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

In the Matter of the Accusation Against:

**ALEXANDER MARK BEATTY**  
45521 Barrymore Avenue  
Lancaster, CA 93534  
**Field Representative License No. FR 41550**

Respondent.

Case No. 2011-45

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about March 16, 2011, Complainant Kelli Okuma, in her official capacity as the former Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2011-45 against Alexander Mark Beatty (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about April 4, 2007, the Structural Pest Control Board (Board) issued Field Representative License No. FR 41550 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-45, but expired on June 30, 2012, and has been cancelled. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and/or agency-specific statute does not deprive the [Board] of its authority to institute or continue this disciplinary proceeding.

1           3.     On or about April 5, 2011, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 2011-45, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 136, is  
5 required to be reported and maintained with the Board. Respondent's address of record was and  
6 is: 45521 Barrymore Avenue, Lancaster, CA 93534.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10          5.     On or about April 1, 2011, the aforementioned documents were returned by the U.S.  
11 Postal Service marked "Forward Time Expired," and "Return to Sender".

12          6.     Government Code section 11506 states, in pertinent part:

13                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
15 of the accusation not expressly admitted. Failure to file a notice of defense shall  
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
17 may nevertheless grant a hearing.

18          7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
20 2011-45.

21          8.     California Government Code section 11520 states, in pertinent part:

22                 (a) If the respondent either fails to file a notice of defense or to appear at the  
23 hearing, the agency may take action based upon the respondent's express admissions  
24 or upon other evidence and affidavits may be used as evidence without any notice to  
25 respondent.

26          9.     Pursuant to its authority under Government Code section 11520, the Board finds  
27 Respondent is in default. The Board will take action without further hearing and, based on the  
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 2011-45, finds

1 that the charges and allegations in Accusation No. 2011-45, are separately and severally, found to  
2 be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$1,775.00.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Alexander Mark Beatty has  
8 subjected his Field Representative License No. FR 41550 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Structural Pest Control Board is authorized to revoke Respondent's Field  
11 Representative License based upon the following violations alleged in the Accusation which are  
12 supported by the evidence contained in the Default Decision Evidence Packet in this case:

13 a. Business and Professions Code section 8641 (Failure to Verify Completion of  
14 Continuing Education).

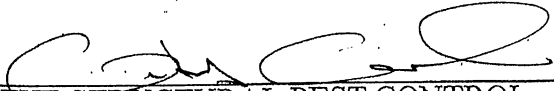
15 **ORDER**

16 *IT IS SO ORDERED* that Field Representative License No. FR 41550, heretofore issued to  
17 Respondent Alexander Mark Beatty, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
19 written motion requesting that the Decision be vacated and stating the grounds relied on within  
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

22 This Decision shall become effective on January 5, 2013.

23 It is so ORDERED December 6, 2012

24  
25   
26 FOR THE STRUCTURAL PEST CONTROL  
27 BOARD  
28 DEPARTMENT OF PESTICIDE REGULATION

Attachment:  
Exhibit A: Accusation