EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
HEATHER HUA
Deputy Attorney General
State Bar No. 223418
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2574
Facsimile: (213) 897-2804

Attorneys for Complainant

FILED

Date 1/11/10 By Kelli Okuma

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

In the Matter of the Accusation Against: **ANTHONY C. AGUILAR** **4126 Amistad** **Pico Rivera, CA 90660** **Field Representative License No. FR 35661** **Branch 2** Respondent.	Case No. 2010-43 **ACCUSATION**

Complainant alleges:

PARTIES

1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

License History

2. On or about March 17, 2003, the Structural Pest Control Board issued Field Representative License Number FR 35661, Branch 2, to Anthony C. Aguilar ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

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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. Code section 8620 provides, in pertinent part, 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.

5. Code section 8624 states:

"If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office."

6. Code section 8625 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.

7. Code section 8654 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.

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8. 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 thereof submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board.

9. Code section 8637 states:

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

STATUTORY PROVISION

10. Code section 8641 states:

> Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, . . . is a ground for disciplinary action.

REGULATORY PROVISION

11. California Code of Regulations, section 1950, subdivision (a), states:

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

COST RECOVERY

12. Code section 125.3 states, in pertinent part, 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.

FIRST CAUSE FOR DISCIPLINE

(Documentation of Continuing Education Requirements)

13. Respondent's license is subject to disciplinary action pursuant to Code sections 8620, 8593, and 8641, in that Respondent failed to comply with Regulation section 1950, subdivision (a), by failing to provide the Board with verifiable documentation to demonstrate that he

completed 16 hours of continuing education requirements for the renewal period of July 1, 2005, through June 30, 2008, as stated in his License Renewal Application, signed under penalty of perjury and dated August 12, 2008.

SECOND CAUSE FOR DISCIPLINE

(Misrepresentation of Material Fact)

14. Respondent's license is subject to disciplinary action pursuant to Code section 8637, in that Respondent misrepresented a material fact to the Board by stating in his License Renewal Application that he completed 16 hours of continuing education requirements for the renewal period of July 1, 2005, through June 30, 2008; when, in fact, he did not. Respondent signed the application under penalty of perjury and dated August 12, 2008. A review of the Board's records shows that Respondent falsified the License Renewal Application.

OTHER MATTERS

15. Pursuant to Code section 8654, if Respondent's license is disciplined, then Respondent shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of any license, and any licensee which employs, elects or associates Respondent in any capacity other than as a non-supervising bona fide employee shall be subject to disciplinary action.

PRAYER

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

1. Revoking or suspending Field Representative License Number FR 35661 issued to Anthony C. Aguilar.

2. Prohibiting Anthony C. Aguilar from serving as an officer, director, associate, partner, or qualifying individual of any licensee;

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3. Ordering Anthony C. Aguilar to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 1/11/10

Kelli Okuma

KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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