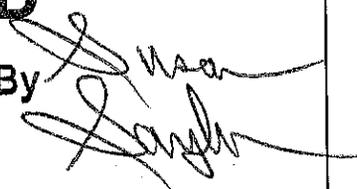


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FILED

Date 10/23/14 By 

7 *Attorneys for Complainant*

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:

Case No. 2015-22

12 **Serafin V. Quintana**
13 **1303 Brea Canyon Cutoff Road,**
Rowland Heights, CA 91748

A C C U S A T I O N

14 **Field Representative License No. FR 24182,**
15 **Branch 3**

16 Respondent

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about January 13, 1995, the Board issued Field Representative License Number
23 FR 24182 in Branch 3 (termite) to Serafin V. Quintana ("Respondent"). Respondent's field
24 representative license will expire on June 30, 2015, unless renewed.

25 **STATUTORY AND REGULATORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
27 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
28

1 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
2 of a suspension may assess a civil penalty.

3 4. Code section 8654 states:

4 Any individual who has been denied a license for any of the reasons
5 specified in Section 8568, or who has had his or her license revoked, or whose license
6 is under suspension, or who has failed to renew his or her license while it was under
7 suspension, or who has been a member, officer, director, associate, qualifying
8 manager, or responsible managing employee of any partnership, corporation, firm, or
9 association whose application for a company registration has been denied for any of
10 the reasons specified in Section 8568, or whose company registration has been
11 revoked as a result of disciplinary action, or whose company registration is under
12 suspension, and while acting as such member, officer, director, associate, qualifying
13 manager, or responsible managing employee had knowledge of or participated in any
14 of the prohibited acts for which the license or registration was denied, suspended or
15 revoked, shall be prohibited from serving as an officer, director, associate, partner,
16 qualifying manager, or responsible managing employee of a registered company, and
17 the employment, election or association of such person by a registered company is a
18 ground for disciplinary action.

12 5. Code section 8641 states:

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

16 6. Code section 8593 states:

17 The board shall require as a condition to the renewal of each Field
18 Representative's and field representative's license that the holder submit proof
19 satisfactory to the board that he or she has informed himself or herself of
20 developments in the field of pest control either by completion of courses of
21 continuing education in pest control approved by the board or equivalent activity
22 approved by the board.

22 In lieu of submitting that proof, the licenseholder, if he or she so desires,
23 may take and successfully complete an examination given by the board, designed to
24 test his or her knowledge of developments in the field of pest control since the
25 issuance of his or her license.

24 The board shall develop a correspondence course or courses with any
25 educational institution or institutions as it deems appropriate. This course may be
26 used to fulfill the requirements of this section. The institution may charge a
27 reasonable fee for each course.

27 The board may charge a fee for the taking of an examination in each
28 branch of pest control pursuant to this section in an amount sufficient to cover the
cost of administering each examination, provided, however, that in no event shall the
fee exceed fifty dollars (\$ 50) for each examination.

1 November 28, 2012 letter to Respondent asked Respondent to submit copies of the certificates of
2 course completion which verified his CE hours for the renewal period of July 1, 2009, through,
3 June 30, 2012, to the Board.

4 11. Having received no response from Respondent, on or about January 9, 2013, a
5 representative of the Board sent another letter to Respondent asking him to submit copies of any
6 certificates of course completion which verify his continuing education hours for the renewal
7 period of July 1, 2009 through June 30, 2012, to the Board.

8 12. After again receiving no response from Respondent, on or about October 23, 2013,
9 the Board sent a letter to Respondent asking him to submit copies of any certificates of course
10 completion which verify his continuing education hours for the renewal period of July 1, 2009
11 through June 30, 2012, to the Board.

12 13. On or about December 18, 2013, the Board sent Respondent another letter indicating
13 that while the Board had received some continuing education certificates from Respondent, he
14 was short 8 hours Rules and Regulations, 4 hours Technical Branch 3, 2 hours general and 2 IPM
15 hours. Respondent was instructed to submit any additional continuing education certificates that
16 he may have substantiating his completion of the required continuing education hours for the
17 renewal period of July 1, 2009 through June 30, 2012, to the Board.

18 14. Having received no additional documentation from Respondent, on or about January
19 6, 2014, the Board sent a letter to Respondent informing him that he was short the required
20 number of continuing education hours to renew his license and asking him to submit copies of
21 any additional certificates of course completion which verify his continuing education hours for
22 the renewal period of July 1, 2009 through June 30, 2012, to the Board.

23 15. Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8593
24 in that he failed to comply with Regulation 1950 by failing to verify that he completed all of the
25 required courses of continuing education in pest control approved by the Board. Specifically,
26 Respondent failed to produce copies documenting completion of sixteen (16) hours of continuing
27 education for the renewal period of July 1, 2009 through June 30, 2012, as requested by the
28 Board's representative.

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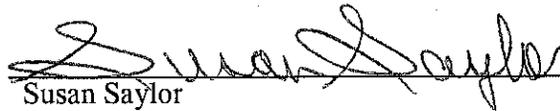
2. Prohibiting Serafin V. Quintana from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Field Representative's License Number FR 24182, issued to Serafin V. Quintana;

3. Ordering Serafin V. Quintana 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;

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

DATED:

10/23/14



Susan Saylor
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

LA2014512771