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FILED

Date 7/28/16 By *Susan Saylor*

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

11 In the Matter of the Accusation Against:

Case No. 2017-5

12 **MICHAEL W. COMBS**
13 **555 North Guild Avenue**
14 **Lodi, CA 95240**

ACCUSATION

15 **Field Representative License No. FR 35222**

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

22 2. On or about October 21, 2002, the Structural Pest Control Board issued Field
23 Representative License Number FR 35222 (License) to Michael W. Combs (Respondent). The
24 License was in full force and effect at all times relevant to the charges brought in this Accusation
25 and will expire on June 30, 2017, unless renewed.

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1 may take and successfully complete an examination given by the board, designed to test his or her
2 knowledge of developments in the field of pest control since the issuance of his or her license.

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

6 “(c) The board may charge a fee for the taking of an examination in each branch of pest
7 control pursuant to this section in an amount sufficient to cover the reasonable regulatory cost of
8 administering each examination.”

9 8. Section 8637 of the Code states that “[m]isrepresentation of a material fact by the
10 applicant in obtaining a license or company registration is a ground for disciplinary action.”

11 9. California Code of Regulations, title 16, section 1911, states:

12 “Each operator, field representative and applicator shall file his or her address of record
13 with the board and shall notify the board of any change in address within ten (10) days of such
14 change. The address of record of a field representative, an operator or an applicator shall be the
15 address of the registered company by which he or she is employed or with which he or she is
16 associated or his or her residence address if he or she is not employed and associated.

17 “Each licensee shall also file his or her address for mailing purposes with the board and
18 shall notify the board of any change in address within ten (10) days of such change.”

19 10. California Code of Regulations, title 16, section 1950, states:

20 “(a) Except as provided in section 1951, every licensee is required, as a condition to
21 renewal of a license, to certify that he or she has completed the continuing education requirements
22 set forth in this article. A licensee who cannot verify completion of continuing education by
23 producing certificates of activity completion, whenever requested to do so by the Board, may be
24 subject to disciplinary action under section 8641 of the code.

25 “(b) Each licensee is required to gain a certain number of continuing education hours
26 during the three year renewal period. The number of hours required depends on the number of
27 branches of pest control in which licenses are held. The subject matter covered by each activity
28 shall be designated as “technical” or “general” by the Board when the activity is approved. Hour

1 values shall be assigned by the Board to each approved educational activity, in accordance with
2 the provisions of section 1950.5.

3 “(c) Operators licensed in one branch of pest control shall gain 16 continuing education
4 hours during each three year renewal period. Operators licensed in two branches of pest control
5 shall gain 20 continuing education hours during each three year renewal period. Operators
6 licensed in three branches of pest control shall gain 24 continuing education hours during each
7 three year renewal period. In each case, a minimum of four continuing education hours in a
8 technical subject directly related to each branch of pest control held by the licensee must be
9 gained for each branch license and a minimum of eight hours must be gained from Board
10 approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest
11 control related agencies' rules and regulations.

12 “(d) Field representatives licensed in one branch of pest control shall have completed 16
13 continuing education hours, field representatives licensed in two branches of pest control shall
14 have completed 20 continuing education hours, field representatives licensed in three branches of
15 pest control shall have completed 24 continuing education hours during each three year renewal
16 period. In each case, a minimum of four continuing education hours in a technical subject directly
17 related to each branch of pest control held by the licensee must be gained for each branch of pest
18 control licensed and a minimum of eight hours must be gained from Board approved courses on
19 the Structural Pest Control Act, the Rules and Regulations, or structural pest control related
20 agencies' rules and regulations.

21 “(e) For the renewal period ending December 31, 2008, and each subsequent renewal
22 period, a licensed applicator shall have completed 12 hours of Board approved continuing
23 education. Such continuing education shall consist of eight hours of continuing education
24 covering pesticide application and use, and four hours covering the Structural Pest Control Act
25 and its rules and regulations or structural pest related agencies' rules and regulations.

26 “(f) Operators who hold a field representative's license in a branch of pest control in which
27 they do not hold an operator's license must gain four of the continuing education hours required
28 by section 1950(c) in a technical subject directly related to the branch or branches of pest control

1 in which the field representative's license is held, in order to keep the field representative's license
2 active.

3 “(g) No course, including complete operator's courses developed pursuant to section 8565.5,
4 may be taken more than once during a renewal period for continuing education hours.”

5 COST RECOVERY

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

10 FIRST CAUSE FOR DISCIPLINE

11 (Failure to Provide Proof of Continuing Education)

12 12. Respondent has subjected his License to discipline in that on or about June 23, 2014,
13 Respondent certified under penalty of perjury that he had completed twenty (20) hours of
14 continuing education needed to renew his License. The Board requested Respondent verify
15 completion of continuing education by producing certificates of the activities completed on
16 multiple occasions. Respondent has repeatedly failed to produce the certificates or provide any
17 evidence that he completed the continuing education. (Bus. & Prof. Code, § 8593; Cal. Code
18 Regs., tit. 16, § 1950.)

19 SECOND CAUSE FOR DISCIPLINE

20 (Misrepresentation of Material Fact)

21 13. Respondent has subjected his License to discipline in that on or about June 23, 2014,
22 Respondent certified under penalty of perjury that he had completed twenty (20) hours of
23 continuing education needed to renew his License. In fact, Respondent has not completed the
24 continuing education needed to renew his License. (Bus. & Prof. Code, § 8637.)

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1 THIRD CAUSE FOR DISCIPLINE

2 (Failure to Notify Board of Change of Address of Record)

3 14. Respondent has subjected his License to discipline in that Respondent's most recent
4 change of address of record reported to the Board occurred on May 16, 2011. Respondent's
5 address of record has subsequently changed, but Respondent failed to notify the Board of the
6 change in the address of record. (Bus. & Prof. Code, § 8567; Cal. Code Regs., tit. 16, § 1911.)

7 OTHER MATTERS

8 15. Pursuant to section 8654 of the Code, if discipline is imposed Field representative
9 License issued to Respondent, Michael W. Combs shall be prohibited from serving as an officer,
10 director, associate, partner, qualifying manager, or responsible managing employee for any
11 registered company during the time the discipline is imposed, and any registered company which
12 employs, elects, or associates Michael W. Combs shall be subject to disciplinary action.

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

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
20 Accusation, and that following the hearing, the Structural Pest Control Board issue a decision:

- 21 1. Revoking or suspending Field Representative License Number FR 35222, issued to
22 Michael W. Combs
- 23 2. Ordering Michael W. Combs to pay the Structural Pest Control Board the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
25 section 125.3;

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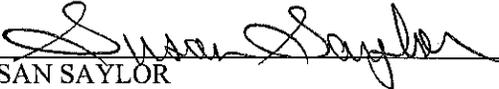
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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/28/16


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

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