions Code section 125.3; and

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

DATED: 3/16/11


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

LA2010601235