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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. 2010-38

12 **JEAN DIANE HANSEN**
13 **8211 Occidental Road**
14 **Sebastopol, California 95472**

DEFAULT DECISION AND ORDER

15 **Field Representative's License No. FR**
16 **36079, Branch 2**

[Gov. Code, §11520]

17 Respondent.

18 FINDINGS OF FACT

19 1. On or about December 24, 2009, Complainant Kelli Okuma, in her official capacity
20 as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide
21 Regulation, filed Accusation No. 2010-38 against Jean Diane Hansen (Respondent) before the
22 Structural Pest Control Board.

23 2. On or about June 19, 2003, the Structural Pest Control Board (Board) issued Field
24 Representative's License No. FR 36079, Branch 2, to Respondent. The Field Representative's
25 License was in full force and effect at all times relevant to the charges brought here and will
26 expire on June 30, 2011, unless renewed.

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1 3. On or about September 6, 2000, the Structural Pest Control Board issued Registered
2 Applicator's License No. RA 15963, Branch 2, to Respondent. The Registered Applicator's
3 License expired on June 19, 2003, and has not been renewed.

4 4. On or about February 16, 2010, Carol L. Grays, an employee of the Department of
5 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2010-38, Statement
6 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections
7 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and
8 is: 8211 Occidental Road, Sebastopol, California 95472. A copy of the Accusation is attached as
9 Exhibit A, and is incorporated herein by reference.

10 5. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c).

12 6. On or about March 9, 2010, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Addressee Unknown."

14 7. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2010-
22 38.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 10. Pursuant to its authority under Government Code section 11520, the Board finds
29 Respondent is in default. The Board will take action without further hearing and, based on the
30 evidence on file herein, finds that the allegations in Accusation No. 2010-38 are true.

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1 11. The total cost for investigation and enforcement in connection with the Accusation
2 are \$1,642.50 as of March 12, 2010.

3 DETERMINATION OF ISSUES

4 1. Based on the foregoing findings of fact, Respondent Jean Diane Hansen has subjected
5 her Field Representative's License No. FR 36079 to discipline.

6 2. A copy of the Accusation is attached.

7 3. The agency has jurisdiction to adjudicate this case by default.

8 4. The Structural Pest Control Board is authorized to revoke Respondent's Field
9 Representative's License based upon the following violations alleged in the Accusation:

10 a. Respondent has subjected her field representative's license to disciplinary action
11 under Section 8641 of the Business and Professions Code (Code) in that she failed to comply with
12 the requirements of Title 16, California Code of Regulations, section 1950, subdivision (d) by
13 failing to provide proof of having acquired 16 hours of continuing education, for the renewal
14 period of July 1, 2005 through June 30, 2008, as she claimed on her renewal application dated
15 June 12, 2008, after having been requested by the Board to do so in writing on December 15,
16 2008, January 20, 2009, April 29, 2009, and August 4, 2009.

17 b. Respondent has subjected her field has subjected her field representative's license to
18 disciplinary action under Section 8637 of the Code in that she obtained the renewal of her field
19 representative's license by misrepresenting the material fact that she had acquired 16 hours of
20 continuing education, when in fact she had not.

21 c. Respondent has subjected her field has subjected her field representative's license to
22 disciplinary action under Section 8642 of the Code in that she committed a fraudulent act by
23 certifying under penalty of perjury on her renewal application that she had acquired and could
24 demonstrate 16 hours of continuing education in order to meet the license renewal requirements
25 pursuant to Title 16, California Code of Regulations, section 1950, subdivision (d), when in fact
26 she failed to obtain 16 hours of continuing education and/or failed to demonstrate that she had
27 done so.

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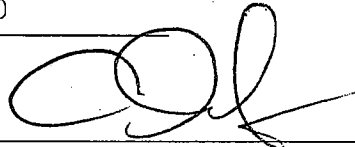
ORDER

IT IS SO ORDERED that Field Representative's License No. FR 36079 issued to Respondent Jean Diane Hansen, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 9, 2010.

It is so ORDERED May 10, 2010



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

Attachment:

Exhibit A: Accusation No.2010-38

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7 *Attorneys for Complainant*

FILED

Date 12/24/09 By Kelli Okuma

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

11 In the Matter of the Accusation Against:

Case No. 2010-38

12 **JEAN DIANE HANSEN**
13 **3215 Brickway Boulevard**
14 **Santa Rosa, California 95403**
15 **Field Representative's License No. FR**
16 **36079, Branch 2**

ACCUSATION

Respondent.

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about June 19, 2003, the Structural Pest Control Board issued Field
24 Representative's License Number FR 36079, Branch 2, to Jean Diane Hansen (Respondent). The
25 Field Representative's License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on June 30, 2011, unless renewed.

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1 3. On or about September 6, 2000, the Structural Pest Control Board issued Registered
2 Applicator's License Number RA 15963, Branch 2, to Jean Diane Hansen (Respondent). The
3 Registered Applicator's License was cancelled when Field Representative's License No. FR
4 36079 was issued in Branch 2.

