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FILED

Date 2/7/11 By Kelli Okuma

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

In the Matter of the Accusation Against:

MATEO L. REBOLLAR
4581 Avery Street
Oceanside, CA 92057

Field Representative License No. FR 41387,
Branch 2

Respondent.

Case No. 2011-33

A C C U S A T I O N

Complainant alleges:

PARTIES

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

2. On or about February 23, 2007, the Structural Pest Control Board issued Field Representative License Number FR 41387, Branch 2, to Mateo L. Rebollar (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, 2012, unless renewed.

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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 (Code) unless otherwise indicated.

4. 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.

5. 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.

STATUTORY PROVISIONS

6. 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 license holder, 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.

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

8. 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, or . . . , is a ground for disciplinary action."

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REGULATIONS

9. California Code of Regulations, title 16, section 1950 states:

(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 complete 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.

....

(d) Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control shall have completed 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch of pest control licensed, a minimum of two hours in Integrated Pest Management must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

COSTS

10. Section 125.3 of the Code states, in pertinent part, that a 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.

FIRST CAUSE FOR DISCIPLINE

(Proof of Continuing Education)

11. Respondent is subject to disciplinary action under Code section 8593 in that he failed to submit proof of completion of continuing education requirements for the renewal of his Field

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1 Representative License for the renewal period of July 1, 2006 through June 30, 2009. The
2 circumstances are as follows:

3 12. On or about June 15, 2009, Respondent signed his license Renewal Application for a
4 Field Representative license under penalty of perjury indicating that he had completed 16 hours
5 of continuing education that were required for renewal of his license. Respondent listed his
6 address of record as 4581 Avery Street, Oceanside, CA 92057 (address of record) and that he was
7 employed with Dewey Pest Control.

8 13. On December 8, 2009, the Board sent Respondent a letter at his address of record,
9 informing him he was selected for the 2009 continuing education audit and was requested to
10 submit copies of the certificates of course completion that verify his continuing education hours
11 for the renewal period of July 1, 2006 through June 30, 2009. The Board requested that
12 Respondent provide the continuing education certificates within 14 days and that failure to do so,
13 would subject Respondent's license to disciplinary action. Respondent did not respond to the
14 Board's December 8, 2009 letter, nor did he submit any continuing education certificates to the
15 Board.

16 14. On February 8, 2010, the Board sent Respondent a "Second Request" to his address
17 of record, informing him that a letter had been sent to him on December 8, 2009 informing him
18 he had been selected for the 2009 continuing education audit. The Board informed Respondent
19 that it did not receive the requested continuing education certification and that Respondent had 14
20 days to submit the certificates to the Board and that failure to do so, would subject Respondent's
21 license to disciplinary action. Respondent did not respond to the Board's February 8, 2010 letter,
22 nor did he submit any continuing education certificates to the Board.

23 15. On March 23, 2010, the Board sent Respondent a "Second Request" at Dewy Pest
24 Control, his employer's principle office, informing Respondent that a letter had been sent to him
25 on December 8, 2009 informing him he had been selected for the 2009 continuing education
26 audit. The Board informed Respondent that it did not receive the requested continuing education
27 certification and that Respondent had 14 days to submit the certificates to the Board and that
28 failure to do so, would subject Respondent's license to disciplinary action. Respondent did not

1 respond to the Board's March 23, 2010 letter, nor did he submit any continuing education
2 certificates to the Board.

3 16. On May 11, 2010, the Board sent Respondent a "Final Request" letter at his address
4 of record, informing him that a letter had been sent to him on December 8, 2009 informing him
5 he had been selected for the 2009 continuing education audit. The Board informed Respondent
6 that it did not receive the requested continuing education certification and that Respondent had
7 until June 20, 2010 to submit the certificates to the Board and that failure to do so, would subject
8 Respondent's license to disciplinary action. Respondent did not respond to the Board's May 11,
9 2010 letter, nor did he submit any continuing education certificates to the Board.

10 17. On October 5, 2010, the Board sent Respondent a "Final Request" letter at his address
11 of record, informing him he was selected for a continuing education audit and was requested to
12 submit copies of the certificates of course completion that verify his continuing education hours
13 for the renewal period of July 1, 2006 through June 30, 2009. The Board requested that
14 Respondent provide the continuing education certificates within 14 days and that failure to do so,
15 would subject Respondent's license to disciplinary action. Respondent did not respond to the
16 Board's October 5, 2010 letter, nor did he submit any continuing education certificates to the
17 Board.

18 SECOND CAUSE FOR DISCIPLINE

19 (Misrepresentation of a Material Fact)

20 18. Respondent is subject to disciplinary action under Code section 8637 in that he
21 misrepresented a material fact to the Board when he applied to renew his Field Representation
22 License, in that he certified under penalty of perjury that he had completed 16 hours of continuing
23 education for the renewal period of July 1, 2006 through June 30, 2009, when he had not
24 completed the hours. The circumstances are set forth in paragraphs 11 through 17, above, and are
25 incorporated herein as though fully set forth.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Failure to Comply with Board Regulation-Continuing Education Requirements)

3 19. Respondent is subject to disciplinary action under Code section 8641 in conjunction
4 with California Code of Regulations, title 16, section 1950, in that he failed to comply with a
5 Board regulation requiring him to complete 16 continuing education hours for the renewal period
6 of July 1, 2006 through June 30, 2009, for his Field Representative License. The circumstances
7 are set forth in paragraphs 11 through 17, above, and are incorporated herein as though fully set
8 forth.

9 PRAYER

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

12 1. Revoking or suspending Field Representative License Number FR 41387, Branch 2,
13 issued to Mateo L. Rebollar;

14 2. Ordering Mateo L. Rebollar to pay the Structural Pest Control Board the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3; and

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

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19 DATED: 2/7/11

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

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