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8  
9 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF PESTICIDE REGULATION**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12  
13 **ALBERTO GONZALEZ CAMPILLO**  
510 Madera Avenue  
14 San Jose, California 95112  
Field Representative License No. FR 39871,  
Branch 1  
15  
16 Respondent.

Case No. 2010-21

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

17  
18 FINDINGS OF FACT

19 1. On or about October 8, 2009, Complainant Kelli Okuma, in her official capacity as  
20 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide  
21 Regulation, filed Accusation No. 2010-21 against Alberto Gonzalez Campillo (Respondent)  
22 before the Structural Pest Control Board.

23 2. On or about April 7, 2006, the Structural Pest Control Board (Board) issued Field  
24 Representative License No. FR 39871, Branch 1, to Respondent. The Field Representative  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on June 30, 2011, unless renewed.

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1           3.     On or about October 20, 2009, Carol L. Grays, an employee of the Department of  
2 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2010-21, Statement  
3 to Respondent, Notice of Defense (2 copies), Request for Discovery, and Government Code  
4 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which  
5 was and is 510 Madera Avenue, San Jose, California 95112. (A copy of the Accusation is  
6 attached as Exhibit A, and is incorporated herein by reference.)

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c).

9           5.     Government Code section 11506 states, in pertinent part:

10           (c) The respondent shall be entitled to a hearing on the merits if the respondent  
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
12 of the accusation not expressly admitted. Failure to file a notice of defense shall  
13 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
14 may nevertheless grant a hearing.

15           6.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
16 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
17 2010-21.

18           7.     California Government Code section 11520 states, in pertinent part:

19           (a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions  
21 or upon other evidence and affidavits may be used as evidence without any notice to  
22 respondent.

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 evidence on file herein, finds that the allegations in Accusation No. 2010-21 are true.

26           9.     The total costs for investigation and enforcement in connection with the Accusation  
27 are \$1,825.00 as of November 10, 2009.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Alberto Gonzalez Campillo has  
3 subjected his Field Representative License No. FR 39871 to discipline.

4 2. A copy of the Accusation is attached.

5 3. The agency has jurisdiction to adjudicate this case by default.

6 4. The Structural Pest Control Board is authorized to revoke Respondent's Field  
7 Representative License based upon the following violations alleged in the Accusation:

8 a. Business and Professions Code (Code ) section 8641 in that Respondent failed to  
9 comply with the requirements of Title 16, California Code of Regulations, section 1950,  
10 subdivision (d) by failing to provide proof of having acquired 16 hours of continuing education,  
11 for the renewal period of July 1, 2005 through June 30, 2008, as he claimed, under penalty of  
12 perjury, on his renewal application dated June 27, 2008, after been requested by the Board to so  
13 in writing on December 15, 2008, January 20, 2009, April 29, 2009, and May 14, 2009.

14 b. Section 8637 of the Code in that Respondent obtained the renewal of his field  
15 representative's license by misrepresenting the material fact that he had acquired 16 hours of  
16 continuing education, when in fact he had not.

17 c. Section 8642 of the Code in that Respondent committed a fraudulent act by certifying  
18 under penalty of perjury on his renewal application that he had acquired and could demonstrate  
19 16 hours of continuing education in order to meet the license renewal requirements pursuant to  
20 Title 16, California Code of Regulations, section 1950, subdivision (d), when in fact he failed to  
21 obtain 16 hours of continuing education and/or failed to demonstrate that he had done so.

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**Exhibit A**

**Accusation No. 2010-21**

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10-20

1 EDMUND G. BROWN JR.  
2 Attorney General of California  
3 WILBERT E. BENNETT  
4 Supervising Deputy Attorney General  
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13 *Attorneys for Complainant*

**FILED**

Date 10/8/09 By Kelli Okuma

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

12 In the Matter of the Accusation Against:

Case No. 2010-21

13 **ALBERTO GONZALEZ CAMPILLO**  
14 **510 Madera Avenue**  
15 **San Jose, California 95112**  
16 **Field Representative's License No. FR**  
17 **39871, Branch 1**

**ACCUSATION**

Respondent.