5 JURISDICTION

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

9 STATUTORY PROVISIONS

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

14 6. Section 118, subdivision (b), of the Code provides that the expiration of a license
15 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
16 within which the license may be renewed, restored, reissued or reinstated.

17 7. Section 8625 of the Code states:

18 “The lapsing or suspension of a license or company registration by operation of law or by
19 order or decision of the board or a court of law, or the voluntary surrender of a license or
20 company registration shall not deprive the board of jurisdiction to proceed with any investigation
21 of or action or disciplinary proceeding against such licensee or company, or to render a decision
22 suspending or revoking such license or registration.”

23 8. Section 8593 of the Code states, in pertinent part:

24 “The board shall require as a condition to the renewal of each operator's and field
25 representative's license that the holder submit proof satisfactory to the board that he or she has
26 informed himself or herself of developments in the field of pest control either by completion of
27 courses of continuing education in pest control approved by the board or equivalent activity
28 approved by the board. In lieu of submitting that proof, the licenseholder, if he or she so desires,

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 9. Section 8637 of the Code states:

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

6 10. Section 8641 of the Code states:

7 “Failure to comply with the provisions of this chapter, or any rule or regulation adopted
8 by the board, or the furnishing of a report of inspection without the making of a bona fide
9 inspection of the premises for wood destroying pests or organisms, or furnishing a notice of work
10 completed prior to the completion of the work specified in the contract, is a ground for
11 disciplinary action.”

12 11. Section 8642 of the Code states:

13 “The commission of any grossly negligent or fraudulent act by the licensee as a pest
14 control operator, field representative, or applicator is a ground for disciplinary action”

15 12. Title 16, California Code of Regulations, section 1950, subdivision (d) states, in
16 pertinent part:

17 “Field representatives licensed in one branch of pest control shall have completed 16
18 continuing education hours, field representatives licensed in two branches of pest control shall
19 have completed 20 hours continuing education hours, field representative licensed in three
20 branches of pest control shall have completed 24 hours continuing education hours during each
21 three year renewal period. In each case, a minimum of four continuing education hours in a
22 technical subject directly related to each branch of pest control held by the licensee must be
23 gained for each branch of pest control licensed and a minimum of eight hours must be gained
24 from Board approved courses on the Structural Pest Control Act and its rules and regulations.”

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

1 APPLICATION INFORMATION

2 14. At some time after on or about June 12, 2008, the Board received an application to
3 renew Field Representative's License Number FR 36079, Branch 2, from Respondent. On or
4 about June 12, 2008, Respondent certified under penalty of perjury that the information contained
5 in the application was true and correct, including information regarding continuing education
6 requirements. In order to assure compliance with the continuing education requirements for the
7 2008 renewal period, Respondent was instructed by letters dated December 15, 2008, January 20,
8 2009, April 29, 2009, and August 4, 2009 to submit to the Board copies of continuing education
9 completion certificates for the renewal period of July 1, 2005 through June 30, 2008.

10 FIRST CAUSE FOR DISCIPLINARY ACTION

11 (Failure to Provide Proof of Continuing Education)

12 15. Respondent has subjected her field representative's license to disciplinary action
13 under Section 8641 of the Code in that she failed to comply with the requirements of Title 16,
14 California Code of Regulations, section 1950, subdivision (d) by failing to provide proof of
15 having acquired 16 hours of continuing education, for the renewal period of July 1, 2005 through
16 June 30, 2008, as she claimed on her renewal application dated June 12, 2008, after having been
17 requested by the Board to do so in writing on December 15, 2008, January 20, 2009, April 29,
18 2009, and August 4, 2009.

19 SECOND CAUSE FOR DISCIPLINARY ACTION

20 (Misrepresentation)

21 16. Respondent has subjected her field representative's license to disciplinary action
22 under Section 8637 of the Code in that she obtained the renewal of her field representative's
23 license by misrepresenting the material fact that she had acquired 16 hours of continuing
24 education, when in fact she had not.

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1 THIRD CAUSE FOR DISCIPLINARY ACTION

2 (Fraudulent Act)

3 17. Respondent has subjected her field representative's license to disciplinary action
4 under Section 8642 of the Code in that she committed a fraudulent act by certifying under penalty
5 of perjury on her renewal application that she had acquired and could demonstrate 16 hours of
6 continuing education in order to meet the license renewal requirements pursuant to Title 16,
7 California Code of Regulations, section 1950, subdivision (d), when in fact she failed to obtain 16
8 hours of continuing education and/or failed to demonstrate that she had done so.

9 PRAYER

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

- 12 1. Revoking or suspending Field Representative's License Number FR 36079 issued to
13 Jean Diane Hansen (Respondent).
- 14 2. Ordering Respondent to pay the Structural Pest Control Board the reasonable costs of
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 12/24/09

Kelli Okuma
20 KELLI OKUMA
21 Registrar/Executive Officer
22 Structural Pest Control Board
23 Department of Pesticide Regulation
24 State of California
25 *Complainant*

26 SF2009405305
27 CR: 12/15/09
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