

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

In the Matter of the Accusation Against:

Case No. 2009-47

JACOB J. SAUCEDO
817 El Monte Court
Los Banos, CA 93635

Field Representative License No. FR 38674,
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 August 27, 2009.

IT IS SO ORDERED July 28, 2009.

Clifford J. Hilly

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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7 Attorneys for Complainant

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

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STIPULATED SURRENDER
OF LICENSE AND ORDER

14 Field Representative License No. FR 38674,
Branch 2

15 Respondent.
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18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in
19 this proceeding that the following matters are true:

20 **PARTIES**

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

25 2. Jacob J. Saucedo (Respondent) is representing himself in this proceeding
26 and has chosen not to exercise his right to be represented by counsel.

27 3. On or about May 19, 2005, the Structural Pest Control Board issued Field
28 Representative License No. FR 38674, Branch 2, to Jacob J. Saucedo (Respondent). The Field

1 Representative License was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 2009-47, and will expire on June 30, 2010, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 2009-47 was filed before the Structural Pest Control
5 Board (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on March 13, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2009-47 is attached as **Exhibit A** and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations
11 in Accusation No. 2009-47. Respondent also has carefully read, and understands the effects of
12 this Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 2009-47, agrees that legal cause exists for discipline and hereby surrenders his
25 Field Representative License No. FR 38674, Branch 2, for the Board's formal acceptance.

26 9. Respondent understands and agrees that the surrender of his Field
27 Representative License No. FR 38674, Branch 2, is in lieu of revocation by the Board.

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1 10. Respondent understands that by signing this stipulation he enables the
2 Board to issue an order accepting the surrender of his Field Representative License No. FR
3 38674, Branch 2, without further process.

4 **CONTINGENCY**

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

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

18 13. In consideration of the foregoing admissions and stipulations, the parties
19 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
20 following Order:

21 **ORDER**

22 1. **IT IS HEREBY ORDERED** that Field Representative License No. FR
23 38674, Branch 2, issued to Respondent Jacob J. Saucedo, is surrendered and accepted by the
24 Structural Pest Control Board.

25 2. The surrender of Respondent's Field Representative License and the
26 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
27 against Respondent, and is in lieu of revocation. This stipulation constitutes a record of the
28 discipline and shall become a part of Respondent's license history with the Board.

1 3 Respondent shall lose all rights and privileges as a Field Representative in
2 California as of the effective date of the Board's Decision and Order.

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

6 5. Respondent fully understands and agrees that if he ever files an application
7 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
8 petition for reinstatement. Respondent must comply with all the laws, regulations and
9 procedures for reinstatement of a revoked license in effect at the time the petition is filed. All of
10 the charges and allegations contained in Accusation No. 2009-47 shall be deemed to be true,
11 correct and admitted by Respondent when the Board determines whether to grant or deny the
12 petition.

13 6. Should Respondent ever apply or reapply for a new license or certification,
14 or petition for reinstatement of a license, all of the charges and allegations contained in
15 Accusation No. 2009-47 shall be deemed to be true, correct, and admitted by Respondent for the
16 purpose of any Statement of Issues or any other proceeding before the Structural Pest Control
17 Board seeking to deny or restrict licensure by the Board.

18 7. Upon reinstatement of the license, Respondent shall pay to the Board
19 costs associated with its investigation and enforcement pursuant to Business and Professions
20 Code section 125.3 in the amount of \$295.25. Respondent shall be permitted to pay these costs
21 in a payment plan approved by the Board.

22 8. Respondent shall not apply for licensure or petition for reinstatement for
23 one (1) year from the effective date of the Structural Pest Control Board's Decision and Order.

