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

In the Matter of the Accusation Against:

Case No. 2011-70

STEVEN R. ADLER
1700 K Street, Suite 200
Bakersfield, CA 93301

DEFAULT DECISION AND ORDER

and

[Gov. Code, §11520]

P.O. Box 2466
Bakersfield, CA 93303

Field Representative's License No. FR 41459

Respondent.

FINDINGS OF FACT

1. On or about June 16, 2011, Complainant William H. Douglas, in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2011-70 against Steven R. Adler (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about March 9, 2007, the Structural Pest Control Board (Board) issued Field Representative's License No. FR 41459 to Respondent. The Field Representative's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-70 and will expire on June 30, 2012, unless renewed.

1 3. On or about June 27, 2011, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 2011-70, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
5 required to be reported and maintained with the Board, which was and is:

6 1700 K Street, Suite 200
7 Bakersfield, CA 93301

8 and

9 P.O. Box 2466
Bakersfield, CA 93303

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 5. On or about October 1, 2011, the aforementioned documents were returned by the
14 U.S. Postal Service marked "Unclaimed." The address on the documents was the same as the
15 address on file with the Board. Respondent failed to maintain an updated address with the Board
16 and the Board has made attempts to serve the Respondent at the address on file. Respondent has
17 not made himself available for service and therefore, has not availed himself of his right to file a
18 notice of defense and appear at hearing.

19 6. Government Code section 11506 states, in pertinent part:

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

23 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
24 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
25 2011-70.

26 8. California Government Code section 11520 states, in pertinent part:

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

1 respondent.

2 9. Pursuant to its authority under Government Code section 11520, the Board finds
3 Respondent is in default. The Board will take action without further hearing and, based on the
4 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
5 taking official notice of all the investigatory reports, exhibits and statements contained therein on
6 file at the Board's offices regarding the allegations contained in Accusation No. 2011-70, finds
7 that the charges and allegations in Accusation No. 2011-70, are separately and severally, found to
8 be true and correct by clear and convincing evidence.

9 10. Taking official notice of its own internal records, pursuant to Business and
10 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
11 and Enforcement is one thousand ninety-dollars (\$1,090.00) as of December 5, 2011.

12 **DETERMINATION OF ISSUES**

13 1. Based on the foregoing findings of fact, Respondent Steven R. Adler has subjected
14 his Field Representative's License No. FR 41459 to discipline.

15 2. The agency has jurisdiction to adjudicate this case by default.

16 3. The Structural Pest Control Board is authorized to revoke Respondent's Field
17 Representative's License based upon the following violation alleged in the Accusation which is
18 supported by the evidence contained in the Default Decision Evidence Packet in this case.:

19 a. Failure to Verify Completion of Continuing Education.

20 **ORDER**

21 IT IS SO ORDERED that Field Representative's License No. FR 41459, heretofore issued
22 to Respondent Steven R. Adler, is revoked.

23 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
24 written motion requesting that the Decision be vacated and stating the grounds relied on within
25 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
26 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.


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This Decision shall become effective on February 17, 2012.

It is so ORDERED January 18, 2012



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

51042866.DOC
DOJ Matter ID:LA2010601436

Attachment:
Exhibit A: Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HEATHER HUA
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2574
6 Facsimile: (213) 897-2804
Attorneys for Complainant

FILED

Date 6/16/11

By

William H. Douglas

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

11 In the Matter of the Accusation Against:

Case No. 2011-70

12 STEVEN R. ADLER
1700 K Street, Suite 200
13 Bakersfield, CA 93301
Field Representative's License No. FR 41459

ACCUSATION

14 Respondent.
15

16 Complainant alleges:

17 PARTIES

18 1. William H. Douglas ("Complainant") brings this Accusation solely in his official
19 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board
20 ("Board"), Department of Pesticide Regulation.

