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**FILED**

Date 6/24/15 By

*Susan Saylor*

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

12 In the Matter of the Accusation Against:

Case No. 2015-66

13 **NICOLAS ESPINAL**  
27837 Maywood Bend Drive  
14 Sun City, CA 92585

**ACCUSATION**

15 **Field Representative License No. FR 38446**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about April 7, 2005, the Structural Pest Control Board issued Field  
24 Representative License Number FR 38446 in Branch 1 to Nicolas Espinal (Respondent). On  
25 April 14, 2008, Field Representative License Number FR 38446 was upgraded to include  
26 Branches 1 and 2. The Field Representative License was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

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(d) Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control shall have completed 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch of pest control licensed, a minimum of two hours in Integrated Pest Management must

be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

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**COSTS**

13. Section 125.3 of the Code provides, in pertinent part, that the 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

**FIRST CAUSE FOR DISCIPLINE**

**(Securing a License by Fraud, Deceit, or Knowing Misrepresentation of a Material Fact)**

14. Respondent is subject to disciplinary action under sections 498 and 8637 of the Code in that he secured his Field Representative License by fraud, deceit, or knowing misrepresentation of a material fact. The circumstances are as follows:

15. On or about June 2, 2013, Respondent signed the "License Renewal Application – Field Representative" for Field Representative License number FR 38446. Declaring under penalty of perjury under the laws of the State of California that his information was true and correct, Respondent stated that he completed 20 hours of continuing education required for the renewal of his license. Respondent's Field Representative License was subsequently renewed for a period of three years.

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1 an officer, director, associate, partner, qualifying manager, or responsible managing employee of  
2 a registered company, and the employment, election or association of Nicolas Espinal is a ground  
3 for disciplinary action.

4 **PRAYER**

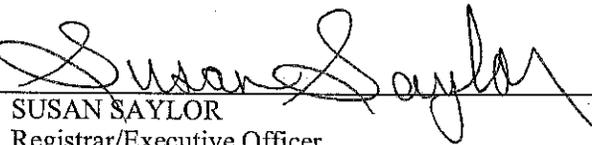
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Structural Pest Control Board issue a decision:

7 1. Revoking or suspending Field Representative License Number FR 38446, issued to  
8 Nicolas Espinal;

9 2. Ordering Nicolas Espinal to pay the Structural Pest Control Board the reasonable  
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
11 Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

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14  
15 DATED: 6/24/15



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

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