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FILED

Date 5/17/13 By Susan Saylor

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

12 In the Matter of the Accusation Against:

Case No. 2013-47

13 **MICHAEL J. BAITY**
14 **A.K.A. MICHAEL JAMES BAITY**
15 **P.O. Box 348**
16 **Concord, CA 94522**

ACCUSATION

17 **Field Representative License No. FR 40690,**
Branch 3

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.

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 FIRST CAUSE FOR DISCIPLINARY ACTION

9 (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!"

27 _____
28 ¹ The victim will be referred to by initials only in order to preserve confidentiality.

1 (Respondent was later identified as M.A.'s husband.) The CPD officer requested AMR
2 (American Medical Response) to look at the victim's injuries.

3 b. AMR transported M.A. to John Muir Hospital's emergency room for further
4 treatment. The CPD officer spoke to M.A. in the emergency room. M.A. was holding an icepack
5 to her right eye, and the CPD officer saw that the area around her right eye was swollen. M.A.
6 complained of pain to her right eye and left arm. M.A. told the CPD officer that earlier, she had
7 gone to a bar with Respondent. She reported that Respondent drank heavily and drove them back
8 to their residence. Once there, Respondent called M.A. a "whore" and a "bitch." Respondent
9 then pushed M.A. to the ground and began kicking and punching M.A. over 20 times.
10 Respondent punched M.A. in the face with his closed fists. M.A. attempted to escape from
11 Respondent, but he grabbed her jeans and pulled them off. M.A. eventually escaped from
12 Respondent and was later found by the freeway off ramp, as set forth above.

13 OTHER MATTERS

14 11. Under Code section 8654, if Field Representative License No. FR 40690, issued to
15 Respondent is revoked or suspended, Michael J. Baity shall be prohibited from serving as an
16 officer, director, associate, partner or responsible managing employee of a licensee, and any
17 registered company which employs, elects, or associates Michael J. Baity shall be subject to
18 disciplinary action.

19 PRAYER

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

- 22 1. Revoking or suspending Field Representative License Number FR 40690, issued to
23 Michael J. Baity (Respondent);
24 2. Prohibiting Michael J. Baity from serving as an officer, director, associate, partner or
25 responsible managing employee of any registered company;

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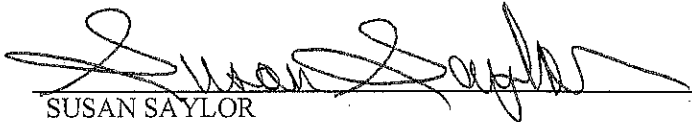
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- 3. Ordering Michael J. Baity to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 4. Taking such other and further action as deemed necessary and proper.

DATED: 5/17/13



SUSAN SAYLOR
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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