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FILED

Date 2/1/11 By Kelli Okuma

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

11 In the Matter of the Accusation Against:

Case No. 2011-30

12 **JAMIE LYNN DORMAN**
8776 East Helms Avenue, Suite E
13 Rancho Cucamonga, CA 91730

ACCUSATION

14 Field Representative's License No. FR 40391

15 Respondent.
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17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about July 6, 2006, the Board issued Field Representative's License Number
23 FR 40391 in Branch 3 (termite) to Jamie Lynn Dorman ("Respondent"), employee of Affordable
24 Termite Control. Respondent's field representative's license will expire on June 30, 2012, unless
25 renewed.

26 **STATUTORY AND REGULATORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
28 the Board may suspend or revoke a license when it finds that the holder, while a licensee or

1 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
2 of a suspension may assess a civil penalty.

3 4. Code section 8641 states:

4 Failure to comply with the provisions of this chapter, or any rule or
5 regulation adopted by the board, or the furnishing of a report of inspection without
6 the making of a bona fide inspection of the premises for wood destroying pests or
7 organisms, or furnishing a notice of work completed prior to the completion of the
8 work specified in the contract, is a ground for disciplinary action.

9 5. Code section 8593 states:

10 The board shall require as a condition to the renewal of each operator's
11 and field representative's license that the holder submit proof satisfactory to the board
12 that he or she has informed himself or herself of developments in the field of pest
13 control either by completion of courses of continuing education in pest control
14 approved by the board or equivalent activity approved by the board.

15 In lieu of submitting that proof, the license holder, if he or she so desires,
16 may take and successfully complete an examination given by the board, designed to
17 test his or her knowledge of developments in the field of pest control since the
18 issuance of his or her license.

19 The board shall develop a correspondence course or courses with any
20 educational institution or institutions as it deems appropriate. This course may be
21 used to fulfill the requirements of this section. The institution may charge a
22 reasonable fee for each course.

23 The board may charge a fee for the taking of an examination in each
24 branch of pest control pursuant to this section in an amount sufficient to cover the
25 cost of administering each examination, provided, however, that in no event shall the
26 fee exceed fifty dollars (\$ 50) for each examination.

27 6. California Code of Regulations, title 16, section

28 1950 states, in pertinent part:

(a) Except as provided in section 1951, every licensee is required, as a
condition to 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 requested to do so by the Board, may be subject to disciplinary
action under section 8641 of the code.

(b) Each licensee is required to gain a certain number of continuing
education hours 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 by each activity shall be designated as "technical" or "general"
by the Board when the 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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2 (d) Field representatives licensed in one branch of pest control shall have
3 completed 16 continuing education hours, field representatives licensed in two
4 branches of pest control shall have completed 20 continuing education hours, field
5 representatives licensed in three branches of pest control shall have completed 24
6 continuing education hours during each three year renewal period. In each case, a
7 minimum of four continuing education hours in a technical subject directly related to
8 each branch of pest control held by the licensee must be gained for each branch of
9 pest control licensed and a minimum of eight hours must be gained from Board
10 approved courses on the Structural Pest Control Act, the Rules and Regulations, or
11 structural pest control related agencies' rules and regulations . . .

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8 **COST RECOVERY**

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

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Failure to Verify Completion of Continuing Education)**

14 8. Respondent is subject to disciplinary action pursuant to Code section 8641 in
15 conjunction with Code section 8593 and Title 16, California Code of Regulations, section 1950,
16 due to his failure to complete and/or failure to submit required verification of completion of
17 continuing education by reason of the following facts:

18 a. In or about June 2009, Respondent submitted a license renewal application to
19 the Board. On the application form, by handwritten entry dated June 30, 2009, Respondent
20 certified under penalty of perjury that he had successfully completed 16 hours of continuing
21 education during his last renewal period.

22 b. On December 8, 2009, February 8, 2010, and May 11, 2010, a representative of
23 the Board sent Respondent written requests for copies of his continuing education certificates for
24 the renewal period of July 1, 2006, through June 30, 2009. Respondent was advised that his
25 failure to verify his continuing education hours or to supply the requested information could
26 subject his field representative's license to disciplinary action.

27 c. Respondent failed to reply to the reference requests and/or failed to submit
28 copies of continuing education certificates to support claimed hours of continuing education for

1 the renewal period of July 1, 2006, through June 30, 2009.

2 **OTHER MATTERS**

3 9. Code section 8620 provides, in pertinent part, that a respondent may request that a
4 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,
5 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
6 at the time of the hearing and must be noted in the proposed decision. The proposed decision
7 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

8 10. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
9 License Number FR 40391, issued to Jamie Lynn Dorman, Jamie Lynn Dorman shall be
10 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
11 responsible managing employee for any registered company during the time the discipline is
12 imposed, and any registered company which employs, elects, or associates Jamie Lynn Dorman
13 shall be subject to disciplinary action.

14 **PRAYER**

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

17 1. Revoking or suspending Field Representative's License Number FR 40391, issued
18 to Jamie Lynn Dorman;

19 2. Prohibiting Jamie Lynn Dorman from serving as an officer, director, associate,
20 partner, qualifying manager or responsible managing employee of any registered company during
21 the period that discipline is imposed on Field Representative's License Number FR 40391, issued
22 to Jamie Lynn Dorman;

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3. Ordering Jamie Lynn Dorman 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: 2/1/11


KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant