

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2008-10

MICHAEL JONATHAN WILLIAMS
a.k.a. MICHAEL WILLIAMS
11426 Elks Circle
Rancho Cordova, CA 95742
-and-
P.O. Box 1480
Lodi, CA 95241

Field Representative's License No. FR 36269,
Branch 2,

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 25, 2009.

IT IS SO ORDERED October 26, 2009.

Clelland A. Hitting
FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

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Lodi, CA 95241

16 Field Representative License No. FR 36269,
17 Branch 2,

Respondent.

**STIPULATED SURRENDER AND
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:
21

22 **PARTIES**

23 1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the Structural Pest
24 Control Board. She brought this action solely in her official capacity and is represented in this
25 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Arthur D.
26 Taggart, Supervising Deputy Attorney General.

27 2. Michael Jonathan Williams (Respondent) is representing himself in this proceeding
28 and has chosen not to exercise his right to be represented by counsel.

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3. On or about August 16, 2003, the Structural Pest Control Board issued Field Representative License No. FR 36269, Branch 2, to Michael Jonathan Williams (Respondent). The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-10 and will expire on June 30, 2009, unless renewed.

JURISDICTION

4. Accusation No. 2008-10 was filed before the Structural Pest Control Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 18, 2008. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-10 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2008-10. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits that he failed to timely submit proof of completion of required continuing education hours, although he did timely complete the required continuing education hours. Respondent agrees that cause exists for discipline and hereby agrees to surrender his Field Representative License No. FR 36269, Branch 2 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Field Representative License No. FR 36269, Branch 2, without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Field Representative License No. FR 36269, Branch 2,
issued to Respondent Michael Jonathan Williams is surrendered and accepted by the Structural
Pest Control Board.

13. The surrender of Respondent's Field Representative License No. FR 36269, Branch 2, and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

1 14. Respondent shall lose all rights and privileges as a Field Representative in California
2 as of the effective date of the Board's Decision and Order.

3 15. Respondent shall cause to be delivered to the Board both his wall license certificate
4 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

5 16. Respondent fully understands and agrees that if he ever files an application for
6 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
7 petition for reinstatement. Respondent must comply with all the laws, regulations and procedures
8 for reinstatement of a revoked license in effect at the time the petition is filed, and all of the
9 charges and allegations contained in Accusation No. 2008-10 shall be deemed to be true, correct
10 and admitted by Respondent when the Board determines whether to grant or deny the petition.

11 17. Respondent shall pay the Board its costs of investigation and enforcement in the
12 amount of Five Hundred Fifty-One Dollars (\$551.00) prior to issuance of a new or reinstated
13 license.

14
15 **ACCEPTANCE**

16 I have carefully read the Stipulated Surrender of License and Order. I understand the
17 stipulation and the effect it will have on my Field Representative License No. FR 36269, Branch
18 2. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
19 intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control
20 Board.

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22 DATED: 5/26/09



23 **MICHAEL JONATHAN WILLIAMS**
24 **a.k.a. MICHAEL WILLIAMS**
25 Respondent

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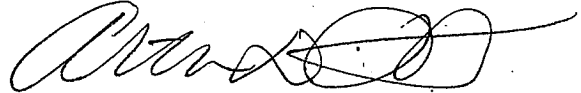
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

Dated: July 24, 2009

EDMUND G. BROWN JR.
Attorney General of California
ALFREDO TERRAZAS
Senior Assistant Attorney General



ARTHUR D. TAGGART
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2008-10

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
Facsimile: (916) 324-5567

7 Attorneys for Complainant

FILED

Date 9/10/07

By *[Signature]*

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11 **DEPARTMENT OF CONSUMER AFFAIRS**
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Rancho Cordova, CA 95742
15 - and -
P.O. Box 1480
16 Lodi, CA 95241

ACCUSATION

17 Field Representative's License No. FR 36269

18 Respondent.

20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about August 16, 2003, the Board issued Field Representative's
26 License Number FR 36269 in Branch 2 (general pest) to Michael Jonathan Williams
27 ("Respondent"), employee of Clark Pest Control. Respondent's field representative's license was

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1 in full force and effect at all times relevant to the charges brought herein and will expire on June
2 30, 2009, unless renewed.

