

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

In the Matter of the Statement of Issues  
Against:

JOE RUSKIN BECK, JR.,

Respondent.

Case No. 2011-43

OAH No. L-2011050040

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

The Decision shall become effective on January 12, 2012.

IT IS SO ORDERED December 13, 2011.

  
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FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION

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

In the Matter of the Statement of Issues  
Against:

JOE RUSKIN BECK, JR.  
10510 East Zamora Avenue  
Los Angeles, CA 90002,

Respondent.

Case No.: 2011-43

OAH No.: 2011050040

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on August 29, 2011.

Kimberlee King, Deputy Attorney General, represented the Complainant.

Respondent appeared in person and represented himself.

Oral and documentary evidence and evidence by way of official notice was received and the matter then argued.

The record was held open to allow Respondent to file additional documentary evidence and to allow Complainant to submit commentary with regard to proposed conditions of probation should a probationary license issue. Respondent timely filed a letter from his probation officer on September 9, 2011, which was marked and incorporated into Exhibit A in evidence as administrative hearsay. Complainant timely filed said commentary on September 26, 2011, which was incorporated into Exhibit 1. The case was deemed submitted on September 27, 2011.

The Administrative Law Judge now finds, concludes and orders as follows:

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## FACTUAL FINDINGS

### *Parties*

1. Kelli Okuma, Complainant herein, brought the Statement of Issues in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of Pesticide Regulation.

2. On June 14, 2010, the Board received an application for a field representative's license from Joe Ruskin Beck, Jr., Respondent herein. On April 7, 2010, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application.

### *Procedure*

3. The Board denied the application by letter on July 28, 2010. Respondent timely appealed the Board's denial and requested a hearing. Jurisdictional requirements have been met by the parties. Administrative proceedings before the Board are conducted in conformity with the provisions of the California Administrative Procedure Act, chapter 5, Government Code section 11500 *et seq.*

### *Criminal Convictions*

4. On April 25, 1985, in the criminal proceeding entitled *People v. Jose Ruskin Beck* (Super. Ct. Los Angeles County, 1985, Case No. A910886), Respondent was convicted of violating Penal Code section 211 (robbery), a felony and served 28 months in state prison.

5. On January 17, 1996, in the criminal proceeding entitled *People v. Jose Ruskin Beck* (Super. Ct. Los Angeles County, 1996, Case No. BA178998), Respondent was convicted of violating Penal Code section 215, subdivision (a) (carjacking), a felony and served seven years and two months in state prison.

6. On September 2, 2004, in the criminal proceeding entitled *People v. Jose Ruskin Beck* (Super. Ct. Los Angeles County, 2004, Case No. VA084567), Respondent pled guilty to violating Penal Code section 666 (petty theft with prior prison sentences for robbery and carjacking), a felony and served 32 months in state prison. The circumstances of the crime are as follows: On August 13, 2004, Respondent entered a Target store, took various items from the display and placed them in a Target bag and left without paying. The incident occurred while Respondent was on parole for his carjacking conviction of January 17, 1996, set forth in Finding 5.

7. On March 6, 2008, in the criminal proceeding entitled *People v. Jose Ruskin Beck* (Super. Ct. Los Angeles County, 2008, Case No. TA095869), Respondent pled guilty to violating Vehicle Code section 10851, subdivision (a) (unlawful driving or taking of a vehicle), a felony. Respondent served a total of 14 months in state prison. The

circumstances of the crime are as follows: On or about March 4, 2008, Respondent unlawfully drove and took a 1992 Toyota belonging to the victim without the victim's consent and with the intent to permanently or temporarily deprive the victim of title to and possession of the vehicle.

8. The crimes set forth in Findings 4 through 7 are felonies and crimes of moral turpitude. Accordingly, the crimes are substantially related to the qualifications, functions or duties of a structural pest control licensee.

#### *Rehabilitation*

9. Respondent has completed all court ordered sanctions imposed upon him by reason of the crimes. With regard to the crime set forth in Finding 7, Respondent was released on parole in May, 2009. He has suffered no other conviction and he is, presently, in conformity to society's norms and rules of civil behavior.

