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**FILED**

Date 5/16/16 By *Susan Saylor*

7  
8 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2016-60

11 **JOE RUSKIN BECK, JR.**  
12 10510 East Zamora Avenue  
13 Los Angeles, CA 90002

**ACCUSATION**

14 **Field Representative's License No. FR**  
**47357, Br. 2**

15 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Susan Saylor ("Complainant") brings this Accusation solely in her official capacity as  
23 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer  
24 Affairs.

25 2. On or about January 12, 2012, the Structural Pest Control Board issued Field  
26 Representative's License Number FR 47357 in Branch 2 to Joe Ruskin Beck, Jr. ("Respondent").  
27 The Field Representative's License was in full force and effect at all times relevant to the charges  
28 brought herein and will expire on June 30, 2017, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Structural Pest Control Board ("Board"),  
3 Department of Consumer Affairs, under the authority of the following laws. All section references  
4 are to the Business and Professions Code unless otherwise indicated.

5 4. Section 8620 provides, in pertinent part, that the Board may suspend or revoke a  
6 license when it finds that the holder, while a licensee or applicant, has committed any acts or  
7 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil  
8 penalty.

9 5. Section 8625 of the Code states:

10 "The lapsing or suspension of a license or company registration by operation of law or by  
11 order or decision of the board or a court of law, or the voluntary surrender of a license or  
12 company registration shall not deprive the board of jurisdiction to proceed with any investigation  
13 of or action or disciplinary proceeding against such licensee or company, or to render a decision  
14 suspending or revoking such license or registration."

15 **STATUTORY PROVISIONS**

16 6. Section 8593 states:

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

24 "(b) The board shall develop a correspondence course or courses with any educational  
25 institution or institutions as it deems appropriate. This course may be used to fulfill the  
26 requirements of this section. The institution may charge a reasonable fee for each course.

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1 set forth in this article. A licensee who cannot verify completion of continuing education by  
2 producing certificates of activity completion, whenever requested to do so by the Board, may be  
3 subject to disciplinary action under section 8641 of the code.

4 “(b) Each licensee is required to complete a certain number of continuing education hours  
5 during the three year renewal period. The number of hours required depends on the number of  
6 branches of pest control in which licenses are held. The subject matter covered by each activity  
7 shall be designated as "technical" or "general" by the Board when the activity is approved. Hour  
8 values shall be assigned by the Board to each approved educational activity, in accordance with the  
9 provisions of section 1950.5.

10 ....

11 “(d) Field representatives licensed in one branch of pest control shall have completed 16  
12 continuing education hours, field representatives licensed in two branches of pest control shall  
13 have completed 20 continuing education hours, field representatives licensed in three branches of  
14 pest control shall have completed 24 continuing education hours during each three year renewal  
15 period. In each case, a minimum of four continuing education hours in a technical subject directly  
16 related to each branch of pest control held by the licensee must be completed for each branch of  
17 pest control licensed, a minimum of two hours in Integrated Pest Management must be completed  
18 by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours  
19 must be completed from Board approved courses on the Structural Pest Control Act, the Rules  
20 and Regulations, or structural pest control related agencies' rules and regulations.”

#### 21 COST RECOVERY

22 11. Section 125.3 states, in pertinent part, that a Board may request the administrative law  
23 judge to direct a licentiate found to have committed a violation or violations of the licensing act to  
24 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### 25 FIRST CAUSE FOR DISCIPLINE

##### 26 (Failure to Verify Completion of Continuing Education Requirements)

27 12. Respondent is subject to disciplinary action under section 8641 in conjunction with  
28 section 8593 and California Code of Regulations, title 16, section 1950, subdivisions (a) and (d)

1 inclusive, in that Respondent failed to verify completion of continuing education requirements, as  
2 follows:

3 a. On or about July 8, 2014, Respondent signed his Field Representative license renewal  
4 application under the penalty of perjury, attesting that he had completed the Board's continuing  
5 education requirements.

6 b. The July 8, 2014, license renewal application submitted by Respondent and received  
7 by the Board was damaged and illegible, so it was unclear exactly how many hours of continuing  
8 education Respondent was certifying that he had completed.

9 c. On or about August 28, 2014, the Board, seeking clarification due to the damaged  
10 renewal application, sent Respondent a letter asking him to verify the number of continuing  
11 education hours he had completed.

12 d. On or about September 29, 2014, Respondent returned the previous letter and  
13 attested, under penalty of perjury, that he had completed 16 hours of continuing education.

14 e. On or about November 3, 2014, the Board mailed Respondent a letter notifying him  
15 that he had been selected for a continuing education ("CE") audit ("Audit"). The Audit directed  
16 Respondent to submit copies of certificates of course completion to verify his completed CE hours  
17 within fourteen (14) days of November 3, 2014. Respondent did not submit any certificates of  
18 course completion to the Board in response to this letter.

19 f. On or about March 3, 2015, the Board mailed Respondent a second letter directing  
20 him to submit copies of certificates of course completion to verify his completed CE hours within  
21 fourteen (14) days of March 3, 2015. Respondent did not submit any certificates of course  
22 completion to the Board in response to this letter.

23 g. On or about May 8, 2015, the Board mailed Respondent a "FINAL NOTICE"  
24 directing him to submit copies of certificates of course completion to verify his completed CE  
25 hours within fourteen (14) days of May 8, 2015. This letter was returned to the Board and  
26 Respondent did not submit any certificates of course completion to the Board in response to this  
27 letter.

