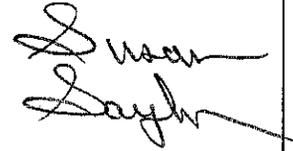


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FILED

Date 8/29/16 By



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

11 In the Matter of the Accusation Against:

Case No. 2017-15

12 **STEVE L. DAMASHEK**
13 **37880 Ronald Court**
14 **Cathedral City, CA 92234**

A C C U S A T I O N

15 **Field Representative License No. FR 47797,**
Branches 2 and 3

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about June 11, 2012, the Structural Pest Control Board issued Field
25 Representative License Number FR 47797, Branches 2 and 3, to Steve L. Damashek
26 (Respondent). The Field Representative License was in full force and effect at all times relevant to
27 the charges brought herein and will expire on June 30, 2017, unless renewed.

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REGULATORY PROVISIONS

12. California Code of Regulations, Title 16, section 1937.1, states, in pertinent part:

For the purposes of denial, suspension or revocation of a license or company registration . . . a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensee or registered company . . . if to a substantial degree it evidences present or potential unfitness of such licensee or registered company to perform the functions authorized by the license or company registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

(a) Any violation of the provisions of Chapter 14 of Division 3 of the code.

(b) Commission of any of the following in connection with the practice of structural pest control:

(1) Fiscal dishonesty

(2) Fraud

(3) Theft

(4) Violations relating to the misuse of pesticides.

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

**(December 21, 2015 Criminal Conviction for False Imprisonment
and Battery on March 22, 2015)**

14. Respondent is subject to disciplinary action pursuant to Code sections 490 and 8649, in that on or about December 21, 2015, in the criminal proceeding entitled *People of the State of California v. Steven Louis Damashek*, in the Superior Court of California, County of Riverside, Case No. INF1501306, Respondent was convicted on his plea of guilty of violating Penal Code sections 236 (false imprisonment), a felony, and 242 (battery), a misdemeanor, crimes that are substantially related to the qualifications, functions, and duties of a field representative. As a

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1 result of a plea agreement, a count for violating Penal Code section 207(a) (kidnapping), a felony,
2 was dismissed.

3 15. As a result of the conviction, the Court placed Respondent on three (3) years formal
4 probation and committed him to the custody of the Sheriff for 241 days, submit to search and
5 seizure, and pay victim restitution, along with other terms of probation.¹

6 16. The circumstances surrounding the conviction are that on March 22, 2015, at
7 approximately 1:00 p.m., the Riverside County Sheriff's Office received a call from the manager of
8 a car dealership reporting that an individual who was on a test drive with one of his employees was
9 refusing to terminate the test drive. The salesman updated dispatch with the current location of
10 the vehicle. The deputies located the vehicle at a Westfield mall and found that the salesman had
11 locked himself inside the vehicle. The salesman told deputies that the suspect (Respondent) had
12 fled into the Macy's Department Store. The deputies entered the Macy's Department Store with
13 the salesman to try to locate Respondent, with negative results.

14 17. The deputies learned from the salesman that after he and Respondent left on a test
15 drive. Respondent decided to depart from the designated test drive route given to him by the
16 salesman and proceeded to Walgreens to pick up a prescription. Respondent used Walgreen's
17 prescription drive-through, and when Respondent learned that there was no prescription for him to
18 pick up, he argued with Walgreen's staff. Respondent then continued to drive the vehicle, refusing
19 to follow the salesman's direction to return to the car dealership. Deputies later learned that
20 Respondent had been arrested in the City of Indian Wells on an unrelated charge, booked, and that
21 he was currently in custody.

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27 ¹ In or about September of 2015, the Court granted Respondent's motion and referred
28 Respondent to Mental Health Court. A Mental Health Progress Hearing is scheduled on
November 14, 2016.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(December 21, 2015 Criminal Conviction for Petty Theft on March 27, 2015)**

3 18. Respondent is subject to disciplinary action pursuant to Code sections 490 and 8649 in
4 that on or about December 21, 2015, in a criminal proceeding entitled *People of the State of*
5 *California v. Steven Louis Damashek*, in the Superior Court California, County of Riverside, Case
6 No. INM1503092, Respondent was convicted on his plea of guilty of violating Penal Code section
7 488 (petty theft), a misdemeanor, a crime that is substantially related to the qualifications,
8 functions, and duties of a field representative. As a result of a plea agreement, a count for
9 violating Penal Code section 242 (battery), a misdemeanor, was dismissed.

10 19. As a result of the conviction, the Court sentenced Respondent to 180 days in the
11 county jail.

12 20. The circumstances surrounding the conviction are that on March 27, 2015, at
13 approximately 1:00 p.m., Riverside County Sheriff's deputies were dispatched to an address in
14 Thermal, California, in reference to a report of a fraud. Upon arrival, deputies made contact with
15 the reporting party (RP), who told deputies that she drove a taxi cab for a living and had driven
16 Respondent to several locations, including the post office and two towing yards, and that
17 Respondent only paid her approximately half of the \$306 fare. The RP told deputies that when she
18 demanded full payment that Respondent jumped on top of her, pinning her to the ground, and that
19 two bystanders came to her rescue and pulled Respondent off of her. The RP called authorities
20 and reported the incident. Respondent was arrested and booked into the county jail.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Acts Involving Dishonesty, Fraud or Deceit)**

23 21. Respondent is subject to disciplinary action pursuant to Code section 8620 in that
24 Respondent committed acts of dishonesty when he refused to pay the taxi driver approximately
25 \$156, as more fully set forth at paragraphs 18-20, which are incorporated here by reference.

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OTHER MATTERS

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

23. Pursuant to Code section 8654, if discipline is imposed on Field Representative's License Number FR 47797 issued to Respondent Steve L. Damashek, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Steve L. Damashek shall be subject to disciplinary action.

PRAYER

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

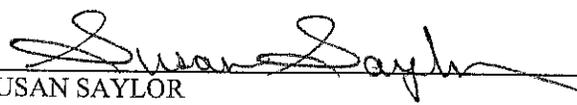
- 1. Revoking or suspending Field Representative License Number FR 47797 issued to Steve L. Damashek;
- 2. Prohibiting Steve L. Damashek from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company during the period that discipline is imposed on Field Representative's License Number FR 47797, issued to Steve L. Damashek;
- 3. Ordering Steve L. Damashek to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 8/29/16



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

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