

**FILED**

Date 3/3/16 By Susan Saylor

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

11 In the Matter of the Accusation Against:  
12 **RICKY B. ASKAR**  
aka RICKY BRIAN ASCAR  
13 aka RICHARD BRIAN ASKAR  
10970 Arrow Route, Unit #103  
14 Rancho Cucamonga, CA 91730  
15 Applicator's License No. RA 52030  
16 Respondent.

Case No. 2016-43  
**ACCUSATION**

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about May 4, 2011, the Structural Pest Control Board ("Board") issued  
24 Applicator's License No. RA 52030 to Ricky B. Askar, aka Ricky Brian Ascar, aka Richard Brian  
25 Askar ("Respondent"). The Applicator's License was in full force and effect at all times relevant  
26 to the charges brought herein and will expire on June 30, 2017, unless renewed.

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1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

6 4. Section 490 states, in pertinent part:

7 "(a) In addition to any other action that a board is permitted to take against a licensee, a board  
8 may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the  
9 crime is substantially related to the qualifications, functions, or duties of the business or profession  
10 for which the license was issued.

11 "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
12 discipline a licensee for conviction of a crime that is independent of the authority granted under  
13 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of  
14 the business or profession for which the licensee's license was issued.

15 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
16 conviction following a plea of nolo contendere. Any action that a board is permitted to take following  
17 the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment  
18 of conviction has been affirmed on appeal, or when an order granting probation is made suspending  
19 the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4  
20 of the Penal Code."

21 5. Section 493 of the Code states, in pertinent part:

22 "Notwithstanding any other provision of law, in a proceeding conducted by a board within the  
23 department pursuant to law to deny an application for a license or to suspend or revoke a license or  
24 otherwise take disciplinary action against a person who holds a license, upon the ground that the  
25 applicant or the licensee has been convicted of a crime substantially related to the qualifications,  
26 functions, and duties of the licensee in question, the record of conviction of the crime shall be  
27 conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may  
28 inquire into the circumstances surrounding the commission of the crime in order to fix the degree of

1 discipline or to determine if the conviction is substantially related to the qualifications, functions, and  
2 duties of the licensee in question.”

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

6 7. Section 8625 of the Code states, in pertinent part:

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

12 8. Section 8649 states, in pertinent part:

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

16 9. Section 8654 states, in pertinent part:

17 "Any individual who has been denied a license for any of the reasons specified in Section  
18 8568, or who has had his or her license revoked, or whose license is under suspension, or who has  
19 failed to renew his or her license while it was under suspension, or who has been a member,  
20 officer, director, associate, qualifying manager, or responsible managing employee of any  
21 partnership, corporation, firm, or association whose application for a company registration has  
22 been denied for any of the reasons specified in Section 8568, or whose company registration has  
23 been revoked as a result of disciplinary action, or whose company registration is under  
24 suspension, and while acting as such member, officer, director, associate, qualifying manager, or  
25 responsible managing employee had knowledge of or participated in any of the prohibited acts for  
26 which the license or registration was denied, suspended or revoked, shall be prohibited from  
27 serving as an officer, director, associate, partner, qualifying manager, or responsible managing  
28 employee of a registered company, and the employment, election or association of such person by

1 a registered company is a ground for disciplinary action."

2 10. Section 8655 states, in pertinent part:

3 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
4 charge substantially related to the qualifications, functions, and duties of a structural pest control  
5 operator, field representative, applicator, or registered company is deemed to be a conviction within  
6 the meaning of this article or Section 8568 of this chapter. The board may order the license or  
7 registration suspended or revoked, or may decline to issue a license, when the time for appeal has  
8 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting  
9 probation is made suspending the imposition of sentence, irrespective of a subsequent order under the  
10 provisions of Section 1203.4 of the Penal Code allowing the individual or registered company to  
11 withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
12 dismissing the accusation, information or indictment."

13 **REGULATORY PROVISIONS**

14 11. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

15 "For the purposes of denial, suspension or revocation of a license or company registration  
16 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be  
17 considered to be substantially related to the qualifications, functions or duties of a licensee or  
18 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it evidences  
19 present or potential unfitness of such licensee or registered company to perform the functions  
20 authorized by the license or company registration in a manner consistent with the public health,  
21 safety, or welfare."

22 **COST RECOVERY**

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

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1 CAUSE FOR DISCIPLINE

2 (Conviction of a Substantially Related Crime)

3 13. Respondent is subject to disciplinary action under sections 8649 and 490, in  
4 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent has  
5 been convicted of a crime substantially related to the qualifications, functions or duties of a  
6 licensed applicator, as follows:

7 a. On or about April 29, 2015, Respondent was convicted of one misdemeanor count of  
8 violating Penal Code section 273.5, subdivision (a) [inflict corporal injury to spouse or  
9 cohabitant], in the criminal proceeding entitled *The People of the State of California v. Ricky*  
10 *Brian Askar, aka Ricky Brian Ascar, aka Richard Brian Askar* (Super. Ct. San Bernardino  
11 County, 2015, No. FVI1500961). The court sentenced Respondent to 10 days in jail, placed him  
12 on 36 months summary probation, ordered him to attend a 52 week Batterers Treatment Program,  
13 and pay fines.

14 b. The circumstances underlying the conviction are that on or about April 17, 2015, San  
15 Bernardino County Sheriff's Department deputies responded to a fight report. Upon arrival, a  
16 deputy knocked on Respondent's front door several times and heard a loud argument, but no  
17 response to his knock. The argument was getting louder and the deputies kicked the door down  
18 to ensure no one was being assaulted. Respondent stated that he and the victim were in the  
19 shower, but he was not wet and showed no signs consistent with him showering. Upon  
20 contacting the victim, she stated they had been together for approximately 17 years and had one  
21 child in common. Due to financial problems, the victim and Respondent had been in numerous  
22 arguments. The victim said that Respondent punched her four to five times, striking back of her  
23 head and inner arm, causing multiple deep purple bruises. During the argument, Respondent  
24 grabbed a kitchen knife and threatened to kill the victim. The victim believed Respondent would  
25 follow through with his threat.

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OTHER MATTERS

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

7       15. Pursuant to section 8654, if discipline is imposed on Applicator's License No.  
8 RA 52030, issued to Respondent, Respondent shall be prohibited from serving as an officer,  
9 director, associate, partner, qualifying manager, or responsible managing employee for any  
10 registered company, and any registered company which employees, elects, or associates  
11 Respondent shall be subject to disciplinary action.

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PRAYER

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

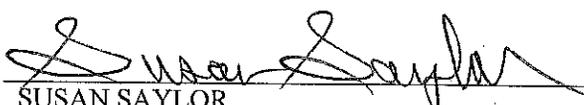
1. Revoking or suspending Applicator's License Number RA 52030, issued to Ricky B. Askar, aka Ricky Brian Ascar, aka Richard Brian Askar;

2. Prohibiting Ricky B. Askar, aka Ricky Brian Ascar, aka Richard Brian Askar 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 Applicator's License No. RA 52030, issued to Ricky B. Askar, aka Ricky Brian Ascar, aka Richard Brian Askar;

3. Ordering Ricky B. Askar, aka Ricky Brian Ascar, aka Richard Brian Askar to pay the 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: 3/3/16

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

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