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

In the Matter of the Accusation Against:
JOE RUSKIN BECK, JR.
10510 East Zamora Avenue
Los Angeles, CA 90002
**Field Representative's License No. FR
47357, Br. 2**

Respondent.

Case No. 2016-60

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 16, 2016, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2016-60 against Joe Ruskin Beck ("Respondent") before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On or about January 12, 2012, the Structural Pest Control Board issued Field Representative's License Number FR 47357 in Branch 2 to Joe Ruskin Beck, Jr. ("Respondent"). The Field Representative's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2016-60 and will expire on June 30, 2017, unless renewed.

1 3. On or about May 27, 2016, Respondent was served by Certified and First Class Mail
2 copies of Accusation No. 2016-60, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)
4 (the "Pleading Packet") at Respondent's address of record which, pursuant to Business and
5 Professions Code section 136, is required to be reported and maintained with the Board.

6 Respondent's address of record was and is:

7 10510 East Zamora Avenue
8 Los Angeles, CA 90002.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about June 1, 2016, the certified mailing receipt for the Pleading Packet served
13 by certified mail was signed for as received by "Barbara Beck." The address on the documents
14 was the same as the address on file with the Board. Respondent failed to maintain an updated
15 address with the Board and the Board has made attempts to serve the Respondent at the address
16 on file. Respondent either failed to maintain an updated address with the Board, and
17 consequently not made himself available for service, or he has simply not availed himself of his
18 right to file a notice of defense and appear at hearing.

19 6. Government Code section 11506(c) states, in pertinent part:

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

25 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
26 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
27 2016-60.

28 8. California Government Code section 11520(a) states, in pertinent part:

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

1 any notice to respondent

2 9. Pursuant to its authority under Government Code section 11520, the Board finds
3 Respondent is in default. The Board will take action without further hearing and, based on the
4 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
5 taking official notice of all the investigatory reports, exhibits and statements contained therein on
6 file at the Board's offices regarding the allegations contained in Accusation No. 2016-60, finds
7 that the charges and allegations in Accusation No. 2016-60, are separately and severally, found to
8 be true and correct by clear and convincing evidence.

9 10. Taking official notice of its own internal records, pursuant to Business and
10 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
11 and Enforcement is \$1,280.00 as of September 7, 2016.

12 **DETERMINATION OF ISSUES**

13 1. Based on the foregoing findings of fact, Respondent Joe Ruskin Beck has subjected
14 his Field Representative's License Number FR 47357 in Branch 2 to discipline.

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

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

19 4. Respondent is subject to disciplinary action under Business and Professions Code
20 section 8641 in conjunction with Business and Professions Code section 8593 and California
21 Code of Regulations, title 16, section 1950, subdivisions (a) and (d) inclusive, in that Respondent
22 failed to verify completion of continuing education requirements, as follows:

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

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

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

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

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

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

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

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

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

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

4 5. Respondent is subject to disciplinary action under Business and Professions Code
5 section 8637 in conjunction with Business and Professions Code section 8593 in that Respondent
6 misrepresented a material fact on his license renewal application. On or about July 8, 2014,
7 Respondent certified under the penalty of perjury on his license renewal application that he had
8 completed the Board's CE requirements. In a letter received by the Board on or about September
9 29, 2014, Respondent certified under the penalty of perjury that he had completed sixteen (16)
10 hours of CE requirements. Yet, Respondent failed to provide proof to the Board of his actual
11 completion of these hours after multiple Board requests. The allegations are set forth in more
12 detail in Accusation No. 2016-60, which is hereby incorporated by reference as though set forth
13 fully.

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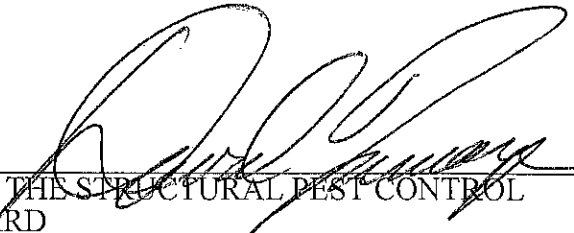
ORDER

IT IS SO ORDERED that Field Representative's License No. FR 47357 in Branch 2, heretofore issued to Respondent Joe Ruskin Beck, is revoked.

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

This Decision shall become effective on November 19, 2016.

It is so ORDERED October 20, 2016



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:LA2016601008

Attachment:
Exhibit A: Accusation