

BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

RONALD W. GRAY  
13371 Neptune Court  
Garden Grove, CA 92843

Field Representative License No. FR 27280

Respondent.

Case No. 2010-33

STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

The Decision shall become effective on December 1, 2010.

IT IS SO ORDERED November 2, 2010.

*Clifford L. Hillery*  
\_\_\_\_\_  
FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 SHERRY L. LEDAKIS  
Deputy Attorney General  
4 State Bar No. 131767  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2078  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF PESTICIDE REGULATION**  
**STATE OF CALIFORNIA**  
11

12 In the Matter of the Accusation Against:

Case No. 2010-33

13 **RONALD W. GRAY**  
14 **13371 Neptune Court**  
**Garden Grove, CA 92843**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15  
16 **Field Representative License No. FR 27280**

17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the Structural Pest  
23 Control Board. She brought this action solely in her official capacity and is represented in this  
24 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Sherry L.  
25 Ledakis, Deputy Attorney General.

26 2. Respondent Ronald W. Gray is representing himself in this proceeding and has  
27 chosen not to exercise his right to be represented by counsel.

28 ///





DISCIPLINARY ORDER

14. The Board shall withdraw Accusation No. 2010-33.

15. In lieu of Accusation No. 2010-33 and the discipline requested therein, Respondent's Field Representative License No. FR 27280, will be issued a citation with the following provisions:

- a. Violations: Respondent is found in violation of Business and Professions Code section 8641 in that he failed to verify the completion of sixteen (16) hours of continuing education hours as required by California Code of Regulations, title 16, section 1950, upon request from the Structural Pest Control Board.
- b. Respondent shall pay the citation fine in the amount of \$1,360.00.
- c. Respondent agrees that the citation shall be a final order and is not subject to appeal.
- d. Respondent will take and complete a Board-approved course in Business Ethics within six (6) months of the issuance of the Citation in this matter. Respondent will submit proof of completion of the Business Ethics Course by six (6) months of the issuance of the Citation in this matter.
- f. Failure to comply and/or submit proof of compliance with the terms of this citation and order will subject you to delay and/or denial of renewal of your license until you have provided proof of compliance.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Field Representative License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: \_\_\_\_\_

6-23-10

*Ronald W. Gray*

Ronald W. Gray  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.

Dated: July 8, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California

LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

*Sherry L. Ledakis*  
SHERRY L. LEDAKIS  
Deputy Attorney General  
*Attorneys for Complainant*

SD2009804160  
80432528.doc

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 SHERRY L. LEDAKIS  
Deputy Attorney General  
4 State Bar No. 131767  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2078  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

**FILED**

Date 12/17/09 By *Susan Taylor*

8  
9 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF PESTICIDE REGULATION**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12  
13 **RONALD W. GRAY**  
14 **13371 Neptune Court**  
**Garden Grove, CA 92843**  
15 **Field Representative License No. FR 27280**  
16  
17 Respondent.

Case No. 2010-33  
**ACCUSATION**

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Kelli Okuma (Complainant) brings this Accusation solely in her official capacity as  
22 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide  
23 Regulation.  
24 2. On or about December 4, 1996, the Structural Pest Control Board issued Field  
25 Representative License Number FR 27280 to Ronald W. Gray (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, 2011, unless renewed.  
28



## STATUTORY PROVISIONS

1  
2 8. Section 8593 of the Code states:

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

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

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

19 9. Section 8593.1 of the Code states:

20 The board shall require as a condition to the renewal of each applicator's  
21 license that the holder thereof submit proof satisfactory to the board that he or she has  
22 completed courses of continuing education in pesticide application and use approved  
23 by the board or equivalent activity approved by the board. In lieu of submitting that  
24 proof, the licenseholder, if he or she so desires, may successfully apply for and pass  
25 an appropriate written applicator's examination for renewal of a license given by the  
26 board.

27 10. Section 8637 of the Code states that "[m]isrepresentation of a material fact by the  
28 applicant in obtaining a license or company registration is a ground for disciplinary action."

11. Section 8641 of the Code provides in pertinent part that "[f]ailure to comply with the  
provisions of this chapter, or any rule or regulation adopted by the board, . . . is a ground for  
disciplinary action."

### REGULATORY PROVISION

12. Title 16, California Code of Regulations ("Regulation"), section 1950, subdivision  
(a), states:

Except as provided in section 1951, every licensee is required, as a condition to  
a 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,

1 whenever required to do so by the Board, may be subject to disciplinary action under  
2 section 8641 of the code.

3 COST RECOVERY

4 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

8 FACTS

9 14. On or before June 30, 2008, Respondent submitted a renewal application for his Field  
10 Representative's License to the Board in which he certified to the Board that that he had taken all  
11 required continuing education coursework. Specifically, Respondent signed a License Renewal  
12 Application card, which provided in pertinent part:

13 Continuing Education Certification – I have completed 16 [blank filled in with the number  
14 16] hours of continuing education required for renewal of my license. I DECLARE UNDER  
15 PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT  
16 THE FOREGOING IS TRUE AND CORRECT.

17 Respondent signed his name below the above certification, and dated his signature  
18 "6/20/08."

19 15. Thereafter, on December 15, 2008, Respondent was notified that he had been selected  
20 for a continuing education audit by the Board. Respondent was informed, in writing that he was  
21 to submit to the Board copies of his certificates of course completion for the renewal period of  
22 July 1, 2005 through June 30, 2008. Respondent failed to respond to the Board's request. On  
23 January 20, 2009, Respondent was sent a second letter from the Board requesting his certificates  
24 of completion of continuing education courses for the renewal period of July 1, 2005 to June 30,  
25 2008. Respondent was given two weeks to respond to the Board's request or risk disciplinary  
26 action being taken against his license. Respondent failed to respond to the Board's request. On  
27 March 19, 2009, the Board sent a third and final letter to Respondent requesting his continuing  
28 education certificates for the time period of July 1, 2005 through June 30, 2008. He  
was given until April 2, 2009 to respond. Respondent has failed to provide the Board with any

1 certificates of completion of continuing education requirements for the renewal period of July 1,  
2 2005 through June 30, 2008.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Failure to Provide Proof of Continuing Education)

5 16. Respondent's Field Representative License is subject to disciplinary action under  
6 Code section 8641, for failure to comply with Code section 8593 and Regulation section 1950,  
7 subdivision (a), in that Respondent failed to provide the Board with verifiable documentation to  
8 demonstrate that he completed the continuing education requirements as a condition of renewal of  
9 his Field Representative License, as set forth above in paragraphs 14 and 15.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Misrepresentation of Fact Regarding Continuing Education)

12 17. Respondent's Field Representative License is subject to disciplinary action under  
13 Code sections 8637, in that Respondent misrepresented that he had completed 16 hours of  
14 continuing education coursework in his license renewal application, when in fact he had failed to  
15 fulfill the Board's continuing education requirements as a condition of renewal of his license as  
16 set forth above in paragraphs 14 and 15.

17 **PRAYER**

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

20 1. Revoking or suspending Field Representative License Number FR 27280, issued to  
21 Ronald W. Gray.

22 2. Ordering Ronald W. Gray to pay the Structural Pest Control Board the reasonable  
23 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
24 Code section 125.3;

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DATED: 12/17/09



KELLI OKUMA  
Registrar/Executive Officer  
Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
*Complainant*

SD2009804751