10. Respondent is presently in full compliance with parole as is demonstrated by the following written attestation from his parole officer, Jesse Rubalcava, dated September 8, 2011:

I have been designated to supervise Mr. Beck during his duration on parole. Mr. Beck's parole adjustment has been satisfactory. He has provided a stable living environment and has made himself readily available for parole supervision. He has been providing clean monthly U/A tests. Since Mr. Beck's initial release from custody dated 05/09/09 he has not sustained any new parole violations or conviction. During this time Mr. Beck and the Agent of Record have developed good rapport and communicate well with one another. He has demonstrated to the Agent of Record over the last two years that he is making a positive progress towards reintegrating himself back into society. Mr. Beck has provided stable employment with Armed Exterminator for over a year and has demonstrated to the Agent of Record that he is not a threat to the community. He will be discharged from parole on 05/09/2012. If you have any questions or need further information please contact me at my office.

11. Respondent is now a volunteer for a Christian Organization, In His Love Ministries Inc., which reaches out to disadvantaged youth and families, providing necessities of daily living and counseling. The ministries CEO, Charlene M. Harston, proffered the following credible attestation summarizing Respondent's volunteer works:

I have known Joe Beck for five years, and I'm fully aware of his past convictions and him serving time in prison.

Joe and I met at a Community Outreach/Job Fair, where he talked to me about his disappointment at not being able to find employment with his prison record. It was also during this meeting that Joe expressed his remorse for what he had done and how he had allowed the poverty and despair that he witnessed growing up influence him and how he ended up being a part of the problem instead of the solution. I then explained to Joe, about my organization and told him that I was always looking for help and he gladly offered to help in whatever way he could. Since that day Joe has helped us with clothing and food distribution, shelter visits, flyer distributions, and community outreaches (set-up, tear-down, manning the booth etc.).

In addition, to assisting this organization Joe has also been my gardener for the past 1½ years.

While assisting our organization I've found Joe to be organized, efficient, competent, ambitious, responsible, and he has an excellent rapport with people of all ages, as well as excellent communication skills.

In summary, I highly recommend Joe for my position or endeavor where enthusiasm, hard work, and trustworthiness are values. He will be a valuable asset to your organization.

12. Respondent lives with his mother and maintains a close relationship with his mother and his two sisters. At present Respondent has stability of family life and fulfills familial obligations.

13. Dale Rodgers, owner/operator of Armed Exterminators, a Board licensee (Reg. PR3669), is aware of Respondent's convictions. Mr. Rodgers has recently employed Respondent for unlicensed work. Mr. Rodgers gave credible testimony as to Respondent's work ethic including punctuality, reliability and trustworthiness. Mr. Rodgers regards Respondent as a competent and professional employee and stands ready, willing and able to monitor and supervise Respondent should he receive a probationary license. In sum, in Mr. Rodgers opinion, Respondent would be an asset to his company.

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14. Respondent was open, honest and candid in the application and in his testimony and was cooperative with the Board during the pendency of this proceeding. He has a change in attitude since the time of his last conviction. That change was brought about by a number of factors including Respondent's family responsibilities; work which he enjoys and in which he is productive; the support of family members, and his desire to now be a good citizen. That change was demonstrated by the credible testimony of Respondent and the credible testimony from his employer and documentary evidence from his parole officer.

## LEGAL CONCLUSIONS

### *Violations*

1. Respondent's application is subject to denial under Business and Professions Code (Code) sections 8568 and 480, subdivisions (a) (1) and (a) (3) (A) in that he was convicted of crimes that are substantially related to the qualifications, functions or duties of a Board licensee by reason of Findings 4, 5, 6 and 7 combined separately and severally with Finding 8.

2. Respondent's application is subject to denial pursuant to Code sections 8568 and 480, subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or deceit with the intent to substantially benefit himself, or substantially injure another, as set forth in Findings 4, 5, 6 and 7, separately and in combination.

### *Licensing Considerations*

3. The purpose of this licensing proceeding is not to punish but to protect the public interest.<sup>1</sup> Respondent's crimes are all felonies and Respondent is still on parole. The Board's Guidelines<sup>2</sup> have been read and considered. They do not directly address applications but do contain conditions of probation should a probationary license be warranted.

4. Respondent, through recent hard work and perseverance, has achieved the record of rehabilitation set forth in Findings 9 through 14. He is a competent worker supported by a knowledgeable and credible prospective employer. In consideration of his present record of rehabilitation and notwithstanding Legal Conclusions 1 and 2 licensure of Respondent, on a probationary status, is consistent with the public interest. In that Respondent is still required to be drug tested (Finding 10) Condition No. 3 is added to the standard conditions of probation set forth in the Guidelines.

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<sup>1</sup> *Fahmy v. MBC* (1995) 38 Cal.App. 4<sup>th</sup> 810, 817; *Ex Parte Brounsell* (1778) 2 Cowp. 829 Eng.Rep. 1385. *Harrington v. Department of Real Estate* (1995) 214 Cal.App. 3<sup>rd</sup> 394.

