

1 KALAMA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS, STATE BAR NO. 132645
Senior Assistant Attorney General
3 BLANCA I. LOPEZ
Senior Legal Analyst
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2610
Facsimile: (619) 645-2061
7 Attorneys for Complainant

FILED

Date 2/1/12

By

William H. Douglas

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

11 In the Matter of the Accusation Against:

Case No. 2012-33

12 JONATHON DUSTIN STONE
13 15065 El Monte Road
Lakeside, CA 92040

ACCUSATION

14 Field Representative License No. FR 34995,
15 Branch 3

16 Respondent.

17
18
19 Complainant alleges:

20 PARTIES

21 1. William H. Douglas (Complainant) brings this Accusation solely in his official
22 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board,
23 Department of Pesticide Regulation.

24 2. On or about April 25, 2003, the Structural Pest Control Board issued Field
25 Representative License No. FR 34995, Branch 3, to Jonathon Dustin Stone (Respondent). The
26 Field Representative License was in full force and effect at all times relevant to the charges
27 brought herein and will expire on June 30, 2014, unless renewed.

28 ///

JURISDICTION

3. This Accusation is brought before the Structural Pest Control Board (Board), Department of Pesticide Regulation, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118 of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Section 8620 of the Business and Professions Code provides that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

6. Section 8625 of the Code states:

The lapsing or suspension of a license or company registration by 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 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 such license or registration.

STATUTORY PROVISIONS

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering the suspension or revocation of a license under Section 490. Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

///

///

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

2
3
4

5
68
9
10

12
13
14
15

10
11

1
1
1
2
2

2
2

2

2
2
2

11. Section 8654 of the Code states:

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

12. Section 8655 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, and duties of a structural pest control operator, field representative, applicator, or registered company is deemed to be a conviction within the meaning of this article or Section 8568 of this chapter. The board may order the license or registration suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

REGULATORY PROVISION

13. California Code of Regulations, title 16, section 1937.1 states:

For the purposes of denial, suspension or revocation of a license or company registration pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensee or registered company under Chapter 14 of Division 3 of the code if to a substantial degree it evidences present or potential unfitness of such licensee or registered company to perform the functions authorized by the license or company registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

///

///

///

///

///

1 (a) Any violation of the provisions of Chapter 14 of Division 3 of the code.

2 (b) Commission of any of the following in connection with the practice of
3 structural pest control:

4 (1) Fiscal dishonesty

5 (2) Fraud

6 (3) Theft

7 (4) Violations relating to the misuse of pesticides.

8 14. California Code of Regulations, title 16, section 1937.2 states:

9

10 (b) When considering the suspension or revocation of a structural pest control
11 license or company registration on the grounds that the licensee or registered
12 company has been convicted of a crime, the board, in evaluating the rehabilitation of
13 such person or company and his or her or its present eligibility for a license or
14 company registration will consider the following:

15 (1) Nature and severity of the act(s) or offense(s).

16 (2) Total criminal record.

17 (3) The time that has elapsed since commission of the act(s) or offense(s).

18 (4) Whether the licensee or registered company has complied with any terms of
19 parole, probation, restitution or any other sanctions lawfully imposed against the
20 licensee or registered company.

21 (5) If applicable, evidence of expungement proceedings pursuant to Section
22 1203.4 of the Penal Code.

23 (6) Evidence, if any of rehabilitation submitted by the licensee or registered
24 company.

25 (c) When considering a petition for reinstatement of a structural pest control
26 license or company registration, the board shall evaluate evidence of rehabilitation
27 submitted by the petitioner, considering those criteria specified in subsection (b).

28 COST RECOVERY

15. Section 125.3 of the Code provides that a Board may request the administrative law
judge to direct a licentiate 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.

///
///
///

///
///
///

///
///
///

1 FIRST CAUSE FOR DISCIPLINE

2 (June 30, 2011 Criminal Conviction for Grand Theft From Employer Over \$950)

3 16. Respondent is subject to disciplinary action under Code sections 490 and 8649 in that
4 Respondent was convicted of crimes that are substantially related to the qualifications, functions,
5 and duties of an field representative. The circumstances are as follows:

6 17. On June 30, 2011, in a criminal proceeding entitled *The People of the State of*
7 *California v. Jonathan D. Stone*, in the San Diego Superior Court, Central Division, in Case
8 Number CN255341, Respondent was convicted on his plea of guilty of violating Penal Code
9 section 487(B)(3) (grand theft from employer, over \$950), a felony.

10 18. The circumstances that led to the conviction are that on March 15, 2011, San Diego
11 Police Department officers were dispatched to Terminix, located at 5458 Complex Street, San
12 Diego, CA 92123, regarding a theft.

13 19. Upon arrival, officers made contact with the branch manager of Terminix, who told
14 officers that Respondent, while employed by Terminix as a salesperson, was given a check by a
15 customer, K.D., in the amount of \$13,966 for services provided by Terminix, and that Respondent
16 never turned in the check or cash to Terminix. The branch manager told officers that Respondent
17 convinced the customer to make out the check in Respondent's name.

18 20. The branch manager for Terminix became aware of Respondent's theft on
19 February 25, 2011, but waited to gather evidence before confronting Respondent. On March 25,
20 2011, the branch manager confronted Respondent about the \$13,996 check and Respondent
21 admitted to cashing the check and keeping the money. Respondent told the branch manager that
22 he was not returning the money to Terminix. On March 25, 2011, Respondent was terminated
23 immediately from Terminix. The branch manager told investigators that Respondent had done
24 this once before where Respondent had a customer write a \$1,400 check to him rather than
25 Terminix. In the previous case, Respondent returned the money when the company found out and
26 Respondent was written up.

27 ///

1 18. As a result of the above plea, the Court ordered Respondent to appear on August 9,
2 2011, for a probation hearing and sentencing. On August 9, 2011, Respondent failed to appear
3 and a \$50,000 warrant was issued for his arrest.

4 PRAYER

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

7 1. Revoking or suspending Field Representative License No. FR 34995, Branch 3,
8 issued to Jonathon Dustin Stone;

9 2. Ordering Jonathon Dustin Stone to pay the Structural Pest Control Board the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;

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

13
14 DATED: 2/1/12

William H. Douglas
WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

15
16
17 SD2011801328
18
19
20
21
22
23
24
25
26
27
28