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FILED

Date 1/12/16 By 

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

12 In the Matter of the Accusation Against:

Case No. 2016-37

13 **MARK FELIX LEINTZ**
14 **1583 N. Hart**
Orange, CA 92867

ACCUSATION

15 **Field Representative License No. FR 39539**

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 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 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 herein and will expire on June 30, 2017, unless
26 renewed.

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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;

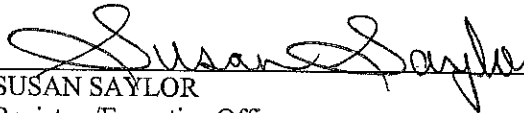
21 2. Ordering Mark Felix Leintz to pay the Structural Pest Control Board the reasonable
22 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
23 section 125.3;

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

DATED: 1/12/14


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

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