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8 **BEFORE THE**  
**REGISTRAR OF CONTRACTORS**  
**CONTRACTORS' STATE LICENSE BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. N2011-385

12 **TOM BEATTIE INC**  
**dba ROYAL ROOFING CO**  
13 1144 N. Armando Street  
Anaheim, CA 92806  
14 THOMAS GEOFFREY BEATTIE,  
RMO/CEO-President

**A C C U S A T I O N**

15 Contractor's License No. 289222 C39

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Wood Robinson (Complainant) brings this Accusation solely in his official capacity  
21 as the Enforcement Supervisor I of the Contractors' State License Board, Department of  
22 Consumer Affairs (Board).

23 Tom Beattie, Inc dba Royal Roofing Co

24 2. On or about December 14, 1973, the Registrar of Contractors (Registrar) issued  
25 Contractor's License No. 289222 classification C39 (roofing contractor) to Tom Beattie Inc dba  
26 Royal Roofing Co; Thomas Geoffrey Beattie, RMO/CEO-President (Respondent). The  
27 Contractor's License was in full force and effect at all times relevant to the charges brought herein  
28 and will expire on July 31, 2015, unless renewed.

## JURISDICTION

3. This Accusation is brought before the Registrar for the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), provides that the expiration of a license shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all of the fees and meets all of the qualifications and requirements for obtaining an original license.

5. Section 7065, subdivision (d), states:

“No examination shall be required of a qualifying individual if, within the five-year period immediately preceding the application for licensure, the qualifying individual has either personally passed the written examination for the same classification being applied for, or has served as the qualifying individual for a licensee whose license was in good standing at any time during the five-year period immediately preceding the application for licensure and in the same classification being applied for.”

6. Section 7076.5 provides that the inactive status of a license shall not bar any disciplinary action for violating provisions of the Contractors' State License Law (Bus. & Prof. Code, § 7000, et seq.).

7. Section 7090 provides that the Registrar may suspend or revoke any license or registration if the licensee or registrant is guilty of or commits any one or more of the acts or omissions constituting cause for disciplinary action.

8. Section 7095 states that the Registrar in making his order may:

“(a) Provide for the immediate complete suspension by the licensee of all operations as a contractor during the period fixed by the decision.

“(b) Permit the licensee to complete any or all contracts shown by competent evidence taken at the hearing to be then uncompleted.

“(c) Impose upon the licensee compliance with such specific conditions as may be just in

1 connection with its operations as a contractor disclosed at the hearing, and may further provide  
2 that until such conditions are complied with, no application for restoration of the suspended or  
3 revoked licensee shall be accepted by the Registrar.”

4 9. Sections 7097 and 7098 provide that when any license has been suspended or revoked  
5 following a hearing, the Registrar may suspend or revoke any additional license issued in the  
6 name of the licensee or for which the licensee furnished qualifying experience and appearance  
7 under the provisions of 7068, without further notice.

8 10. Section 7106.5 provides that the expiration, cancellation, forfeiture, or suspension of  
9 a license by operation of law or by order or decision of the registrar, or a court of law, or the  
10 voluntary surrender of the license shall not deprive the registrar of jurisdiction to proceed with  
11 any investigation of or action or disciplinary proceeding against the license, or to render a  
12 decision suspending or revoking the license.

13 11. Section 7121 states:

14 "A person who has been denied a license for a reason other than failure to document  
15 sufficient satisfactory experience for a supplemental classification for an existing license, or who  
16 has had his or her license revoked, or whose license is under suspension, or who has failed to  
17 renew his or her license while it was under suspension, or who has been a partner, officer,  
18 director, manager, or associate of any partnership, corporation, limited liability company, firm, or  
19 association whose application for a license has been denied for a reason other than failure to  
20 document sufficient satisfactory experience for a supplemental classification for an existing  
21 license, or whose license has been revoked, or whose license is under suspension, or who has  
22 failed to renew a license while it was under suspension, and while acting as a partner, officer,  
23 director, manager, or associate had knowledge of or participated in any of the prohibited acts for  
24 which the license was denied, suspended, or revoked, shall be prohibited from serving as an  
25 officer, director, associate, partner, manager, qualifying individual, or member of the personnel of  
26 record of a licensee, and the employment, election, or association of this type of person by a  
27 licensee in any capacity other than as a nonsupervising bona fide employee shall constitute  
28 grounds for disciplinary action."

