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

In the Matter of the Accusation Against:

Case No. 2010-66

**SANDY SUE LEONARD**  
3212 Willow Avenue  
Signal Hill, CA 90755  
Field Representative License No. FR 27728,  
Branches 2 and 3

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about March 22, 2010, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2010-66 against Sandy Sue Leonard (Respondent) before the Structural Pest Control Board.

2. On or about April 3, 1997, the Structural Pest Control Board issued Field Representative License Number FR 27728, Branch 3, to Sandy Sue Leonard. On or about February 15, 2000, the license was upgraded to include Branches 2 and 3. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

3. On or about March 29, 2010, Teresa Sutton, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2010-66, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections

1 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and  
2 is: 3212 Willow Avenue, Signal Hill, CA 90755.

3 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505, subdivision (c).

6 5. On or about March 30, 2010, the U.S. Postal Service delivered the signed Return  
7 Certified Mail Receipt to the Attorney General's Office.

8 6. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
10 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
11 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

12 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
13 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2010-  
14 66.

15 8. California Government Code section 11520 states, in pertinent part:

16 "[I]f the respondent either fails to file a notice of defense or to appear at the hearing, the  
17 agency may take action based upon the respondent's express admissions or upon other evidence  
18 and affidavits may be used as evidence without any notice to respondent."

19 9. Pursuant to its authority under Government Code section 11520, the Board finds  
20 Respondent is in default. The Board will take action without further hearing and, based on the  
21 evidence on file herein, finds that the allegations in Accusation No. 2010-66 are true.

22 10. The total cost for investigation and enforcement in connection with the Accusation  
23 are \$905.00 as of April 12, 2010.

#### 24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent Sandy Sue Leonard has  
26 subjected her Field Representative License No. FR 27728 to discipline.

27 2. A copy of the Accusation is attached.

28 3. The agency has jurisdiction to adjudicate this case by default.

1 4. The Structural Pest Control Board is authorized to revoke Respondent's Field  
2 Representative License based upon the following violations alleged in the Accusation:

3 a. Respondent's license is subject to disciplinary action pursuant to Code sections 8620,  
4 8593, and 8641, in that Respondent failed to comply with Regulation section 1950, subdivision  
5 (a), by failing to provide the Board with verifiable documentation to demonstrate that she  
6 completed 32 hours of continuing education requirements for the renewal period of July 1, 2005,  
7 through June 30, 2008, as stated in her License Renewal Application, signed under penalty of  
8 perjury and dated June 30, 2008.

9 ORDER

10 IT IS SO ORDERED that Field Representative License No. FR 27728, heretofore issued to  
11 Respondent Sandy Sue Leonard, is revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
13 written motion requesting that the Decision be vacated and stating the grounds relied on within  
14 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
15 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on June 5, 2010.

17 It is so ORDERED May 6, 2010

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19   
20 FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION

21 60532992.DOC  
22 DOJ docket number:LA2009604753

23 Attachment:

24 Exhibit A: Accusation No.2010-66  
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

**FILED**

Date 3/22/10 By Kelli Okuma

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

13 In the Matter of the Accusation Against:

Case No. 2010-66

14 **SANDY SUE LEONARD**  
15 **3212 Willow Avenue**  
**Signal Hill, CA 90755**

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

16 **Field Representative License No. FR 27728**  
17 **Branches 2 and 3**

18 Respondent.

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 **Field Representaive License**

25 2. On or about April 3, 1997, the Structural Pest Control Board issued Field  
26 Representative License Number FR 27728, Branch 3, to Sandy Sue Leonard ("Respondent"). On  
27 or about February 15, 2000, the license was upgraded to include Branches 2 and 3. The license  
28

1 was in full force and effect at all times relevant to the charges brought herein and will expire on  
2 June 30, 2011, unless renewed.

3 **JURISDICTION**

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

7 4. Code section 8620 provides, in pertinent part, that the Board may suspend or revoke a  
8 license when it finds that the holder, while a licensee or applicant, has committed any acts or  
9 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil  
10 penalty.

11 5. Code section 8624 states:

12 "If the board suspends or revokes an operator's license and one or more branch  
13 offices are registered under the name of the operator, the suspension or revocation may be applied  
14 to each branch office."

15 6. Code section 8625 states:

16 The lapsing or suspension of a license or company registration by  
17 operation of law or by order or decision of the board or a court of law, or the  
18 voluntary surrender of a license or company registration shall not deprive the  
19 board of jurisdiction to proceed with any investigation of or action or  
20 disciplinary proceeding against such licensee or company, or to render a  
21 decision suspending or revoking such license or registration.

22 7. Code section 8654 states:

23 Any individual who has been denied a license for any of the reasons  
24 specified in Section 8568, or who has had his or her license revoked, or whose  
25 license is under suspension, or who has failed to renew his or her license while  
26 it was under suspension, or who has been a member, officer, director, associate,  
27 qualifying manager, or responsible managing employee of any partnership,  
28 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 has been revoked as a result of disciplinary action, 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

1 company, and the employment, election or association of such person by a  
2 registered company is a ground for disciplinary action.

3 8. Code section 8593 states:

4 The board shall require as a condition to the renewal of each operator's  
5 and field representative's license that the holder thereof submit proof  
6 satisfactory to the board that he or she has informed himself or herself of  
7 developments in the field of pest control by completion of courses of  
8 continuing education in pest control approved by the board or equivalent  
9 activity approved by the board.

#### 8 STATUTORY PROVISION

9 9. Code section 8641 states:

10 Failure to comply with the provisions of this chapter, or any rule or  
11 regulation adopted by the board, ... is a ground for disciplinary action.

#### 12 REGULATORY PROVISION

13 10. California Code of Regulations, section 1950, subdivision (a), states:

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

#### 18 COST RECOVERY

19 11. Code section 125.3 states, in pertinent part, that a Board may request the  
20 administrative law judge to direct a licentiate found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case.

#### 23 FIRST CAUSE FOR DISCIPLINE

##### 24 (Documentation of Continuing Education Requirements)

25 12. Respondent's license is subject to disciplinary action pursuant to Code sections 8620,  
26 8593, and 8641, in that Respondent failed to comply with Regulation section 1950, subdivision  
27 (a), by failing to provide the Board with verifiable documentation to demonstrate that she  
28 completed 32 hours of continuing education requirements for the renewal period of July 1, 2005,

1 through June 30, 2008, as stated in her License Renewal Application, signed under penalty of  
2 perjury and dated June 30, 2008.

3 OTHER MATTERS

4 13. Pursuant to Code section 8654, if Respondent's license is disciplined, then  
5 Respondent shall be prohibited from serving as an officer, director, associate, partner, or  
6 qualifying individual of any license, and any licensee which employs, elects or associates  
7 Respondent in any capacity other than as a non-supervising bona fide employee shall be subject  
8 to disciplinary action.

9 PRAYER

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

- 12 1. Revoking or suspending Field Representative License Number FR 27728, Branches 2  
13 and 3, issued to Sandy Sue Leonard;
- 14 2. Ordering Sandy Sue Leonard to pay the Board the reasonable costs of the  
15 investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: 3/22/10

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

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