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FILED

Date 3/4/14 By 

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. 2014-44

12 **BRUCE ELVIN CURTIS**
11001 Gingerwood Way
13 Rancho Cordova, California 95670

ACCUSATION

14 **Field Representative License No. FR 33041**

15 Respondent.

17 Susan Saylor ("Complainant") alleges:

18 **PARTIES**

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

22 **Applicator/Field Representative License**

23 2. On or about December 10, 1997, the Board issued Applicator License No. RA 8464 in
24 Branch 2 to Bruce Elvin Curtis ("Respondent"), as an employee of Terminix International
25 Company L P. On or about January 12, 2001, that license was cancelled from the Board's files
26 and the Board issued Field Representative License Number FR 33041 in Branch 2 to Respondent
27 as an employee of Clark Pest Control. On or about April 11, 2011, Respondent's Field
28 Representative License was upgraded to include Branches 2 and 3. On or about June 22, 2012,

1 Respondent left the employ of Clark Pest Control and the license was placed on inactive status.
2 The license was in full force and effect at all times relevant to the charges brought herein and will
3 expire on June 30, 2015, unless renewed.

4 **STATUTORY AND REGULATORY PROVISIONS**

5 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
6 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
7 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
8 of a suspension may assess a civil penalty.

9 4. Code section 8654 states:

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

25 5. Code section 8641 states:

26 Failure to comply with the provisions of this chapter, or any rule or regulation
27 adopted by the board, or the furnishing of a report of inspection without the making of
28 a bona fide inspection of the premises for wood-destroying pests or 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.

6. Code section 8642 states, "The commission of any grossly negligent or fraudulent act
by the licensee as a pest control operator, field representative, or applicator or by a registered
company is a ground for disciplinary action."

7. Code section 8593 states:

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 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 approved by the
board or equivalent activity approved by the board. In lieu of submitting that proof,

1 the licenseholder, if he or she so desires, may take and successfully complete an
2 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 license.

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

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

8 8. California Code of Regulations, title 16, section ("Regulation") 1950 states, in
9 pertinent part:

10 (a) Except as provided in section 1951, every licensee is required, as a
11 condition to 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
12 verify completion of continuing education by producing certificates of activity
completion, whenever requested to do so by the Board, may be subject to disciplinary
13 action under section 8641 of the code.

14 (b) Each licensee is required to complete a certain number of continuing
education hours during the three year renewal period. The number of hours required
15 depends on the number of branches of pest control in which licenses are held. The
subject matter covered by each activity shall be designated as "technical" or "general"
16 by the Board when the activity is approved. Hour values shall be assigned by the
Board to each approved educational activity, in accordance with the provisions of
17 section 1950.5.

18 (d) Field representatives licensed in one branch of pest control shall have
completed 16 continuing education hours, field representatives licensed in two
19 branches of pest control shall have completed 20 continuing education hours, field
representatives licensed in three branches of pest control shall have completed 24
20 continuing education hours during each three year renewal period. In each case, a
minimum of four continuing education hours in a technical subject directly related to
21 each branch of pest control held by the licensee must be completed for each branch of
pest control licensed, a minimum of two hours in Integrated Pest Management must
22 be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and
a minimum of eight hours must be completed from Board approved courses on the
23 Structural Pest Control Act, the Rules and Regulations, or structural pest control
related agencies' rules and regulations. . . .

24 COST RECOVERY

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

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Failure to Complete and Verify Completion of Continuing Education)

3 10. In or around June of 2012, Respondent submitted a license renewal application to the
4 Board. On or about June 22, 2012, Respondent certified under penalty of perjury on the
5 application form that he completed 134 hours of continuing education during his last renewal
6 period.

7 11. On November 27, 2012, January 9, 2013, and October 24, 2013, a Board
8 representative sent Respondent written requests for copies of his continuing education certificates
9 for the renewal period July 1, 2009, through June 30, 2012. Respondent was advised that his
10 failure to verify his continuing education hours or to supply the requested information could
11 subject his Field Representative License to disciplinary action.

12 12. On or about October 28, 2013, Respondent informed a Board representative that he
13 did not possess the continuing education requirements necessary for the renewal period July 1,
14 2009, through June 30, 2012.

15 13. Respondent is subject to discipline pursuant to Code section 8641, in that he failed to
16 comply with Code and/or Regulations, as follows:

17 a. **Code Section 8593 and Regulation 1950, subdivision (a)**: Respondent failed to
18 verify that he completed courses of continuing education in pest control approved by the Board.
19 Specifically, Respondent failed to submit copies of his continuing education certificates for the
20 renewal period July 1, 2009, through June 30, 2012, as requested by the Board representative.

21 b. **Regulation 1950, subdivisions (b)**: Respondent failed to complete the continuing
22 education hours required by Regulation 1950, subdivision (d), for the renewal period July 1, 2009,
23 through June 30, 2012.

24 **SECOND CAUSE FOR DISCIPLINE**

25 (Fraud)

26 14. Respondent is subject to discipline pursuant to Code section 8642, in that he
27 committed a fraudulent act with the intent to substantially benefit himself or another, or
28 substantially injure another. Specifically, as set forth in paragraphs 10 through 12, above, on or

1 about June 22, 2012, Respondent represented under the penalty of perjury on his license renewal
2 application that he successfully completed 134 hours of continuing education during his last
3 renewal period, July 1, 2009, through June 30, 2012, when he had not.

4 **OTHER MATTERS**

5 15. Code section 8620 provides, in pertinent part, that a respondent may request that a
6 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or
7 not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made at
8 the time of the hearing and must be noted in the proposed decision. The proposed decision shall
9 not provide that a civil penalty shall be imposed in lieu of a suspension.

10 16. Pursuant to Code section 8654, if discipline is imposed on Field Representative
11 License Number FR 33041, issued to Respondent Bruce Elvin Curtis, Bruce Elvin Curtis shall be
12 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
13 responsible managing employee for any registered company during the time the discipline is
14 imposed, and any registered company which employs, elects, or associates him shall be subject to
15 disciplinary action.

16 **PRAYER**

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

19 1. Revoking or suspending Field Representative License Number FR 33041, issued to
20 Bruce Elvin Curtis;

21 2. Prohibiting Bruce Elvin Curtis from serving as an officer, director, associate, partner,
22 qualifying manager or responsible managing employee of any registered company during the
23 period that discipline is imposed on Field Representative License Number FR 33041, issued to
24 Bruce Elvin Curtis;

25 3. Ordering Bruce Elvin Curtis to pay the Structural Pest Control Board the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
27 section 125.3; and,

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

DATED: _____

3/4/14



SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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