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FILED

Date 9/23/10 By Kelli Okuma

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10 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
11 **DEPARTMENT OF PESTICIDE REGULATION**
STATE OF CALIFORNIA

12
13 In the Matter of the Accusation Against:

Case No. 2011-11

14 **MATTHEW P. SCHNEIDER**
1855 Eastlake Drive
15 Kelseyville, CA 95451
16 Field Representative No. FR 39038

ACCUSATION

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Kelli Okuma (Complainant) brings this Accusation solely in her official capacity as
22 the Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

23 2. On or about August 1, 2005, the Structural Pest Control Board issued Field
24 Representative's License Number FR 39038 to Matthew P. Schneider (Respondent). The Field
25 Representative's License was in full force and effect at all times relevant to the charges brought
26 in this Accusation and will expire on June 30, 2011, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Structural Pest Control Board (Board),
3 Department of Pesticide Regulation, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

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

9 5. Section 8625 of the Code states:

10 "The lapsing or suspension of a license or company registration by operation of law or by
11 order or decision of the board or a court of law, or the voluntary surrender of a license or
12 company registration shall not deprive the board of jurisdiction to proceed with any investigation
13 of or action or disciplinary proceeding against such licensee or company, or to render a decision
14 suspending or revoking such license or registration."

15 6. Section 118, subdivision (b) of the Code provides that the expiration of a license shall
16 not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
17 within which the license may be renewed, restored, reissued or reinstated.

18 **STATUTORY PROVISIONS**

19 7. Section 8649 of the Code states:

20 "Conviction of a crime substantially related to the qualifications, functions, and duties of a
21 structural pest control operator, or field representative, applicator, or registered company is a
22 ground for disciplinary action. The certified record of conviction shall be conclusive evidence
23 thereof."

24 8. Section 490 of the Code provides, in pertinent part, that a Board may suspend or
25 revoke a license on the ground that the licensee has been convicted of a crime substantially
26 related to the qualifications, functions, or duties of the business or profession for which the
27 license was issued.

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COST RECOVERY

9. Section 125.3 of the Code states, 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.

CAUSE FOR DISCIPLINE

(Substantially Related Conviction)

10. Respondent has subjected his Field Representative's License to disciplinary action under sections 490 and 8649 of the Code in that he was convicted of a crime substantially related to the qualifications, functions, or duties of a field representative. On or about June 3, 2010, in Santa Barbara County Superior Court, Case No. 1332051, entitled *People v. Matthew Paul Schneider*, Respondent pled no contest and was convicted of violating Health and Safety Code sections 11359 (possession of marijuana for sale), 11360 (transportation of marijuana), both felonies. The factual circumstances underlying the conviction are that on or about March 23, 2010, Respondent unlawfully possessed marijuana for sale and transported marijuana in Santa Barbara County.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Field Representative's License Number FR 39038, issued to Matthew P. Schneider;
2. Ordering Matthew P. Schneider to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 9/23/10

Kelli Okuma
KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
State of California
Complainant

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