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**FILED**

Date 12/3/14 By

*Susan Saylor*

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

12 In the Matter of the Accusation Against:

Case No. 2015-30

13 **NORMA HOGUE**  
1390 Weers Street  
14 El Cajon, CA 92020

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

15 **Field Representative License No. FR 20765,**  
**Branches 1, 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 1, 1992, the Structural Pest Control Board issued Field  
25 Representative License Number FR 20765 to Norma Hogue (Respondent). The Field  
26 Representative License was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on June 30, 2015, unless renewed.

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## JURISDICTION

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

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

5. Section 8625 of the Code 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.

## STATUTORY PROVISIONS

6. Code section 8593 states, in pertinent part:

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

7. Section 8637 of the Code states:

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

8. Section 8641 of the Code states:

Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests or 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.

### 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 **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.

....

(d) Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control shall have completed 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch of pest control licensed, a minimum of two hours in Integrated Pest Management must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed 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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1 **COST RECOVERY**

2 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FACTS**

9 12. On or about June 22, 2012, Respondent submitted a license renewal application to the  
10 Board. Respondent certified under penalty of perjury on the form that she had completed 30 hours  
11 of continuing education hours. Respondent was required to complete 24 hours of continuing  
12 education to renew her license in accordance with regulations.

13 13. On or about November 28, 2012, the Board mailed Respondent a letter informing her  
14 that she had been selected for a continuing education audit and asked Respondent to submit  
15 verification of continuing education hours for the renewal period of July 1, 2009 through June 30,  
16 2012, within 14 days from the date of the Board's letter.

17 14 On or about January 9, 2013, the Board mailed Respondent a second letter informing  
18 her that she had been selected for a continuing education audit and asked Respondent to submit  
19 verification of continuing education hours for the renewal period of July 1, 2009 through June 30,  
20 2012, within 14 days from the date of the Board's letter.

21 15. On or about October 23, 2013, the Board mailed Respondent a final letter informing  
22 her that she had been selected for a continuing education audit and asked Respondent to submit  
23 verification of continuing education hours for the renewal period of July 1, 2009 through June 30,  
24 2012, within 14 days from the date of the Board's letter. Respondent failed to comply with the  
25 Board's requests.

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16. On or about December 18, 2013, the Board mailed Respondent a letter notifying her that based on her noncompliance with Business and Professions Code section 8593 and California Code of Regulations section 1950, the matter would be forwarded for disciplinary action.

17. Respondent failed to comply with the Board's requests and failed to submit verification of the continuing education.

**FIRST CAUSE FOR DISCIPLINE**

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

18. Respondent is subject to disciplinary action under Code sections 8593 and 8641, in that she failed to verify the completion of 30 hours of Board approved continuing education courses as claimed on her renewal application dated June 22, 2012, as required by California Code of Regulations, title 16, section 1950, subdivisions (a) and (d), and having been requested to do so by the Board in writing on November 28, 2012, January 9, 2013, and October 23, 2013.

## SECOND CAUSE FOR DISCIPLINE

**(Misrepresentation)**

19. Respondent is subject to disciplinary action under section 8637 for misrepresentation of a material fact on her June 22, 2012, renewal application by certifying under penalty of perjury that she had completed the continuing education required to renew her license, when in fact she had not done so.

## 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 20765, Branches 1, 2 and 3, issued to Norma Hogue;

2. Ordering Norma Hogue 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;

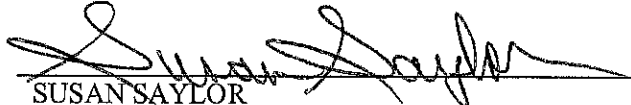
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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/3/14

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

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