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FILED

Date 10/14/15 By

Susan Saylor

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2016-23

12 **BOBBY JOE MADDOX**
13 **3530 Morse Ave., Unit #1**
Sacramento, CA 95821

A C C U S A T I O N

14 **Field Representative License No. FR33758**

15 Respondent.

16
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 2. On or about August 20, 2001, the Board issued Field Representative License Number
23 FR33758 to Bobby Joe Maddox ("Respondent"). The license was in full force and effect at all
24 times relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
27 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
28

1 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
2 of a suspension may assess a civil penalty.

3 4. Code section 8621 states:

4 All complaints against licensees or registered companies shall be filed with the board
5 within two years after the act or omission alleged as the ground for disciplinary action
6 or, in the case of fraud, within four years after commission of the fraudulent act or
7 omission. The board shall file any accusation within one year after the complaint has
8 been filed with the board, except that with respect to an accusation alleging a
9 violation of Section 8637, the accusation may be filed within two years after the
10 discovery by the board of the alleged facts constituting the fraud or misrepresentation
11 prohibited by the section

12 5. Code section 8625 states:

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

18 STATUTORY PROVISIONS

19 6. Code section 8637 states:

20 Misrepresentation of a material fact by the applicant in obtaining a license or
21 company registration is a ground for disciplinary action.

22 7. Code section 8649 states:

23 Conviction of a crime substantially related to the qualifications, functions, and duties
24 of a structural pest control operator, field representative, applicator, or registered
25 company is a ground for disciplinary action. The certified record of conviction shall
26 be conclusive evidence thereof.

27 COST RECOVERY

28 8. Code section 125.3 provides, in pertinent part, that the Registrar may request the
administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crimes)

9. Respondent is subject to discipline under Code section 8649, in that on or about
April 30, 1991, in the case of *People v. Bob Joe Maddox*, (Super. Ct. Sacramento County, 1991,

1 Case No. C103968), Respondent was convicted by the Court on his plea of guilty of violating
2 Penal Code section 288(a) (lewd and lascivious acts with a child under 14 years of age), a felony.
3 The crimes are substantially related to the qualifications, functions or duties of a field
4 representative. The circumstances of the crime was that on or about April 10, 1991, Respondent
5 willfully, unlawfully, and lewdly committed a lewd and lascivious act upon and with the body
6 and certain parts and members thereof of A.G., a 12 year-old child, with the intent of arousing,
7 appealing to, and gratifying the lust, passions, and sexual desires of Respondent.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Misrepresentation of a Material Fact)**

10 10. Respondent is subject to discipline under Code section 8637, in that Respondent
11 misrepresented a material fact on his Application for Structural Pest Control Field Representative
12 Examination dated January 29, 1997¹; Application for Field Representative's License dated
13 June 5, 1997; Application for Structural Pest Control Field Representative Examination dated
14 June 3, 2001; and Application for Field Representative's License dated August 8, 2001, by failing
15 to disclose his conviction of April 30, 1991, as more particularly set forth above in paragraph 9.

16 **OTHER MATTERS**

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

22 12. Pursuant to Code section 8654, if discipline is imposed on Field Representative
23 License Number FR 33758, issued to Respondent, then Respondent shall be prohibited from
24 serving as an officer, director, associate, partner or responsible managing employee of a licensee,

25 ¹ Effective July 1, 2004, Business and Professions Code section 144 was amended to
26 require all new licensees or licensees upgrading their license with the Board to submit to
27 fingerprinting. Prior to July 1, 2004, applicants were required to complete fingerprinting if they
28 answered "yes" on the application regarding being convicted of a felony or misdemeanor.
Respondent applied for an operator's examination in December 2014 which revealed the 1991
conviction.

1 and any licensee which employs, elects, or associates Respondent shall be subject to disciplinary
2 action.

3 **PRAYER**

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

6 1. Revoking or suspending Field Representative License Number FR 33758, issued to
7 Bobby Joe Maddox;


8 2. Revoking or suspending any other license for which Bobby Joe Maddox is furnishing
9 the qualifying experience or appearance;

10 3. Prohibiting Bobby Joe Maddox from serving as an officer, director, associate, partner,
11 qualifying manager or responsible managing employee of any registered company during the
12 period that discipline is imposed on Field Representative License Number FR 33758, issued to
13 Bobby Joe Maddox;

14 4. Ordering Bobby Joe Maddox to pay the Structural Pest Control Board the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3; and,

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

18 DATED: 10/14/15



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

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