3 STATUTORY PROVISIONS

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

8 4. Code section 8641 states:

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

14 5. Code section 8593 states:

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

24 The board shall develop a correspondence course or courses with any
25 educational institution or institutions as it deems appropriate. This course
26 may be used to fulfill the requirements of this section. The institution may
27 charge a reasonable fee for each course.

28 The board may charge a fee for the taking of an examination in each
branch of pest control pursuant to this section in an amount sufficient to cover
the cost of administering each examination, provided, however, that in no event
shall the fee exceed fifty dollars (\$50) for each examination.

6. California Code of Regulations, title 16, section ("Regulation") 1950
states, in pertinent part:

(a) Except as provided in section 1951, every licensee is required, as a
condition to 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 requested to do so by the Board, may be subject to
disciplinary action under section 8641 of the code.

1 (b) Each licensee is required to gain a certain number of continuing
2 education hours during the three year renewal period. The number of hours
3 required depends on the number of branches of pest control in which licenses are
4 held. The subject matter covered by each activity shall be designated as
5 "technical" or "general" by the Board when the activity is approved. Hour values
6 shall be assigned by the Board to each approved educational activity, in
7 accordance with the provisions of section 1950.5.

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

18 (f) No course, including complete operator's courses developed pursuant to
19 section 8565.5, may be taken more than once during a renewal period for
20 continuing education hours.

21 COST RECOVERY

22 7. Code section 125.3 states, in pertinent part, that a Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations
24 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

26 CAUSE FOR DISCIPLINE

27 (Failure to Verify Completion of Continuing Education)

28 8. In or about June 2006, Respondent submitted a license renewal application
to the Board. On June 9, 2006, Respondent certified under penalty of perjury on the application
form that he successfully completed 16 hours of continuing education during his last renewal
period.

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1 9. On March 12, 2007, and April 23, 2007, a representative of the Board sent
2 Respondent written requests for copies of his continuing education certificates for the renewal
3 period of July 1, 2003, through June 30, 2006. Respondent was advised on each occasion that if
4 he failed to comply with the requests, his field representative's license would be subject to
5 disciplinary action.

6 10. Respondent is subject to disciplinary action pursuant to Code section 8641
7 in that he failed to comply with Regulation 1950 by failing to verify that he completed courses of
8 continuing education in pest control approved by the Board. Specifically, Respondent failed to
9 produce copies of his continuing education certificates for the renewal period of July 1, 2003,
10 through June 30, 2006, as requested by the Board's representative.

11 OTHER MATTERS

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

17 12. Pursuant to Code section 8654, if discipline is imposed on Field
18 Representative's License Number FR 36269, issued to Michael Jonathan Williams, also known
19 as Michael Williams (hereinafter "Michael Jonathan Williams"), Michael Jonathan Williams
20 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
21 responsible managing employee for any registered company during the time the discipline is
22 imposed, and any registered company which employs, elects, or associates Michael Jonathan
23 Williams shall be subject to disciplinary action.

24 PRAYER

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

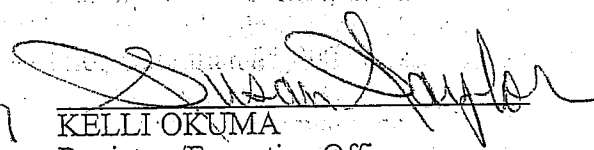
27 1. Revoking or suspending Field Representative's License Number
28 FR 36269, issued to Michael Jonathan Williams, also known as Michael Williams;

1 2. Prohibiting Michael Jonathan Williams, also known as Michael Williams,
2 from serving as an officer, director, associate, partner, qualifying manager or responsible
3 managing employee of any registered company during the period that discipline is imposed on
4 Field Representative's License Number FR 36269, issued to Michael Jonathan Williams, also
5 known as Michael Williams;

6 3. Ordering Michael Jonathan Williams, also known as Michael Williams, to
7 pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement
8 of this case, pursuant to Business and Professions Code section 125.3; and

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

10
11 DATED: 9/10/07

12
13
14 for 
15 KELLI OKUMA
16 Registrar/Executive Officer
17 Structural Pest Control Board
18 Department of Consumer Affairs
19 State of California
20 Complainant
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24
25
26