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FILED

Date 5/20/15 By *Susan Saylor*

7 *Attorneys for Complainant*

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. 2015-55

12 **JASON LEE HICKS**
1553 North Sixth Street
13 Port Hueneme, CA 93041

ACCUSATION

14 Field Representative License No. FR 34633

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Susan Saylor (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 May 8, 2002, the Board issued Field Representative License No. FR
23 34633 to Jason Lee Hicks (Respondent). The Field Representative License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on June 30, 2016, unless
25 renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following laws.
3 All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 **STATUTORY PROVISIONS**

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

10 5. Section 8593 states:

11 The board shall require as a condition to the renewal of each operator's
12 and field representative's license that the holder submit proof satisfactory to the board
13 that he or she has informed himself or herself of developments in the field of pest
14 control either by completion of courses of continuing education in pest control
15 approved by the board or equivalent activity approved by the board.

16 In lieu of submitting that proof, the licenseholder, if he or she so desires,
17 may take and successfully complete an examination given by the board, designed to
18 test his or her knowledge of developments in the field of pest control since the
19 issuance of his or her license.

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

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

28 6. Section 8637 states:

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

7. Section 8641 states:

Failure to comply with the provisions of this chapter, or any rule or
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
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.

1 related to each branch of pest control held by the licensee must be completed for each branch of
2 pest control licensed, a minimum of two hours in Integrated Pest Management must be completed
3 by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours
4 must be completed from Board approved courses on the Structural Pest Control Act, the Rules
5 and Regulations, or structural pest control related agencies' rules and regulations.”

6 **COST RECOVERY**

7 10. Section 125.3 states, in pertinent part, that a Board may request the administrative law
8 judge to direct a licentiate found to have committed a violation or violations of the licensing act to
9 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

10 **FACTS**

11 11. On or about July 18, 2013, Respondent submitted a Field Representative license
12 renewal application to the Board wherein Respondent certified under penalty of perjury that he
13 successfully completed all required continuing education coursework during his last renewal
14 period. Specifically, Respondent signed a License Renewal Application, which provided in
15 pertinent part:

16 Continuing Education Certification – I have completed “16” hours of continuing
17 education required for renewal of my license. I DECLARE UNDER PENALTY OF
18 PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE
19 FOREGOING IS TRUE AND CORRECT.

20 12. Respondent filled in the “16” for the number of hours, signed his name below the
21 above certification, and dated his signature “7/18/13.”

22 13. On or about January 3, 2014, Respondent was notified that he had been selected for a
23 continuing education (CE) audit by the Board. Respondent was informed that he needed to submit
24 to the Board, copies of his certificates of completion that verify the CE hours for the renewal
25 period July 1, 2010 through June 30, 2013. Respondent was given 14 days to respond to the
26 Board’s request or risk disciplinary action being taken against his license. Respondent failed to
27 provide the Board with any certificates of completion of CE requirements for the renewal period
28 indicated.

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1 OTHER MATTERS

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

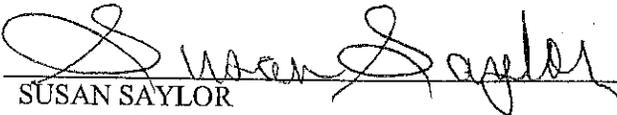
7 18. Pursuant to section 8654, if discipline is imposed on Field Representative's License
8 No. FR 34633, issued to Respondent, Respondent shall be prohibited from serving as an officer,
9 director, associate, partner, qualifying manager, or responsible managing employee for any
10 registered company, and any registered company which employees, elects, or associates
11 Respondent shall be subject to disciplinary action.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board issue a decision:

- 15 1. Revoking or suspending Field Representative License No. FR 34633, issued to Jason
16 Lee Hicks;
- 17 2. Ordering Jason Lee Hicks to pay the Board the reasonable costs of the investigation
18 and enforcement of this case, pursuant to section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.
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22 DATED: 5/20/15


23 SUSAN SAYLOR
24 Registrar/Executive Officer
25 Structural Pest Control Board
26 Department of Consumer Affairs
27 State of California
28 Complainant

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