<sup>2</sup>The Board's Manual of Disciplinary Guidelines and Model Disciplinary Orders. 2007.

## ORDER

Upon satisfaction of all statutory and regulatory requirements for issuance of a license, a field representative's license shall be issued to Respondent and immediately revoked; the order of revocation is stayed and Respondent is placed on probation for three years upon the following terms and conditions:

1. **Obey All Laws.** Respondent shall obey all laws and rules relating to the practice of structural pest control. If Respondent is under a criminal court order, including probation or parole and the order is violated, it shall be deemed a violation of these probation conditions.

2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during the period of probation.

3. **Substance Testing.** Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples at his expense as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances. If Respondent has a positive drug screen for any substance not legally authorized Respondent shall immediately cease work under his license and shall not resume work until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from work under his license pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

4. **Tolling of Probation.** Should Respondent leave California to reside outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

5. **Notice to Employers.** Respondent shall notify all present and prospective employers of this Decision and the terms and conditions and restrictions imposed by this Decision. Within 30 days of the effective date of this Decision and within 15 days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this Decision.

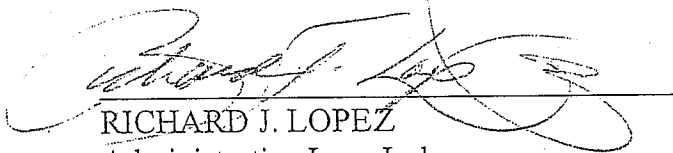
6. **Notice to Employees.** Respondent shall, upon or before the effective date of this decision, post or circulate notice to all employees involved in structural pest control operations which accurately recite the terms and conditions of probation. Respondent shall be responsible for said notice being immediately available to said employees. "Employees" as used in this provision includes all full-time, part-time, temporary and relief employees and independent contractors employed or hired at any time during probation.

7. **Completion of Probation.** Upon successful completion of probation, Respondent's license/certificate will be fully restored.

8. **Violation of Probation.** Should Respondent violate probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Respondent, during probation, the Board shall continue jurisdiction until the matter is final and the period of probation shall be extended until the matter is final.

9. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying Manager.** Respondent is prohibited from serving as an officer, director, associate, partner, qualifying manager or branch office manager of any registered company during the period that discipline is imposed on the Respondent's license.

Dated: October 19, 2011



RICHARD J. LOPEZ  
Administrative Law Judge  
Office of Administrative Hearings

RJL:ref



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FILED

Date 3/11/11

By Kelli Okuma

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

11 In the Matter of the Statement of Issues Against:

Case No. 2011-43

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

STATEMENT OF ISSUES

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

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

21 2. On or about June 14, 2010, the Board received an application for a field  
22 representative's license from Joe Ruskin Beck, Jr. ("Respondent"). On or about April 7, 2010,  
23 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application. The Board denied the application on July 28, 2010.

25 STATUTORY PROVISIONS

26 3. Business and Professions Code ("Code") section 8568 provides, in pertinent part, that  
27 the Board may deny a license or registration if the applicant has committed any act or omissions  
28 constituting grounds for discipline Code section 480.

1 4. Code section 480 states, in pertinent part:

2 (a) A board may deny a license regulated by this code on the grounds that  
3 the applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this  
5 section means a plea or verdict of guilty or a conviction following a plea of nolo  
6 contendere. Any action that a board is permitted to take following the establishment  
7 of a conviction may be taken when the time for appeal has elapsed, or the judgment  
8 of conviction has been affirmed on appeal, or when an order granting probation is  
9 made suspending the imposition of sentence, irrespective of a subsequent order under  
10 the provisions of Section 1203.4 of the Penal Code.

11 (2) Done any act involving dishonesty, fraud, or deceit with the intent to  
12 substantially benefit himself or herself or another, or substantially injure another.

13 (3)(A) Done any act that if done by a licentiate of the business or  
14 profession in question, would be grounds for suspension or revocation of license.

15 (B) The board may deny a license pursuant to this subdivision only if the  
16 crime or act is substantially related to the qualifications, functions, or duties of the  
17 business or profession for which application is made . . .

18 5. Code section 8649 states:

19 Conviction of a crime substantially related to the qualifications, functions,  
20 and duties of a structural pest control operator, field representative, applicator, or  
21 registered company is a ground for disciplinary action. The certified record of  
22 conviction shall be conclusive evidence thereof.

