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8	BEFORE THE STRUCTURAL PEST CONTROL BOARD
9	DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA
10	Core No. 2011 40
11	In the Matter of the Accusation Against: Case No. 2011-40
12	BALTAZAR FRANCO GARCIA200 E. Gardena Blvd., Space 50Gardena, CA 90247A C C U S A T I O N
13	Gardena, CA 90247A C C U S A T I O NField Representative's License No. FR 32991A C C U S A T I O N
14	Respondent.
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16	Complainant alleges:
17	PARTIES
18	1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as
19	the Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
20	Pesticide Regulation.
21	Field Representative's License
22	2. On or about December 28, 2000, the Board issued Field Representative's License
23	Number FR 32991 in Branch 1 to Baltazar Franco Garcia ("Respondent"). On or about
24	December 3, 2006, the field representative's license was placed on inactive status. The field
25	representative's license was in full force and effect at all times relevant to the charges brought
26	herein and will expire on June 30, 2012, unless renewed.
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1	STATUTORY PROVISIONS
2	3. Section 8620 of the Business and Professions Code ("Code") provides, in pertinent
3	part, that the Board may suspend or revoke a license when it finds that the holder, while a
4	licensee or applicant, has committed any acts or omissions constituting cause for disciplinary
5	action or in lieu of a suspension may assess a civil penalty.
6	4. Code section 8625 states:
7	The lapsing or suspension of a license or company registration by
8	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
9	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
10	such license or registration.
11	5. Code section 8641 states:
12	Failure to comply with the provisions of this chapter, or any rule or
13	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
14	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.
15	6. Code section 8593 states:
16	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
17	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
18	approved by the board or equivalent activity approved by the board. In lieu of submitting that proof, the licenseholder, if he or she so desires, may take and
19	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
20	license.
21	REGULATORY PROVISION
22	7. California Code of Regulations, title 16, section 1950, states, in pertinent part:
23	(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
24	continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity
25	completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.
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COST RECOVERY 1 Code section 125.3 states, in pertinent part, that a Board may request the 8. 2 administrative law judge to direct a licentiate found to have committed a violation or violations of 3 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and 4 enforcement of the case. 5 **BACKGROUND INFORMATION** 6 9. On or about June 30, 2009, the Board received Respondent's renewal application; 7 however, Respondent failed to indicate the number of hours of continuing education he had 8 completed nor did he sign section "D" regarding his continuing education hours. On or about 9 July 2, 2009, the Board sent a letter to Respondent indicating he failed to provide the required 10 information regarding his continuing education requirements. On or about July 6, 2009, 11 Respondent signed and returned the letter to the Board as instructed, stating under penalty of 12 perjury that he completed 16 hours of continuing education. 13 On or about December 8, 2009, February 8, 2010, and May 11, 2010, the Board sent 10. 14 Respondent written requests instructing him to submit copies of his continuing education 15 certificates to the Board within fourteen (14) days. On each occasion, Respondent was advised 16 that if he failed to comply with the request, his license would be subject to disciplinary action. To 17 date, Respondent has not provided copies of his continuing education certificates. 18 CAUSE FOR DISCIPLINE 19 (Failure to Verify Completion of Continuing Education) 20 Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8593, 21 11. in that Respondent failed to comply with California Code of Regulations, title 16, section 1950, 22 subdivision (a), by failing to submit verification of completing continuing education courses in 23 the form of certificates of completion for the 2009 renewal period, as requested by the Board on 24 December 8, 2009, February 8, 2010, and May 11, 2010. 25 **OTHER MATTERS** 26 Code section 8620 provides, in pertinent part, that a respondent may request that a 27 12. civil penalty of not less than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or 28

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not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made at the time of the hearing and must be noted in the proposed decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

13. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
License Number FR 32991, issued to Baltazar Franco Garcia then Baltazar Franco Garcia shall be
prohibited from serving as an officer, director, associate, partner, qualifying manager, or
responsible managing employee for any registered company during the time the discipline is
imposed, and any registered company which employs, elects, or associates him shall be subject to
disciplinary action.

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:

Revoking or suspending Field Representative's License Number FR 32991, issued to
 Baltazar Franco Garcia;

Ordering Baltazar Franco Garcia 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; and

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

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21 DATED: 3/2/11 22

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Helli Okums

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

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