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1 h. On or about July 1, 2015, the Board mailed Respondent a second "FINAL NOTICE"  
2 to Respondent's work address, directing him to submit copies of certificates of course completion  
3 to verify his completed CE hours within fourteen (14) days of July 1, 2015. This letter was  
4 returned to the Board and Respondent did not submit any certificates of course completion to the  
5 Board in response to this letter.

6 i. On or about July 17, 2015, the Board mailed Respondent a third "FINAL NOTICE"  
7 to a third address, directing him to submit copies of certificates of course completion to verify his  
8 completed CE hours within fourteen (14) days of July 17, 2015. Respondent did not submit any  
9 certificates of course completion to the Board in response to this letter

10 j. On or about August 13, 2015, the Board sent Respondent a letter notifying him that  
11 the Board had neither received any proof of completion of CE requirements nor any explanation as  
12 to why he does not have the requested documents.

### 13 **SECOND CAUSE FOR DISCIPLINE**

#### 14 **(Misrepresentation of Material Fact on License Renewal Application)**

15 13. Respondent is subject to disciplinary action under section 8637 in conjunction with  
16 section 8593 in that Respondent misrepresented a material fact on his license renewal application.  
17 On or about July 8, 2014, Respondent certified under the penalty of perjury on his license renewal  
18 application that he had completed the Board's CE requirements. In a letter received by the Board  
19 on or about September 29, 2014, Respondent certified under the penalty of perjury that he had  
20 completed sixteen (16) hours of CE requirements. Yet, Respondent failed to provide proof to the  
21 Board of his actual completion of these hours after multiple Board requests. Complainant refers  
22 to, and by this reference incorporates, the allegations contained in paragraph 12, subparagraphs (a)  
23 through (j) inclusive, as though set forth fully.

### 24 **DISCIPLINE CONSIDERATIONS**

25 14. To determine the degree of discipline, if any, to be imposed on Respondent,  
26 Complainant alleges that on or about March 11, 2011, the Structural Pest Control Board brought a  
27 disciplinary action against Respondent entitled In the Matter of the Statement of Issues Against  
28 Joe Ruskin Beck, Jr., in Board Case Number 2011-43 and Office of Administrative Hearings Case

1 Number 2011050040. In a decision effective January 12, 2012, Respondent's application for  
2 licensure was granted, however Respondent's license was immediately revoked, the revocation  
3 was stayed and Respondent was placed on probation for three years for the conviction of several  
4 crimes substantially related to the qualifications, functions and duties of a field representative. The  
5 circumstances of the convictions are as follows:

6 a. On or about April 25, 1985, in the criminal proceeding entitled *People v. Jose Ruskin*  
7 *Beck* (Super. Ct. Los Angeles County, 1985, Case No. A910886), Respondent was convicted of  
8 violating Penal Code section 211 (robbery, a felony) and was sentenced to serve 5 years in state  
9 prison.

10 b. On or about January 17, 1996, in the criminal proceeding entitled *People v. Jose*  
11 *Ruskin Beck* (Super. Ct. Los Angeles County, 1996, Case No. BA178998), Respondent was  
12 convicted of violating Penal Code section 215, subdivision (a) (carjacking, a felony) and was  
13 sentenced to serve 9 years in state prison.

14 c. On or about September 2, 2004, in the criminal proceeding entitled *People v. Jose*  
15 *Ruskin Beck* (Super. Ct. Los Angeles County, 2004, Case No. VA084567), Respondent pled  
16 guilty to violating Penal Code section 666 (petty theft with prior prison sentences for robbery and  
17 carjacking, a felony) and was sentenced to serve 44 months in state prison.

18 d. On or about March 6, 2008, in the criminal proceeding entitled *People v. Jose Ruskin*  
19 *Beck* (Super. Ct. Los Angeles County, 2008, Case No. TA095869), Respondent pled guilty to  
20 violating Vehicle Code section 10851, subdivision (a) (unlawful driving or taking of a vehicle, a  
21 felony). Respondent was sentenced to serve a total of 28 months in state prison.

22 e. The decision in Board Case Number 2011-43 is now final and is incorporated by  
23 reference as if fully set forth.

24 **OTHER MATTERS**

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

3 16. Pursuant to section 8654, if discipline is imposed on Respondent's Field  
4 Representative's License Number FR 47357 in Branch 2, Respondent shall be prohibited from  
5 serving as an officer, director, associate, partner, qualifying manager, or responsible managing  
6 employee for any registered company during the time the discipline is imposed, and any registered  
7 company which employs, elects, or associates Respondent shall be subject to disciplinary action.

8 **PRAYER**

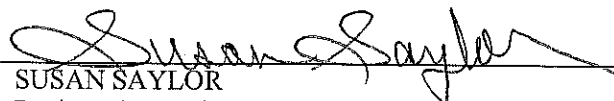
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Structural Pest Control Board issue a decision:

11 1. Revoking or suspending Field Representative's License Number FR 47357 in Branch  
12 2, issued to Joe Ruskin Beck, Jr.;

13 2. Ordering Joe Ruskin Beck, Jr. to pay the Structural Pest Control Board the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code  
15 section 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.  
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20 DATED: 5/16/16

  
SUSAN SAYLOR

Registrar/Executive Officer  
Structural Pest Control Board  
Department of Consumer Affairs  
State of California  
Complainant

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