23 6. Code section 8654 states:

24 Any individual who has been denied a license for any of the reasons  
25 specified in Section 8568, or who has had his or her license revoked, or whose license  
26 is under suspension, or who has failed to renew his or her license while it was under  
27 suspension, or who has been a member, officer, director, associate, qualifying  
28 manager, or responsible managing employee of any partnership, corporation, firm, or  
association whose application for a company registration has been denied for any of  
the reasons specified in Section 8568, or whose company registration has been  
revoked as a result of disciplinary action, or whose company registration is under  
suspension, and while acting as such member, officer, director, associate, qualifying  
manager, or responsible managing employee had knowledge of or participated in any  
of the prohibited acts for which the license or registration was denied, suspended or  
revoked, shall be prohibited from serving as an officer, director, associate, partner,  
qualifying manager, or responsible managing employee of a registered company, and  
the employment, election or association of such person by a registered company is a  
ground for disciplinary action.

7. Code section 8655 states:

A plea or verdict of guilty or a conviction following a plea of nolo  
contendere made to a charge substantially related to the qualifications, functions, and  
duties of a structural pest control operator, field representative, applicator, or

1 registered company is deemed to be a conviction within the meaning of this article or  
2 Section 8568 of this chapter. The board may order the license or registration  
3 suspended or revoked, or may decline to issue a license, when the time for appeal has  
4 elapsed, or the judgment of conviction has been affirmed on appeal or when an order  
5 granting probation is made suspending the imposition of sentence, irrespective of a  
6 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing  
7 the individual or registered company to withdraw a plea of guilty and to enter a plea  
8 of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
9 information or indictment.

### 6 FIRST CAUSE FOR DENIAL

#### 7 (Criminal Convictions)

8 8. Respondent's application is subject to denial pursuant to Code sections 8568, 480,  
9 subdivision (a)(1), and 480, subdivision (a)(3)(A), in that Respondent was convicted of crimes  
10 which are substantially related to the qualifications, functions, and duties of a field representative.  
11 Respondent's convictions would constitute grounds for disciplinary action against him pursuant  
12 to Code section 8649 were he a licentiate of the Board.

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

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

21 c. On or about September 2, 2004, in the criminal proceeding titled *People v. Jose*  
22 *Ruskin Beck* (Super. Ct. Los Angeles County, 2004, Case No. VA084567), Respondent pled  
23 guilty to violating Penal Code section 666 (petty theft with prior prison sentences for robbery and  
24 carjacking, a felony) and was sentenced to serve 44 months in state prison. The circumstances of  
25 the crime are as follows: On or about August 13, 2004, Respondent entered a Target store, took  
26 various items from the display and placed them in a Target bag, and left without paying. The  
27 incident occurred while Respondent was on parole for his carjacking conviction of January 17,  
28 1996, set forth in subparagraph (b) above.

1 d. On or about March 6, 2008, in the criminal proceeding titled *People v. Jose Ruskin*  
2 *Beck* (Super. Ct. Los Angeles County, 2008, Case No. TA095869), Respondent pled guilty to  
3 violating Vehicle Code section 10851, subdivision (a) (unlawful driving or taking of a vehicle, a  
4 felony). Respondent was sentenced to serve a total of 28 months in state prison. The  
5 circumstances of the crime are as follows: On or about March 4, 2008, Respondent unlawfully  
6 drove and took a 1992 Toyota belonging to the victim without the victim's consent and with the  
7 intent to permanently or temporarily deprive the victim of title to and possession of the vehicle.

8 **SECOND CAUSE FOR DENIAL**

9 **(Dishonesty, Fraud or Deceit)**

10 9. Respondent's application is subject to denial pursuant to Code sections 8568 and 480,  
11 subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or deceit with  
12 the intent to substantially benefit himself, or substantially injure another, as set forth in paragraph  
13 8 above.

14 **OTHER MATTERS**

15 10. Pursuant to Code section 8654, if Respondent Joe Ruskin Beck, Jr.'s application for a  
16 field representative's license is denied, Joe Ruskin Beck, Jr. shall be prohibited from serving as an  
17 officer, director, associate, partner, qualifying manager, or responsible managing employee for  
18 any registered company, and any registered company which employs, elects, or associates Joe  
19 Ruskin Beck, Jr. shall be subject to disciplinary action.

20 **PRAYER**

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

- 23 1. Denying the application of Joe Ruskin Beck, Jr. for a field representative's license;  
24 2. Prohibiting Joe Ruskin Beck, Jr. from serving as an officer, director, associate,  
25 partner, qualifying manager or responsible managing employee of any registered company;

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

DATED: 3/11/11

*Kelli Okuma*

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

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