

1 EDMUND G. BROWN JR.
2 Attorney General of California
3 ALFREDO TERRAZAS
4 Senior Assistant Attorney General
5 ARTHUR D. TAGGART
6 Supervising Deputy Attorney General
7 State Bar No. 083047
8 1300 I Street, Suite 125
9 P.O. Box 944255
10 Sacramento, CA 94244-2550
11 Telephone: (916) 324-5339
12 Facsimile: (916) 327-8643

13 *Attorneys for Complainant*

FILED

Date 2/3/10 By Kelli Okuma

14 **BEFORE THE**
15 **STRUCTURAL PEST CONTROL BOARD**
16 **DEPARTMENT OF PESTICIDE REGULATION**
17 **STATE OF CALIFORNIA**

18 In the Matter of the Accusation Against:

Case No. 2010-51

19 **MICHELLE L. FROST**
20 **6652 Goldenwood Circle**
21 **Sacramento, CA 95841**

ACCUSATION

22 **Field Representative License No. FR 39735,**
23 **Branch 2**

Respondent.

24 Complainant alleges:

PARTIES

25 1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as
26 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide
27 Regulation.

License History

28 2. On or about March 10, 2006, the Structural Pest Control Board issued Field
Representative License Number FR 39735, Branch 2 to Michelle L. Frost ("Respondent"). The
Field Representative License was in full force and effect at all times relevant to the charges
brought herein and will expire on June 30, 2011, unless renewed.

JURISDICTION

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

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

9 5. Code section 8624 states:

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

13 6. Code section 8625 states:

14 The lapsing or suspension of a license or company registration by
15 operation of law or by order or decision of the board or a court of law, or the
16 voluntary surrender of a license or company registration shall not deprive the
17 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.

18 7. Code section 8654 states:

19 Any individual who has been denied a license for any of the reasons
20 specified in Section 8568, or who has had his or her license revoked, or whose
21 license is under suspension, or who has failed to renew his or her license while
22 it was under suspension, or who has been a member, officer, director, associate,
23 qualifying manager, or responsible managing employee of any partnership,
24 corporation, firm, or association whose application for a company registration
25 has been denied for any of the reasons specified in Section 8568, or whose
26 company registration has been revoked as a result of disciplinary action, or
27 whose company registration is under suspension, and while acting as such
28 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.

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1 8. Code section 8593 states:

2 The board shall require as a condition to the renewal of each operator's
3 and field representative's license that the holder thereof submit proof
4 satisfactory to the board that he or she has informed himself or herself of
5 developments in the field of pest control by completion of courses of
6 continuing education in pest control approved by the board or equivalent
7 activity approved by the board.

8 **STATUTORY PROVISION**

9 9. Code section 8641 states:

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

12 **REGULATORY PROVISION**

13 10. California Code of Regulations, section 1950, subdivision (a), states:

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

20 **COST RECOVERY**

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

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Documentation of Continuing Education Requirements)**

27 12. Respondent's license is subject to disciplinary action pursuant to Code sections 8620,
28 8593, and 8641, in that Respondent failed to comply with Regulation section 1950, subdivision
(a), by failing to provide the Board with verifiable documentation to demonstrate that she
completed 16 hours of continuing education requirements for the renewal period of July 1, 2005,
through June 30, 2008, as stated in her License Renewal Application, signed under penalty of
perjury and dated June 30, 2008.