1           12.   Section 7121.5 states:

2           "A person who was the qualifying individual on a revoked license, or of a license under  
3 suspension, or of a license that was not renewed while it was under suspension, shall be  
4 prohibited from serving as an officer, director, associate, partner, manager, or qualifying  
5 individual of a licensee, whether or not the individual had knowledge of or participated in the  
6 prohibited acts or omissions for which the license was revoked, or suspended, and the  
7 employment, election, or association of that person by a licensee shall constitute grounds for  
8 disciplinary action."

9           13.   Section 7122 states:

10          "The performance by an individual, partnership, corporation, limited liability company,  
11 firm, or association of an act or omission constituting a cause for disciplinary action, likewise  
12 constitutes a cause for disciplinary action against a licensee other than the individual qualifying  
13 on behalf of the individual or entity, if the licensee was a partner, officer, director, manager, or  
14 associate of that individual, partnership, corporation, limited liability company, firm, or  
15 association at the time the act or omission occurred, and had knowledge of or participated in the  
16 prohibited act or omission."

17          14.   Section 7122.5 states:

18          "The performance by an individual, partnership, corporation, limited liability company,  
19 firm, or association of an act or omission constituting a cause for disciplinary action, likewise  
20 constitutes a cause for disciplinary action against a licensee who at the time that the act or  
21 omission occurred was the qualifying individual of that individual, partnership, corporation,  
22 limited liability company, firm, or association, whether or not he or she had knowledge of or  
23 participated in the prohibited act or omission."

24          15.   Section 7141 states:

25          "Except as otherwise provided in this chapter [the Contractors' State License Law], a  
26 license that has expired may be renewed at any time within five years after its expiration by filing  
27 an application for renewal on a form prescribed by the registrar, and payment of the appropriate  
28 renewal fee. Renewal under this section shall be effective on the date an acceptable renewal

1 application is filed with the board. The licensee shall be considered unlicensed and there will be  
2 a break in the licensing time between the expiration date and the date the renewal becomes  
3 effective. If the license is renewed after the expiration date, the licensee shall also pay the  
4 delinquency fee prescribed this chapter [the Contractors' State License Law]. If so renewed, the  
5 license shall continue in effect through the date provided in Section 7140 which next occurs after  
6 the effective date of the renewal, when it shall expire if it is not again renewed.

7 "If a license is not renewed within five years, the licensee shall make application for a  
8 license pursuant to Section 7066."

### 9 **STATUTORY PROVISIONS**

10 16. Section 7112 states that "[o]mission or misrepresentation of a material fact by an  
11 applicant or a licensee in obtaining, or renewing a license, or in adding a classification to an  
12 existing license constitutes a cause for disciplinary action."

13 17. Section 7116 states that "[t]he doing of any wilful or fraudulent act by the licensee as  
14 a contractor in consequence of which another is substantially injured constitutes a cause for  
15 disciplinary action."

### 16 **COST RECOVERY / RESTITUTION**

17 18. Section 125.3 provides that the Registrar may request the administrative law judge to  
18 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
19 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

20 19. Government Code section 11519, subdivision (d), provides that the Registrar may  
21 require restitution of damages suffered as a condition of probation in the event probation is  
22 ordered.

### 23 **BACKGROUND**

24 20. The history of license application filed with the Board is as follows:

25 Tom Beattie Inc dba Royal Roofing Co, License No. 289222, (Respondent)

26 a. On or about December 14, 1973, the Registrar issued Contractor's License  
27 No. 289222 to Respondent with qualifiers of Thomas Geoffrey Beattie RMO (12/14/1973 to  
28 present), and other interim qualifiers of Jenifer Joleen Beattie, RMO (12/5/2008 – 1/5/2009), and

1 Ryan Dee Cameron, RME (6/24/2009 – 9/29/2010).

2 b. On or about April 30, 2008, Thomas Geoffrey Beattie certified having direct  
3 knowledge that Jenifer Joleen Beattie, his daughter, had 6 years and 9 months of qualifying work  
4 experience in classification C39, roofing. Thomas Geoffrey Beattie signed the Certification of  
5 Work Experience under penalty of perjury to the truth and accuracy of all statements, answers,  
6 and representations made.

7 c. On or about April 30, 2008, Philip Hacche certified having direct knowledge that  
8 Jenifer Joleen Beatti, the daughter of his friend, had 6 years and 9 months of qualifying work  
9 experience in classification C39, roofing. Philip Hacche signed the Certification of Work  
10 Experience under penalty of perjury to the truth and accuracy of all statements, answers, and  
11 representations made.

12 d. On or about April 30, 2008, Tom Beattie Inc. dba Royal Roofing Co. signed  
13 Application Replacing the Qualifying Individual for License No. 289222, changing its qualifier to  
14 Jenifer Joleen Beatti. Jenifer Joleen Beattie, as the qualifying individual, signed the application  
15 under penalty of perjury to the truth and accuracy of all statements, answers, and representations  
16 made in the application and its supplements. Thomas Geoffrey Beattie, as the corporate officer,  
17 signed the application under penalty of perjury to the truth and accuracy of all statements,  
18 answers, and representations made in the application and its supplements.

