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FILED

Date 4/30/15 By

Susan Saylor

8
9 **BEFORE THE**
10 **STRUCTURAL PEST CONTROL BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2015-52

13 **ANTHONY L. LEON**
14 **1214 East Edinger Avenue**
Santa Ana, CA 92707

A C C U S A T I O N

15 **Field Representative License No. FR 41965**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity
21 as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
22 Affairs.

23 2. On July 2, 2007, the Structural Pest Control Board issued Field Representative
24 License Number FR 41965 to Anthony L. Leon (Respondent). The Field Representative License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 June 30, 2016, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Structural Pest Control Board (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 8620 of the Code provides, in pertinent part, that the Board may suspend
6 or revoke a license when it finds that the holder, while a licensee or applicant, has committed any
7 acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess
8 a civil penalty.

9 5. Section 8625 of the Code states:

10 The lapsing or suspension of a license or company registration by
11 operation of law or by order or decision of the board or a court of law, or the
12 voluntary surrender of a license or company registration shall not deprive the
13 board of jurisdiction to proceed with any investigation of or action or disciplinary
14 proceeding against such licensee or company, or to render a decision suspending
15 or revoking such license or registration.

16 6. Section 8654 of the Code states:

17 Any individual who has been denied a license for any of the reasons
18 specified in Section 8568, or who has had his or her license revoked, or whose
19 license is under suspension, or who has failed to renew his or her license while it
20 was under suspension, or who has been a member, officer, director, associate,
21 qualifying manager, or responsible managing employee of any partnership,
22 corporation, firm, or association whose application for a company registration has
23 been denied for any of the reasons specified in Section 8568, or whose company
24 registration has been revoked as a result of disciplinary action, or whose company
25 registration is under suspension, and while acting as such member, officer,
26 director, associate, qualifying manager, or responsible managing employee had
27 knowledge of or participated in any of the prohibited acts for which the license or
28 registration was denied, suspended or revoked, shall be prohibited from serving as
an officer, director, associate, partner, qualifying manager, or responsible
managing employee of a registered company, and the employment, election or
association of such person by a registered company is a ground for disciplinary
action.

25 **STATUTORY PROVISIONS**

26 7. Section 8593 of the Code states:

27 The board shall require as a condition to the renewal of each operator's
28 and field representative's license that the holder submit proof satisfactory to the

1 board that he or she has informed himself or herself of developments in the field
2 of pest control either by completion of courses of continuing education in pest
3 control approved by the board or equivalent activity approved by the board. In
4 lieu of submitting that proof, the licenseholder, if he or she so desires, may take
5 and successfully complete an examination given by the board, designed to test his
6 or her knowledge of developments in the field of pest control since the issuance of
7 his or her license.

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

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

16 8. Section 8593.1 of the Code states:

17 The board shall require as a condition to the renewal of each applicator's
18 license that the holder thereof submit proof satisfactory to the board that he or she
19 has completed courses of continuing education in pesticide application and use
20 approved by the board or equivalent activity approved by the board. In lieu of
21 submitting that proof, the licenseholder, if he or she so desires, may successfully
22 apply for and pass an appropriate written applicator's examination for renewal of
23 a license given by the board.

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

27 10. Section 8641 of the Code states in pertinent part that "[f]ailure to comply with the
28 provisions of this chapter, or any rule or regulation adopted by the board, . . . is a ground for
disciplinary action."

REGULATORY PROVISION

29 11. Title 16, California Code of Regulations (Regulation), section 1950, subdivision
30 (a), states:

31 Except as provided in section 1951, every licensee is required, as a
32 condition to a renewal of a license, to certify that he or she has completed the
33 continuing education requirements set forth in this article. A licensee who cannot
34 verify completion of continuing education by producing certificates of activity

1 completion, whenever required to do so by the Board, may be subject to
2 disciplinary action under section 8641 of the code.

3 **COST RECOVERY**

4 12. Code Section 125.3 provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations
6 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not
8 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
9 may be included in a stipulated settlement.

10 **FACTS**

11 13. On or before June 30, 2013, Respondent submitted a renewal application for his
12 Field Representative's License to the Board in which he certified to the Board that he had taken
13 all required continuing education coursework. Specifically, Respondent signed a License
14 Renewal Application, which provided in pertinent part:

15 Continuing Education Certification – I have completed 16 [blank filled in with the
16 number 16] hours of continuing education required for renewal of my license. I DECLARE
17 UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA
18 THAT THE FOREGOING IS TRUE AND CORRECT.

19 Respondent signed his name below the above certification, and dated his signature "6-28-
20 2013."

21 14. Thereafter, on January 3, 2014, March 21, 2014, and August 1, 2014, Respondent
22 was notified that he had been selected for a continuing education (CE) audit by the Board.
23 Respondent was informed, in writing, that he was to submit to the Board copies of his certificates
24 of course completion for the renewal period of July 1, 2010 through June 30, 2013. Respondent
25 was given 14 days to respond to each of the Board's requests or risk disciplinary action being
26 taken against his license. On September 4, 2014, Respondent was contacted by telephone
27 through both of his numbers of record. The first number returned a recorded response that the
28 account owner was not available. The second number belonged to Respondent's last known

1 employer, which informed the Board that Respondent had not worked there for two years and
2 left no forwarding address. Respondent failed to provide the Board with any certificates of
3 completion of CE requirements for the renewal period of July 1, 2010 through June 30, 2013. On
4 September 25, 2014, Respondent was notified that based on his non-compliance with Code
5 section 8593 and California Code of Regulations section 1950, the matter will be forwarded for
6 disciplinary action. On October 3, 2014, the return receipt came back with Respondent's last
7 known address written on the letter. On November 4, 2014, the notice for intended discipline was
8 resent to the new address. On November 13, 2014, the letter was returned marked "Unable to
9 Forward."

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Failure To Provide Proof Of Continuing Education)**

12 15. Respondent's Field Representative License is subject to disciplinary action under
13 Code section 8641, for failure to comply with Code section 8593 and Regulation section 1950,
14 subdivision (a), in that Respondent failed to provide the Board with verifiable documentation to
15 demonstrate that he completed the continuing education requirements as a condition of renewal of
16 his Field Representative License, as set forth above in paragraphs 13 and 14.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Misrepresentation of Fact Regarding Continuing Education)**

19 16. Respondent's Field Representative License is subject to disciplinary action under
20 Code section 8637, in that Respondent misrepresented that he had completed 16 hours of
21 continuing education coursework in his license renewal application, when in fact he had failed to
22 fulfill the Board's continuing education requirements as a condition of renewal of his license as
23 set forth above in paragraphs 13 and 14.

24 **PRAYER**

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

27 1. Revoking or suspending Field Representative License Number FR 41965, issued
28 to Anthony L. Leon;

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2. Ordering Anthony L. Leon 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

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

DATED: 4/30/15



SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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