

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

**FILED**

Date 5/30/14 By *Susan Saylor*

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

11 In the Matter of the Accusation Against:

Case No. 2014-61

12 **FRANK ADOLPH DES GEORGES**  
13 **2080 Courage Street**  
14 **Vista, CA 92081**

**ACCUSATION**

15 **Field Representative License No. FR 16845,**  
16 **Branch 2**

Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about December 12, 1988, the Structural Pest Control Board issued Field  
24 Representative License Number FR 16845, Branch 2, to Frank Adolph Des Georges  
25 (Respondent). The Field Representative License was in full force and effect at all times relevant to  
26 the charges brought herein and will expire on June 30, 2015, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 8620 of the Business and Professions Code (Code) provides, in pertinent part,  
6 that the Board may suspend or revoke a license when it finds that the holder, while a licensee or  
7 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu  
8 of a suspension may assess a civil penalty.

9 5. Section 8625 of the Code states:

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

14 **STATUTORY PROVISIONS**

15 6. Code section 8593 states, in pertinent part:

16 The board shall require as a condition to the renewal of each operator's and  
17 field representative's license that the holder submit proof satisfactory to the board  
18 that he or she has informed himself or herself of developments in the field of pest  
19 control either by completion of courses of continuing education in pest control  
20 approved by the board or equivalent activity approved by the board. In lieu of  
21 submitting that proof, the license holder, if he or she so desires, may take and  
22 successfully complete an examination given by the board, designed to test his or her  
23 knowledge of developments in the field of pest control since the issuance of his or  
24 her license.

21 7. Section 8637 of the Code states:

22 Misrepresentation of a material fact by the applicant in obtaining a license or  
23 company registration is a ground for disciplinary action.

24 8. Section 8641 of the Code states:

25 Failure to comply with the provisions of this chapter, or any rule or  
26 regulation adopted by the board, or the furnishing of a report of inspection without  
27 the making of a bona fide inspection of the premises for wood-destroying pests or  
28 organisms, or furnishing a notice of work completed prior to the completion of the  
work specified in the contract, is a ground for disciplinary action.

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9. 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 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.

### REGULATORY PROVISIONS

10. California Code of Regulations, Title 16, section 1950, states:

(a) Except as provided in section 1951, every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.

....

(c) Operators licensed in one branch of pest control shall complete 16 hours continuing education hours during each three year renewal period. ...., with a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee and a minimum of eight hours must be gained from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

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### COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

1 **FACTS**

2 12. On or about May 29, 2012, Respondent submitted a license renewal application to the  
3 Board. Respondent certified under penalty of perjury on the form that he had completed the  
4 continuing education hours required to renew his license in accordance with regulations.

5 13. On or about November 29, 2012, the Board mailed Respondent a letter informing him  
6 he had been selected for a continuing education audit and asked Respondent to submit verification  
7 of continuing education hours for the renewal period of July 1, 2009 through June 30, 2012,  
8 within 14 days from the date of the Board's letter.

9 14. On or about January 9, 2013, the Board mailed Respondent a Second Request letter  
10 informing him he had been selected for a continuing education audit and asked Respondent to  
11 submit verification of continuing education hours for the renewal period of July 1, 2009 through  
12 June 30, 2012, within 14 days from the date of the Board's letter.

13 15. On or about October 24, 2013, the Board mailed Respondent a Final Request letter  
14 informing him he had been selected for a continuing education audit and asked Respondent to  
15 submit verification of continuing education hours for the renewal period of July 1, 2009 through  
16 June 30, 2012, within 14 days from the date of the Board's letter. Respondent failed to comply  
17 with the Board's requests.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Failure to Provide Proof of Continuing Education)**

20 16. Respondent is subject to disciplinary action under Code sections 8593 and 8641, in  
21 that he failed to verify the completion of 16 hours of Board approved continuing education courses  
22 as claimed on his renewal application dated May 29, 2012, as required by California Code of  
23 Regulations, title 16, section 1950, subdivisions (a) and (c), and having been requested by the  
24 Board in writing on November 29, 2012, January 9, 2013, and October 24, 2013, to do so.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Misrepresentation)

3 17. Respondent is subject to disciplinary action under section 8637 for misrepresentation  
4 of a material fact on his May 29, 2012 License Renewal Application by certifying under penalty of  
5 perjury that he had completed the continuing education required to renew his license, when in fact  
6 he had not done so.

7 PRAYER

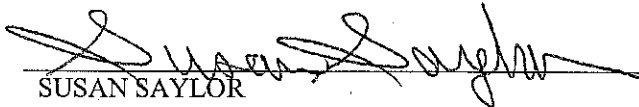
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Structural Pest Control Board issue a decision:

10 1. Revoking or suspending Field Representative License Number FR 16845 issued to  
11 Frank Adolph Des Georges;

12 2. Ordering Frank Adolph Des Georges to pay the Structural Pest Control Board the  
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
14 Professions Code section 125.3;

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

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18 DATED: 5/30/14

  
19 SUSAN SAYLOR  
20 Registrar/Executive Officer  
21 Structural Pest Control Board  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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