19 e. On or about December 5, 2008, the Board associated Jenifer Joleen Beattie, RMO, as  
20 the qualifier on License No. 289222.

21 f. On or about December 12, 2008, Tom Beattie Inc. dba Royal Roofing Co. signed  
22 Application Replacing the Qualifying Individual for License No. 289222, changing its qualifier  
23 back to Thomas Geoffrey Beattie, RMO.

24 g. On or about January 5, 2009, the Board disassociated Jenifer Joleen Beattie from  
25 License No. 289222.

26 h. On or about July 31, 2013, Respondent's License No. 289222 will expire, unless  
27 renewed.

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1       Royal Roofing Corp, License No. 927600

2       21. On or about December 22, 2008, the Board received Royal Roofing Corp.'s  
3 Application for Original Contractor's License – Examination Waiver (7065) signed on or about  
4 December 12, 2008, under penalty of perjury to the truth and accuracy of all statements, answers,  
5 and representations made in the application and its supplements, by Jenifer Joleen Beattie as its  
6 RMO, CEO/President.

7       22. On or about January 20, 2009, the Registrar accepted the examination waiver  
8 application and issued contractor's License No. 927600 to Royal Roofing Corp.

9       Investigation

10       23. On or about June 1, 2011, during a Board investigation, Jenifer Joleen Beattie  
11 admitted that she graduated from high school in 2004, grew up in the industry of roofing, and for  
12 one (1) year prior to obtaining her license, she worked alongside a field crew installing shingle  
13 roofs, however, she never installed a roof herself.

14                   **CAUSE FOR DISCIPLINE**

15                   **(Willful Misrepresentation on License Application)**

16       24. Respondent is subject to disciplinary action under sections 7116 and 7112, in that on  
17 or about April 30, 2008, Respondent willfully misrepresented a material fact on its Application  
18 Replacing the Qualifying Individual and Certification of Work Experience by certifying that  
19 Jenifer Joleen Beattie had the required prerequisites and experience to act as a qualifying RMO  
20 on its license, classification C39, roofing, when she did not.

21                   **OTHER MATTERS**

22       25. Pursuant to sections 7097 and 7098, if license No. 289222 issued to Respondent is  
23 suspended or revoked, the Registrar may suspend or revoke, without notice, any other license  
24 issued in the name of Thomas Geoffrey Beattie or for which Thomas Geoffrey Beattie furnished  
25 the qualifying experience and appearance.

26       26. Pursuant to sections 7121, 7121.5, 7122 and/ or 7122.5, if discipline is imposed on  
27 license No. 289222 issued to Respondent, Thomas Geoffrey Beattie shall be prohibited from  
28 serving as an officer, director, associate, partner, manager, or qualifying individual, or member of



1 the personnel of record of a licensee of any licensee during the time the discipline is imposed, and  
2 any licensee which employs, elects, or associates Thomas Geoffrey Beattie shall be subject to  
3 disciplinary action.

4 **PRAYER**

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

7 1. Revoking or suspending Contractor's License No. 289222 issued to Tom Beattie Inc  
8 dba Royal Roofing Co; Thomas Geoffrey Beattie, RMO/CEO-President;

9 2. Prohibiting Thomas Geoffrey Beattie from serving as an officer, director, associate,  
10 partner, or qualifying individual of any licensee during the period that discipline is imposed on  
11 license No. 289222, issued to Tom Beattie Inc dba Royal Roofing Co; Thomas Geoffrey Beattie,  
12 RMO/CEO-President;

13 3. Revoking or suspending any other license for which Thomas Geoffrey Beattie is  
14 furnishing the qualifying experience or appearance;

15 4. Ordering Tom Beattie Inc dba Royal Roofing Co; Thomas Geoffrey Beattie,  
16 RMO/CEO-President, to pay the Registrar his costs in the investigation and enforcement of the  
17 case according to proof at the hearing, pursuant to section 125.3;

18 5. Ordering Tom Beattie Inc dba Royal Roofing Co; Thomas Geoffrey Beattie,  
19 RMO/CEO-President to provide the Registrar with a listing of all contracting projects in progress  
20 and the anticipated completion date of each; and

21 6. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: August 5, 2013

Heather Henderson

WOOD ROBINSON  
Enforcement Supervisor I  
Contractors' State License Board  
Department of Consumer Affairs  
State of California  
Complainant

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