21 2. On or about March 9, 2007, the Board issued Field Representative's License Number
22 FR 41459 in Branches 2 (general pest) and 3 (termite) to Steven R. Adler ("Respondent"),
23 employee of Terminix International Company, LP ("Terminix"). On or about September 30,
24 2008, Respondent left the employ of Terminix. On or before October 2, 2008, Respondent
25 became employed by Clark Pest Control, Inc. Respondent's field representative's license will
26 expire on June 30, 2012, unless renewed.

27 ///

28 ///

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

5 7. California Code of Regulations, title 16, section ("Regulation") 1950 states, in
6 pertinent part:

7 (a) Except as provided in section 1951, every licensee is required, as a
8 condition to renewal of a license, to certify that he or she has completed the
9 continuing education requirements set forth in this article. A licensee who cannot
10 verify completion of continuing education by producing certificates of activity
11 completion, whenever requested to do so by the Board, may be subject to disciplinary
12 action under section 8641 of the code.

13 (b) Each licensee is required to gain a certain number of continuing
14 education hours during the three year renewal period. The number of hours required
15 depends on the number of branches of pest control in which licenses are held. The
16 subject matter covered by each activity shall be designated as "technical" or "general"
17 by the Board when the activity is approved. Hour values shall be assigned by the
18 Board to each approved educational activity, in accordance with the provisions of
19 section 1950.5.

20

21 (d) Field representatives licensed in one branch of pest control shall have
22 completed 16 continuing education hours, field representatives licensed in two
23 branches of pest control shall have completed 20 continuing education hours, field
24 representatives licensed in three branches of pest control shall have completed 24
25 continuing education hours during each three year renewal period. In each case, a
26 minimum of four continuing education hours in a technical subject directly related to
27 each branch of pest control held by the licensee must be gained for each branch of
28 pest control licensed and a minimum of eight hours must be gained from Board
approved courses on the Structural Pest Control Act, the Rules and Regulations, or
structural pest control related agencies' rules and regulations . . .

COST RECOVERY

8. Code section 125.3 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.

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CAUSE FOR DISCIPLINE

(Failure to Verify Completion of Continuing Education)

9. On or about April or May 2009, Respondent submitted a license renewal application to the Board. On or about April 30, 2009, Respondent certified under penalty of perjury on the application form that he successfully completed 20 hours of continuing education during his last renewal period.

10. On December 8, 2009, February 8, 2010, May 11, 2010, and October 5, 2010, a representative of the Board sent Respondent written requests for copies of his continuing education certificates for the renewal period of July 1, 2006, through June 30, 2009. Respondent was advised that his failure to verify his continuing education hours or to supply the requested information could subject his field representative's license to disciplinary action.

11. Respondent is subject to disciplinary action pursuant to Code section 8641 in that Respondent failed to comply with the California Code of Regulations section 1950 of the Structural Pest Control Act by failing to verify that he completed courses of continuing education in pest control approved by the Board. Specifically, Respondent failed to submit copies of his continuing education certificates for the renewal period of July 1, 2006, through June 30, 2009, as requested by the Board's representative.

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OTHER MATTERS

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

13. Pursuant to Code section 8654, if discipline is imposed on Field Representative's License Number FR 41459, issued to Respondent Steven R. Adler, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any

1 registered company which employs, elects, or associates with Respondent Steven R. Adler shall
2 be subject to disciplinary action.

3 PRAYER

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

- 6 1. Revoking or suspending Field Representative's License Number FR 41459, issued
7 to Respondent Steven R. Adler;
- 8 2. Prohibiting Respondent Steven R. Adler from serving as an officer, director,
9 associate, partner, qualifying manager or responsible managing employee of any registered
10 company during the period that discipline is imposed on Field Representative's License Number
11 FR 41459, issued to Respondent Steven R. Adler;
- 12 3. Ordering Respondent Steven R. Adler to pay the Structural Pest Control Board the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3;
- 15 4. Taking such other and further action as deemed necessary and proper.
- 16
17

18 DATED: 6/16/11

William H. Douglas
19 **WILLIAM H. DOUGLAS**
20 Interim Registrar/Executive Officer
21 Structural Pest Control Board
22 Department of Pesticide Regulation
23 State of California
24 Complainant

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