FILED

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

In the Matter of the Accusation Against: **BILLY C. JENNINGS,** **AKA BILLY CLYDE JENNINGS** **13538 Quiet Hills Drive** **Poway, CA 92064** **Field Representative License No. 39744** **Applicator License No. 43314** Respondent.	Case No. 2013-16 **ACCUSATION**

Complainant alleges:

PARTIES

1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the Assistant Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

2. On or about March 30, 2005, the Structural Pest Control Board issued Applicator License Number 43314 to Billy C. Jennings, aka Billy Clyde Jennings (Respondent). The Applicator License expired on March 30, 2008, and has not been renewed.

3. On or about March 14, 2006, the Structural Pest Control Board issued Field Representative License Number 39744 to Billy C. Jennings, aka Billy Clyde Jennings

(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, 2014, unless renewed.

JURISDICTION

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

5. Section 8620 of the 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.

6. Section 8625 of the Code 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.

7. 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.

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STATUTORY PROVISIONS

8. Section 8593 of the Code states:

> The board shall require as a condition to the renewal of each operator's and field representative's license that the holder submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board. In lieu of submitting that proof, the licenseholder, if he or she so desires, may take and successfully complete an examination given by the board, designed to test his or her knowledge of developments in the field of pest control since the issuance of his or her license.
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> The board shall develop a correspondence course or courses with any educational institution or institutions as it deems appropriate. This course may be used to fulfill the requirements of this section. The institution may charge a reasonable fee for each course.
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> The board may charge a fee for the taking of an examination in each branch of pest control pursuant to this section in an amount sufficient to cover the cost of administering each examination, provided, however, that in no event shall the fee exceed fifty dollars ($50) for each examination.

9. Section 8593.1 of the Code states:

> The board shall require as a condition to the renewal of each applicator's license that the holder thereof submit proof satisfactory to the board that he or she has completed courses of continuing education in pesticide application and use approved by the board or equivalent activity approved by the board. In lieu of submitting that proof, the licenseholder, if he or she so desires, may successfully apply for and pass an appropriate written applicator's examination for renewal of a license given by the board.

10. Section 8637 of the Code states in pertinent part that "[m]isrepresentation of a material fact by the applicant in obtaining a license or company registration is a ground for disciplinary action."

11. Section 8641 of the Code states in pertinent part that "[f]ailure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, . . . is a ground for disciplinary action."

REGULATORY PROVISION

12. Title 16, California Code of Regulations ("Regulation"), section 1950, subdivision (a), states:

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

COST RECOVERY

13. Section 125.3 of the Code provides, 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.

FACTS

14. On or before July 25, 2011, Respondent submitted a renewal application for his Field Representative's License to the Board in which he certified to the Board that he had taken all required continuing education coursework. Specifically, Respondent signed a License Renewal Application, which provided in pertinent part:

Continuing Education Certification – I have completed 16 [blank filled in with the number 16] hours of continuing education required for renewal of my license. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Respondent signed his name below the above certification, and dated his signature "7/19/11."

15. Thereafter, on October 20, 2011, Respondent was notified that he had been selected for a continuing education (CE) audit by the Board. Respondent was informed, in writing that he was to submit to the Board copies of his certificates of course completion for the renewal period of July 1, 2008 through June 30, 2011. Respondent was given two weeks to respond to the Board's request or risk disciplinary action being taken against his license. Respondent failed to provide the Board with any certificates of completion of CE requirements for the renewal period of July 1, 2008 through June 30, 2011. On November 18, 2011, the Board

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received Respondent's response stating that he had no CE hours for the renewal period of July 1, 2008 through June 30, 2011.

FIRST CAUSE FOR DISCIPLINE

(Failure To Provide Proof Of Continuing Education)

16. Respondent's Field Representative License is subject to disciplinary action under Code section 8641, for failure to comply with Code section 8593 and Regulation section 1950, subdivision (a), in that Respondent failed to provide the Board with verifiable documentation to demonstrate that he completed the continuing education requirements as a condition of renewal of his Field Representative License, as set forth above in paragraphs 14 and 15.

SECOND CAUSE FOR DISCIPLINE

(Misrepresentation of Fact Regarding Continuing Education)

17. Respondent's Field Representative License and Applicartor's License are subject to disciplinary action under Code sections 8637, in that Respondent misrepresented that he had completed 16 hours of continuing education coursework in his license renewal application, when in fact he had failed to fulfill the Board's continuing education requirements as a condition of renewal of his license as set forth above in paragraphs 14 and 15.

PRAYER

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

1. Revoking or suspending Field Representative License Number 39744, issued to Billy C. Jennings, aka Billy Clyde Jennings;

2. Revoking or suspending Applicator License Number 43314, issued to Billy C. Jennings, aka Billy Clyde Jennings;

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3. Ordering Billy C. Jennings 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;

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

DATED: 10/3/12

SUSAN SAYLOR
Assistant Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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