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8	BEFORE THE STRUCTURAL PEST CONTROL BOARD		
9	DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA		
10	STATEOR		
11	In the Matter of the Accusation Against:	Case No. 2013-47	
12	MICHAEL J. BAITY	Case 110. 2019-47	
13	A.K.A. MICHAEL JAMES BAITY P.O. Box 348	ACCUSATION	
14	Concord, CA 94522		
15 16	Field Representative License No. FR 40690, Branch 3		
17	Respondent.		
18	Complainant alleges:		
19	PARTIES		
20	1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as		
21	the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of		
22	Pesticide Regulation.		
23	2. On or about August 31, 2006, the Structural Pest Control Board issued Field		
24	Representative License Number FR 40690, Branch 3, to Michael J. Baity, also known as Michael		
25	James Baity (Respondent). The Field Representative License was in full force and effect at all		
26	times relevant to the charges brought in this Accusation and will expire on June 30, 2015, unless		
27	renewed.		
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		Accusation	

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JURISDICTION

3. 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.

4. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,
or cancellation 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.

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5. Code section 8625 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."

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STATUTORY PROVISIONS

6. Section 8649 of the Code states:

"Conviction of a crime substantially related to the qualifications, functions, and duties of a
structural pest control operator, or field representative, applicator, or registered company is a
ground for disciplinary action. The certified record of conviction shall be conclusive evidence
thereof."

7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
revoke a license when it finds that the licensee has been convicted of a crime substantially related
to the qualifications, functions, or duties of the business or profession for which the license was
issued.

8. Code section 8654 provides, in part, that any individual who has had his license
revoked or suspended, or who has failed to renew his license while it was suspended, shall be
prohibited from serving as an officer, director, associate, partner, qualifying manager, or

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1	responsible managing employee of a registered company, and the employment, election or		
2	association of such person by a registered company is a ground for disciplinary action.		
3	COST RECOVERY		
4	9. Section 125.3 of the Code states, in pertinent part, that a Board may request the		
5	administrative law judge to direct a licentiate found to have committed a violation or violations of		
6	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and		
7	enforcement of the case.		
8 9	FIRST CAUSE FOR DISCIPLINARY ACTION (Substantially Related Conviction) (Bus, & Prof. Code §§ 8649 and 490)		
10	10. Respondent has subjected his Field Representative License to disciplinary action		
11	under Code sections 8649 and 490, in that he was convicted of a crime substantially related to the		
12	qualifications, functions, or duties of a Field Representative. Specifically, on or about November		
13	1, 2012, in the Superior Court of California, County of Contra Costa, Case No. 218766, entitled		
14	The People of the State of California v. Michael James Baity, Respondent pled guilty and was		
15	convicted of Penal Code section 273.5 (inflicting corporal injury on a spouse, cohabitant, former		
16	spouse or former cohabitant), a felony. The imposition of sentence was suspended and		
17	Respondent was placed on probation upon certain terms and conditions, which included, but were		
18	not limited to, the following: obey all laws; serve 365 days in jail, with credit for time served of 6		
19	days; consume no alcohol; drive only if licensed and insured; and enroll in and complete a 52		
20	week domestic violence program. The factual circumstances of the conviction are as follows:		
21	a. On February 25, 2012, in Concord, California, a Concord Police Department (CPD)		
22	officer was dispatched to a call of a female on a freeway off ramp screaming for help. Once the		
23	CPD officer arrived there, he noticed that the female victim, M.A. ¹ was wearing only a long shirt,		
24	with no pants or shoes on, and that her face, hair, arms, hands, and legs were covered in fresh		
25	blood. M.A. was breathing heavily and crying, and screamed at the CPD officer, "He beat me		
26	up." The CPD officer asked M.A. who beat her up and M.A. replied, "My husband beat me up!"		
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28	¹ The victim will be referred to by initials only in order to preserve confidentiality.		
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(Respondent was later identified as M.A.'s husband.) The CPD officer requested AMR (American Medical Response) to look at the victim's injuries.

AMR transported M.A. to John Muir Hospital's emergency room for further b. 3 treatment. The CPD officer spoke to M.A. in the emergency room. M.A. was holding an icepack 4 to her right eye, and the CPD officer saw that the area around her right eye was swollen. M.A. 5 complained of pain to her right eye and left arm. M.A. told the CPD officer that earlier, she had 6 gone to a bar with Respondent. She reported that Respondent drank heavily and drove them back 7 to their residence. Once there, Respondent called M.A. a "whore" and a "bitch." Respondent 8 then pushed M.A. to the ground and began kicking and punching M.A. over 20 times. 9 Respondent punched M.A. in the face with his closed fists. M.A. attempted to escape from 10 Respondent, but he grabbed her jeans and pulled them off. M.A. eventually escaped from 11 Respondent and was later found by the freeway off ramp, as set forth above. 12 OTHER MATTERS 13 Under Code section 8654, if Field Representative License No. FR 40690, issued to 14 11.

Respondent is revoked or suspended, Michael J. Baity shall be prohibited from serving as an officer, director, associate, partner or responsible managing employee of a licensee, and any registered company which employs, elects, or associates Michael J. Baity shall be subject to disciplinary action.

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:

Revoking or suspending Field Representative License Number FR 40690, issued to
 Michael J. Baity (Respondent);

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2. Prohibiting Michael J. Baity from serving as an officer, director, associate, partner or
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responsible managing employee of any registered company;

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Accusation

3. Ordering Michael J. Baity 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 Taking such other and further action as deemed necessary and proper. 4. DATED SUSAN SA ΥL Interim Registrar/Executive Officer Structural Pest Control Board Department of Pesticide Regulation State of California Complainant SF2013901523 accusation.rtf Accusation