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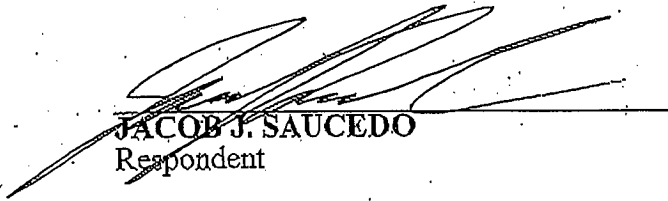
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ACCEPTANCE

I understand that I have the right to retain private counsel at my own expense. I have chosen to represent myself in this proceeding. I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Field Representative License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 04-20-09


JACOB J. SAUCEDO
Respondent

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: 4/24/09

EDMUND G. BROWN JR., Attorney General
of the State of California

ALFREDO TERRAZAS
Senior Assistant Attorney General


ARTHUR D. TAGGART
Supervising Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 2009-47

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
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7 Attorneys for Complainant

FILED

Date 3/2/09 By *Susa*
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14 **JACOB J. SAUCEDO**
817 El Monte Court
15 Los Banos, California 93635

ACCUSATION

16 Field Representative License No. FR 38674,
Branch 2

17 Respondent.
18

19 Kelli Okuma ("Complainant") alleges:

20 **PARTIES**

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

24 **License History**

25 **Field Representative License**

26 2. On or about May 19, 2005, the Board issued Field Representative License
27 Number FR 38674 ("license"), Branch 2, to Jacob J. Saucedo ("Respondent"). The license will
28 expire on June 30, 2010, unless renewed.

JURISDICTION

3. Section 8620 of the Business and Professions Code (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.

4. Code section 8624 states:

"If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office."

5. Code section 8625 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.

6. Section 8654 of the Code states:

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

7. Code section 8593 states:

The board shall require as a condition to the renewal of each operator's and field representative's license that the holder thereof submit proof satisfactory to the board that he or she has

1 informed himself or herself of developments in the field of pest
2 control by completion of courses of continuing education in pest
3 control approved by the board or equivalent activity approved by
4 the board.

5 STATUTORY PROVISION

6 8. Code section 8641 states:

7 Failure to comply with the provisions of this chapter, or
8 any rule or regulation adopted by the board, . . . is a ground for
9 disciplinary action.

10 REGULATORY PROVISION

11 9. California Code of Regulations, section 1950, subdivision (a), states:

12 Except as provided in section 1951, every licensee is
13 required, as a condition to a renewal of a license, to certify that he
14 or she has completed the continuing education requirements set
15 forth in this article. A licensee who cannot verify completion of
16 continuing education by producing certificates of activity
17 completion, whenever required to do so by the Board, may be
18 subject to disciplinary action under section 8641 of the code.

19 COST RECOVERY

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

24 CAUSE FOR DISCIPLINE

25 (Documentation of Continuing Education Requirements)

26 11. Respondent's licenses are subject to disciplinary action pursuant to Code
27 sections 8620, 8593, and 8641, in that Respondent failed to comply with Regulation section
28 1950, subdivision (a), by failing to provide the Board with verifiable documentation to
demonstrate that he completed the continuing education requirements as a condition of renewal
of his licenses.

OTHER MATTERS

12. Pursuant to Code section 8654, if Respondent's application for a license is
denied, then Respondent shall be prohibited from serving as an officer, director, associate,

1 partner, or qualifying individual of any license, and any licensee which employs, elects or
2 associates Respondent in any capacity other than as a non-supervising bona fide employee shall
3 be subject to disciplinary action.

4 PRAYER

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


7 1. Revoking or suspending Field Representative License Number FR 38674,
8 Branch 2, issued to Jacob J. Saucedo;

9 2. Prohibiting Jacob J. Saucedo from serving as an officer, director,
10 associate, partner, or qualifying individual of any licensee;

11 3. Ordering Jacob J. Saucedo to pay the Board the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

14
15 DATED: 3/2/09

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18 KELLI OKUMA
19 Registrar/Executive Officer
20 Structural Pest Control Board
21 Department of Consumer Affairs
22 State of California
23 Complainant
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