1 2 3 4 5 6 7 8 9	STRUCTURAL PEST	FILED Date 1216 By Super Saylor Saylor T CONTROL BOARD
10 11		CONSUMER AFFAIRS CALIFORNIA
12	In the Matter of the Accusation Against:	Case No. 2016-37
13	MARK FELIX LEINTZ	ACCUSATION
14	1583 N. Hart Orange, CA 92867	
15	Field Representative License No. FR 39539	
16	Respondent.	
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18	Complainant alleges:	
19		TIES
20		his Accusation solely in her official capacity as the
21	Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of	
22	Consumer Affairs.	
23	2. On or about January 17, 2006, Board	d issued Field Representative License Number FR
24	39539 to Mark Felix Leintz (Respondent). The	Field Representative License was in full force and
25	effect at all times relevant to the charges brought	therein and will expire on June 30, 2017, unless
26	renewed.	
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1	3. On or about January 19, 2001, the Board issued Applicator's License Number RA	
2	16874 to Mark Felix Leintz (Respondent). The Applicator's License expired on January 19, 2007,	
3	and has not been renewed.	
4	4. On or about May 27, 1998, the Board issued Applicator's License Number RA 9669	
5	to Mark Felix Leintz (Respondent). The Applicator's License expired on May 27, 2001, and has	
6	not been renewed.	
7	JURISDICTION	
8	5. This Accusation is brought before the Board, under the authority of the following	
9	laws. All section references are to the Business and Professions Code (Code) unless otherwise	
10	indicated.	
11	6. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or	
12	revoke a license when it finds that the holder, while a licensee or applicant, has committed any act	5
13	or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil	
14	penalty.	
15	7. Section 8625 of the Code states:	
16	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 order or decision of the board or a court of law.	
17	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	
18	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.	
19	STATUTORY PROVISIONS	
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21	8. Section 498 of the Code states:	
22	A board may revoke, suspend, or otherwise restrict a license on the ground that the license secured the license by froud deceit, or browing migromagnetic in a final deceit.	
23	licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.	
24	9. Section 8637 of the Code states: "Misrepresentation of a material fact by the	
25	applicant in obtaining a license or company registration is a ground for disciplinary action."	
26	10. Section 8641 of the Code provides that failure to comply with the provisions of the	
27	Business and Professions Code, or any rule or regulation adopted by the Board, is a ground for	
28	disciplinary action.	
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1	11. Section 8593 of the Code provides, in pertinent part, that the Board shall require as a	
2	condition to the renewal of each operator's and field representative's license that the holder submit	
3	proof satisfactory to the board that he or she has informed himself or herself of developments in	
4	the field of pest control either by completion of courses of continuing education in pest control	
5	approved by the board or equivalent activity approved by the board.	
6	REGULATORY PROVISIONS	
7	12. California Code of Regulations, title 16, section 1950 states:	
8	(a) Except as provided in section 1951 ¹ , every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education	
9	requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested	
10	to do so by the Board, may be subject to disciplinary action under section 8641 of the code.	
11	(b) Each licensee is required to complete a certain number of continuing education	
12	nours 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	
13 14	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.	
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16	(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	
17	in three branches of pest control shall have completed 24 continuing education hours	
18	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	
19	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	
20	completed from Board approved courses on the Structural Pest Control Act, the Rules	
21	and Regulations, or structural pest control related agencies' rules and regulations.	
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24	///	
25	¹ 16 C.C.R. § 1951 states: "In lieu of continuing education, a licensee may qualify for renewal by taking and passing an examination degraped by the Bound to account the state of the st	
26	renewal by taking and passing an examination designed by the Board to cover developments in the field of pest control. Licensees who choose this method of qualifying for renewal may take this examination only once, and must take the examination no arriver take the examination are control.	
27 28	examination only once, and must take the examination no earlier than one year prior to their license expiration date. A score of 70% or higher shall be considered a passing grade on this examination."	
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1	COSTS		
2	13. Section 125.3 of the Code states, in pertinent part, that a Board may request the		
3	administrative law judge to direct a licentiate found to have committed a violation or violations of		
4	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and		
5	enforcement of the case.		
6	FIRST CAUSE FOR DISCIPLINE		
7	(Securing a License by Fraud, Deceit, or Knowing Misrepresentation of a Material Fact)		
8	14. Respondent has subjected his license to disciplinary action under sections 498 and		
9	8637 of the Code in that he secured his Field Representative License by fraud, deceit, or knowing		
10	misrepresentation of a material fact. The circumstances are as follows:		
11	15. On or about May 17, 2014, Respondent signed his "License Renewal Application -		
12	Field Representative" for Field Representative License number FR 39539. Declaring under		
13	penalty of perjury under the laws of the State of California that his information was true and		
14	correct, Respondent stated that he completed 16 hours of continuing education required for the		
15	renewal of his license. Respondent's Field Representative License was subsequently renewed for a		
16.	period of three years.		
17	16. In a letter dated November 3, 2014, mailed to Respondent's address of record, the		
18	Board informed Respondent that he had been selected for a continuing education audit.		
19	Respondent was directed to provide the certificates of course completion for the 16 hours of		
20	continuing education claimed on his license renewal application for the renewal period of July 1,		
21	2011 through June 30, 2014. Respondent was told that the requested information was due 14		
22	days from the date of the letter, and that failure to comply would subject him to disciplinary action.		
23	17. On November 17, 2014, the Board received Respondent's certificates.		
24	18. A second letter dated March 6, 2015, was mailed to Respondent via certified mail		
25	stating his certificates were outside of the date range.		
26	19. On March 16, 2015, Respondent called the Board inquiring about the correspondence		
27	he had received. The Board explained those hours were taken outside the date range and were not		
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1	accepted. The Board asked Respondent for a letter of explanation citing his poor record keeping	
2	for the lack of proof for his continuing education hours.	
3	20. On March 23, 2015, the Board received a letter from Respondent indicating he had	
4	misplaced his files and was short due to his negligence.	
5	21. In a third letter dated April 7, 2015, Respondent was notified via certified mail to his	
6	address of record, stating that his license would be subject to discipline for any failure to comply.	
7	SECOND CAUSE FOR DISCIPLINE	
8	(Failure to Comply with the Provisions of the Structural Pest Control Act)	
9	22. Respondent has subjected his license to disciplinary action under section 8641 of the	
10	Code, and California Code of Regulations, title 16, section 1950, in that he failed to comply with	
11	the provisions of the Structural Pest Control Act, as described in paragraphs 14-21, above.	
12	Respondent's conduct violated Business and Professions Code section 8593, which required	
13	Respondent, as a condition to the renewal of his Field Representative License, to submit proof that	
14	he completed a minimum of 16 hours of continuing education in pest control approved by the	
15	Board or equivalent activity approved by the Board within the three-year renewal period.	
16	PRAYER	
17	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
18	and that following the hearing, the Structural Pest Control Board issue a decision:	
19	1. Revoking or suspending Field Representative License Number FR 39539, issued to	
20	Mark Felix Leintz;	
21	2. Ordering Mark Felix Leintz to pay the Structural Pest Control Board the reasonable	
22	costs of the investigation and enforcement of this case, pursuant to Business and Professions Code	
23	section 125.3;	
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