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FILED

Date 8/22/14 By

Susan Saylor

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

12. In the Matter of the Accusation Against:

Case No. 2015-8

13. **ROBIN NASON**
5513 E. Pitt Ave.
Fresno, CA 93727

ACCUSATION

14. **Field Representative License No. 37213**

15. Respondent.

16. Susan Saylor ("Complainant") alleges:

17. **PARTIES**

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

21. 2. On or about April 29, 2004, the Board issued Field Representative License Number
22. 37213 to Robin Nason ("Respondent"). The license was in full force and effect at all times
23. relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

24. **STATUTORY PROVISIONS**

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

3 4. Code section 8625 states:

4 The lapsing or suspension of a license or company registration by operation
5 of law or by order or decision of the board or a court of law, or the voluntary
6 surrender of a license or company registration shall not deprive the board of
7 jurisdiction to proceed with any investigation of or action or disciplinary proceeding
8 against such licensee or company, or to render a decision suspending or revoking
9 such license or registration.

10 5. Code section 8641 states:

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

16 6. Code section 8593 states, in pertinent part:

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

25 REGULATORY PROVISIONS

26 7. California Code of Regulations, title 16, section 1950, states, in pertinent
27 part:

28 (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.

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

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

11 COST RECOVERY

12 8. Code section 125.3 states, in pertinent part, that a Board may request the
13 administrative law judge to direct a licentiate found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case.
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17 BACKGROUND INFORMATION

18 9. In or about August 2012, Respondent submitted a Delinquent Renewal Application
19 for Field Representative to the Board. On or about August 6, 2012, Respondent certified under
20 penalty of perjury to the truthfulness of all statements, answers, and representations in the
21 application, including the successful completion of 16 hours of continuing education during the
22 renewal period of July 1, 2009, through June 30, 2012.

23 10. On or about November 28, 2012, January 9, 2013, and October 23, 2013, the
24 Board sent Respondent written requests for copies of his continuing education certificates to
25 verify the 16 hours of continuing education set forth on his renewal application dated August 6,
26 2012. Respondent was advised on each occasion that if he failed to submit verification of his
27 continuing education within fourteen (14) days, his field representative's license would be subject
28 to disciplinary action.

29 FIRST CAUSE FOR DISCIPLINE

30 (Failure to Verify Completion of Continuing Education)

31 11. Respondent is subject to discipline under Code section 8641, for failure to comply with
32 California Code of Regulation, title 16, section 1950, by failing to submit verification that he had
33 completed 16 hours of continuing education. Respondent failed to submit copies of the
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1 continuing education certificates as requested by the Board on November 28, 2012, January 9,
2 2013, and October 23, 2013.

3 **OTHER MATTERS**

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

9 13. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
10 License Number FR 37213, issued to Robin Nason, then Robin Nason shall be prohibited from
11 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
12 employee for any registered company during the time the discipline is imposed, and any
13 registered company which employs, elects, or associates him shall be subject to disciplinary
14 action.

15 **PRAYER**

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

18 1. Revoking or suspending Field Representative's License Number FR 37213, issued
19 to Robin Nason;

20 2. Prohibiting Robin Nason from serving as an officer, director, associate, partner,
21 qualifying manager or responsible managing employee of any registered company during the
22 period that discipline is imposed on Field Representative's License Number FR 37213, issued to
23 Robin Nason;

24 3. Ordering Robin Nason to pay the Structural Pest Control Board the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3; and,

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

DATED: 8/22/14



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

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