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FILED

Date 3/2/11 By *Kelli Okuma*

7
8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF PESTICIDE REGULATION**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **BALTAZAR FRANCO GARCIA**
12 **200 E. Gardena Blvd., Space 50**
13 **Gardena, CA 90247**
Field Representative's License No. FR 32991
14 Respondent.

Case No. 2011-40

ACCUSATION

15
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 COST RECOVERY

2 8. Code section 125.3 states, in pertinent part, that a 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.

6 BACKGROUND INFORMATION

7 9. On or about June 30, 2009, the Board received Respondent's renewal application;
8 however, Respondent failed to indicate the number of hours of continuing education he had
9 completed nor did he sign section "D" regarding his continuing education hours. On or about
10 July 2, 2009, the Board sent a letter to Respondent indicating he failed to provide the required
11 information regarding his continuing education requirements. On or about July 6, 2009,
12 Respondent signed and returned the letter to the Board as instructed, stating under penalty of
13 perjury that he completed 16 hours of continuing education.

14 10. On or about December 8, 2009, February 8, 2010, and May 11, 2010, the Board sent
15 Respondent written requests instructing him to submit copies of his continuing education
16 certificates to the Board within fourteen (14) days. On each occasion, Respondent was advised
17 that if he failed to comply with the request, his license would be subject to disciplinary action. To
18 date, Respondent has not provided copies of his continuing education certificates.

19 CAUSE FOR DISCIPLINE

20 (Failure to Verify Completion of Continuing Education)

21 11. Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8593,
22 in that Respondent failed to comply with California Code of Regulations, title 16, section 1950,
23 subdivision (a), by failing to submit verification of completing continuing education courses in
24 the form of certificates of completion for the 2009 renewal period, as requested by the Board on
25 December 8, 2009, February 8, 2010, and May 11, 2010.

26 OTHER MATTERS

27 12. Code section 8620 provides, in pertinent part, that a respondent may request that a
28 civil penalty of not less than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or

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


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

10 **PRAYER**

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

- 13 1. Revoking or suspending Field Representative's License Number FR 32991, issued to
14 Baltazar Franco Garcia;
- 15 2. Ordering Baltazar Franco Garcia to pay the Structural Pest Control Board the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3; and
- 18 3. Taking such other and further action as deemed necessary and proper.
- 19
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21 DATED: 3/2/11

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23 KELLI OKUMA
24 Registrar/Executive Officer
25 Structural Pest Control Board
26 Department of Pesticide Regulation
27 State of California
28 Complainant

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