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

In the Matter of the Accusation Against: **KURT BECKSTROM** **10033 Bel Air Avenue** **Montclair, CA 91763** **Registered Applicator's License No. RA 41898** **Field Representative License No. FR 38513** Respondent.	Case No. 2010-60 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 22, 2010, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2010-60 against Kurt Beckstrom (Respondent) before the Structural Pest Control Board.

2. On or about April 15, 2005, the Structural Pest Control Board (Board) issued Registered Applicator's License No. RA 41898 to Respondent. The Registered Applicator's License was in full force and effect at all times relevant to the charges brought herein and will expire on April 21, 2010, unless renewed.

3. On or about April 15, 2005, the Structural Pest Control Board issued Field Representative License No. FR 38513 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2010, unless renewed.

4. On or about March 3, 2010 and March 9, 2010 respectively, Maria L. Camacho, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2010-60, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's addresses of record with the Board, which were and are: 10033 Bel Air Avenue, Montclair, CA 91763, and 3165 June Street San Bernardino, CA 92407. A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

5. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

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

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

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2010-60.

8. California Government Code section 11520 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 any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence on file herein, finds that the allegations in Accusation No. 2010-60 are true.

10. The costs of investigation and enforcement in connection with the Accusation are $1,257 as of March 23, 2010.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kurt Beckstrom has subjected his Registered Applicator's License (No. RA 41898) and Field Representative License (No. FR 38513) to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Structural Pest Control Board is authorized to revoke Respondent's Registered Applicator's and Field Representative Licenses based upon the following violations alleged in the Accusation:

a. Business and Professions Code section 8649 (Criminal Conviction.)

ORDER

IT IS SO ORDERED that Registered Applicator's License No. RA 41898 and Field Representative License No. 38513, heretofore issued to Respondent Kurt Beckstrom, are 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 May 22, 2010.

It is so ORDERED April 22, 2010

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

default decision_LIC.rtf
DOJ docket number: LA2009604733

Attachment:

Exhibit A: Accusation No. 2010-60

Exhibit A
Accusation No. 2010-60

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FILED
Date 2/22/10 By Kelli Okuma

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

In the Matter of the Accusation Against: **KURT BECKSTROM** **10033 Bel Air Avenue** **Montclair, CA 91763** **Registered Applicator's License No. RA 41898, Branch 3** **Field Representative License No. FR 38513, Branch 2** Respondent.	Case No. 2010–60 **ACCUSATION**

Complainant alleges:

PARTIES

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

License History

Registered Applicator's License No. RA 41898

2. On or about April 21, 2004, the Structural Pest Control Board issued Registered Applicator's License Number RA 41898, Branch 3 to Kurt Beckstrom ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on April 21, 2010, unless renewed.

Field Representative License No. FR 38513

3. On or about April 15, 2005, the Structural Pest Control Board issued Field Representative License Number FR 38513, Branch 2, to Respondent. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2010, unless renewed.

JURISDICTION

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

5. Code section 8624 states , [i]f the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office.

6. Section 8654 of the Code states:

> Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying 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 8625 states:

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

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STATUTORY PROVISIONS

8. Code section 8649 states:

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

COST RECOVERY

9. Code section 125.3 states, 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.

CAUSE FOR DISCIPLINE

(Criminal Conviction)

10. Respondent is subject to disciplinary action under section Code sections 8620 and 8649, in that on or about July 28, 2009, in the Superior Court of California, County of San Bernardino, in the case entitled, *People of the State of California v. Kurt Beckstrom* (Super. Ct. San Bernardino County, 2009, Case No. FWV901723), Respondent was convicted on his plea of guilty of violating Penal Code section 496, subdivision (a) (Receiving Stolen Property), a misdemeanor.

The circumstances of the crime are that on or around April 4, 2009, Respondent was arrested by Ontario police officers when they found him and another individual in a small truck carrying metal or steel racks that had been stolen from a nearby business. A subsequent search of Respondent pursuant to the arrest also revealed that Respondent was in possession of a small plastic baggie containing Methamphetamine.

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OTHER MATTERS

11. Pursuant to Code section 8654, if discipline is imposed on Registered Applicator's License No. RA 41898, Branch 3, and Field Representative License No. FR 38513, Branch 2, issued to Respondent, then Respondent 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 with Respondent 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 Registered Applicator's License Number RA 41898, Branch 3, issued to Kurt Beckstrom;

2. Revoking or suspending Field Representative License Number FR 38513, Branch 2, issued to Kurt Beckstrom;

3. Ordering Kurt Beckstrom to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

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

DATED: 2/22/10

Kelli Okuma

KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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