18 Complainant alleges:

19 PARTIES

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

23 2. On or about April 7, 2006, the Structural Pest Control Board issued Field  
24 Representative's License Number FR 39871, Branch 1, to Alberto Gonzalez Campillo  
25 (Respondent). The Field Representative's License was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

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JURISDICTION

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

STATUTORY PROVISIONS

4. Section 8620 of the Business and Professions Code ("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.

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

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 8593 of the Code states, in pertinent part:

"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."

1 8. Section 8637 of the Code states:

2 "Misrepresentation of a material fact by the applicant in obtaining a license or company  
3 registration is a ground for disciplinary action."

4 9. Section 8641 of the Code states, in pertinent part, that failure to comply with the  
5 provisions of this chapter, or any rule or regulation adopted by the Board is a ground for  
6 disciplinary action.

7 10. Section 8642 of the Code states:

8 "The commission of any grossly negligent or fraudulent act by the licensee as a pest control  
9 operator, field representative, or applicator is a ground for disciplinary action"

10 11. Title 16, California Code of Regulations, section 1950, subdivision (d) states, in  
11 pertinent part:

12 "Field representatives licensed in one branch of pest control shall have completed 16  
13 continuing education hours, field representatives licensed in two branches of pest control shall  
14 have completed 20 hours continuing education hours, field representative licensed in three  
15 branches of pest control shall have completed 24 hours continuing education hours during each  
16 three year renewal period. In each case, a minimum of four continuing education hours in a  
17 technical subject directly related to each branch of pest control held by the licensee must be  
18 gained for each branch of pest control licensed and a minimum of eight hours must be gained  
19 from Board approved courses on the Structural Pest Control Act and its rules and regulations."

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

24 APPLICATION INFORMATION

25 13. At some time after on or about June 27, 2008, the Board received an application to  
26 renew Field Representative's License Number FR 39871, Branch 1, from Respondent. On or  
27 about June 27, 2008, Respondent certified under penalty of perjury that the information contained  
28 in the application was true and correct, including information regarding continuing education

1 requirements. In order to assure compliance with the continuing education requirements for the  
2 2008 renewal period, Respondent was instructed by letters, dated December 15, 2008, January 20,  
3 2009, April 29, 2009, and May 14, 2009 to submit to the Board copies of continuing education  
4 completion certificates for the renewal period of July 1, 2005 through June 30, 2008.

5 FIRST CAUSE FOR DISCIPLINARY ACTION

6 (Failure to Provide Proof of Continuing Education)

7 14. Respondent has subjected his field representative's license to disciplinary action  
8 under Section 8641 of the Code in that he failed to comply with the requirements of Title 16,  
9 California Code of Regulations, section 1950, subdivision (d) by failing to provide proof of  
10 having acquired 16 hours of continuing education, as claimed on his renewal application dated  
11 June 27, 2008, after having been requested by the Board to do so in writing on December 15,  
12 2008, January 20, 2009, April 29, 2009, and May 14, 2009.

13 SECOND CAUSE FOR DISCIPLINARY ACTION

14 (Misrepresentation)

15 15. Respondent has subjected his field representative's license to disciplinary action  
16 under Section 8637 of the Code in that he obtained the renewal of his field representative's  
17 license by misrepresenting the material fact that he had acquired 16 hours of continuing  
18 education, when in fact he had not.

19 THIRD CAUSE FOR DISCIPLINARY ACTION

20 (Fraudulent Act)

21 16. Respondent has subjected his field representative's license to disciplinary action  
22 under Section 8642 of the Code in that he committed a fraudulent act by certifying under penalty  
23 of perjury on his renewal application that he had acquired and could demonstrate 16 hours of  
24 continuing education in order to meet the license renewal requirements pursuant to Title 16,  
25 California Code of Regulations, section 1950, subdivision (d), when in fact he failed to obtain 16  
26 hours of continuing education and/or failed to demonstrate that he had done so.

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PRAYER

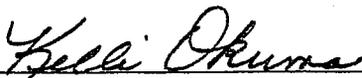
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Field Representative's License Number FR 39871, Branch 1, issued to Alberto Gonzalez Campillo (Respondent);

2. Ordering Respondent 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; and

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

DATED: 10/8/09



KELLI OKUMA  
Registrar/Executive Officer  
Structural Pest Control Board  
Department of Consumer Affairs  
State of California  
Complainant

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