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**FILED**

**Date** 4/15/11

**By**

*William 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. 2011-51

12 **SAMUEL C. EDLES, JR.**  
13 **8037 Poinsettia Drive**  
14 **Buena Park, CA 90620**

**A C C U S A T I O N**

15 **Field Representative License No. FR 36162**  
16 **Branch 3**

Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about July 11, 2003, the Structural Pest Control Board issued Field  
25 Representative License Number FR 36162 in Branch 3 to Samuel C. Edles, Jr. (Respondent). The  
26 Field Representative License (Branch 3) was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on June 30, 2012, 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 unless otherwise indicated.

4. Section 8620 of the Code 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. 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

6. Code section 8593 states, in pertinent part:

The board shall require as a condition to the renewal of each operator's and field representative's license that the holder submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board. In lieu of submitting that proof, the license holder, if he or she so desires, may take and successfully complete an examination given by the board, designed to test his or her knowledge of developments in the field of pest control since the issuance of his or her license.

7. Section 8637 of the Code states:

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

8. Section 8641 of the Code 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           9.       Section 8654 of the Code states:

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

### 16                                   **COST RECOVERY**

17           10.   Code section 125.3 provides, in pertinent part, that a Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations  
19 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

### 21                                   **REGULATORY PROVISIONS**

22           11.   California Code of Regulations, Title 16, section 1950(a), states:

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

### **FACTS**

          12.   On or about August 14, 2009, Respondent submitted a Delinquent License  
Renewal Application to the Board. Respondent certified under penalty of perjury on the form  
that he had completed the continuing education hours required to renew his license in accordance  
with regulations.

          13.   On or about December 8, 2009, February 8, 2010, May 11, 2010, and October 5,  
2010, the Board sent Respondent written requests instructing him to submit copies of his

1 continuing education certificates for the renewal period to the Board within fourteen (14) days.  
2 Respondent was advised that if he failed to comply with the requests, his license would be subject  
3 to disciplinary action. Respondent was unable to provide the Board with any continuing  
4 education certificates for the renewal period of July 1, 2006 through June 30, 2009.

5 **FIRST CAUSE FOR DISCIPLINE**  
6 **(Failure to Verify Completion of Continuing Education)**

7 14. Respondent is subject to discipline under section 8641 of the Code on the grounds  
8 that Respondent failed to comply with California Code of Regulation, Title 16, section 1950(a),  
9 by failing to submit verification of completing continuing education courses by producing  
10 certificates of completion for the renewal period of July 1, 2006 through June 30, 2009, as  
11 requested by the Board on December 8, 2009, February 8, 2010, May 11, 2010, and October 5,  
12 2010.  
13

14 **SECOND CAUSE FOR DISCIPLINE**  
15 **(Misrepresentation in Renewing License)**

16 15. Respondent is subject to discipline under section 8637 of the Code for  
17 misrepresentation of a material fact on his August 14, 2009 Delinquent License Renewal  
18 Application by stating that he had completed the required continuing education hours to renew his  
19 license, when in fact he had not done so.

20 **OTHER MATTERS**

21 16. Code section 8620 provides, in pertinent part, that a respondent may request that a  
22 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,  
23 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made  
24 at the time of the hearing and must be noted in the proposed decision. The proposed decision  
25 shall not provide that a civil penalty shall be imposed in lieu of a suspension.  
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1 17. Pursuant to Code section 8654, if discipline is imposed on Field Representative's  
2 License Number FR 36162, issued to Respondent, then Respondent shall be prohibited from  
3 serving as an officer, director, associate, partner, qualifying manager, or responsible managing  
4 employee for any registered company during the time the discipline is imposed, and any  
5 registered company which employs, elects, or associates Respondent shall be subject to  
6 disciplinary action.

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8 **PRAYER**

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

- 11 1. Revoking or suspending Field Representative License Number FR 36162 in Branch 3,  
12 issued to Samuel C. Edles, Jr.
- 13 2. Ordering Samuel C. Edles, Jr. to pay the Structural Pest Control Board the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
15 Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.
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19 DATED: 4/15/11

  
20 WILLIAM DOUGLAS  
21 Interim Executive Officer  
22 Structural Pest Control Board  
23 Department of Pesticide Regulation  
24 State of California  
25 Complainant

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