1	EDMUND G. BROWN JR. Attorney General of California DIANN SOKOLOFF Supervising Deputy Attorney General
3	Attorney General DIANN SOKOLOFF Supervising Deputy Attorney General SUSANA A. GONZALES Deputy Attorney General State Bar No. 253027 1515 Clay Street, 20th Floor Date /2/6/10 By Helli Okum
4	Deputy Attorney General State Bar No. 253027
5	P.O. Box 70550
6	Oakland, CA 94612-0550 Telephone: (510) 622-2221
7	Facsimile: (510) 622-2270 Attorneys for Complainant
8	BEFORE THE STRUCTURAL PEST CONTROL BOARD
9	DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 2011-17
12 13	KEVIN BROWN, a.k.a. KEVINLEONNELL BROWN1610 Moffet Street, Suite BA C C U S A T I O N
14	Salinas, CA 93905 Field Representative License No. FR 42207
15	Respondent.
16	
17	Complainant alleges:
18	PARTIES
19	1. Kelli Okuma (Complainant) brings this Accusation solely in her official capacity as
20	the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide
21 22	Regulation.
22	2. On or about August 23, 2007, the Structural Pest Control Board issued Field
23	Representative License Number FR 42207, Branch 3, to Kevin Brown, also known as Kevin
25	Leonnell Brown (Respondent). On or about March 25, 2010, Field Representative License FR
26	42207 was upgraded to include Branches 2 and 3. The Field Representative License was in full
27	force and effect at all times relevant to the charges brought in this Accusation and will expire on
28	June 30, 2013, unless renewed.
	1 Accusation

## 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.

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4. Section 8620 of the Business and Professions Code (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.

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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."

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the
expiration 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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STATUTORY PROVISIONS

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7.

Section 8649 of the Code states:

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

8. Section 490 of the Code states, in pertinent part, that a board may suspend or revoke a license on the ground 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.

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## COST RECOVERY

9. 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.

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## CAUSE FOR DISCIPLINE (Conviction)

Respondent has subjected his field representative license to disciplinary action under 10. Code sections 490 and 8649 in that he was convicted of a crime substantially related to the qualifications, functions, or duties of a field representative. Specifically, on or about June 10, 2010, in a criminal proceeding entitled People of the State of California v. Kevin Leonnell Brown, in the Superior Court of Monterey County, Case Number SS0703050A, Respondent was convicted by plea of no contest to one count of violating Penal Code section 487(a) (grand theft), a misdemeanor. Respondent was sentenced to three years of formal probation, ordered to pay restitution to the victim in the amount of \$14,103.36, along with other fees, ordered to maintain gainful employment or become enrolled as an active full-time student, and required to permit the search of his person, car, personal effects, or place of residence without a search warrant at the direction of any Probation Officer or Peace Officer.

1	PRAYER
2	WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
3	Accusation, and that following the hearing, the Structural Pest Control Board issue a decision:
4	1. Revoking or suspending Field Representative License Number FR 42207, issued to
5	Kevin Brown, also known as Kevin Leonnell Brown;
6	2. Ordering Kevin Brown, also known as Kevin Leonnell Brown to pay the Structural
7	Pest Control Board the reasonable costs of the investigation and enforcement of this case,
8	pursuant to Business and Professions Code section 125.3;
9	3. Taking such other and further action as deemed necessary and proper.
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11	DATED 10/1/10 4/00 OB
12	DATED: <u>12/6/10</u> KELLI OKUMA
13	Registrar/Executive Officer Structural Pest Control Board Department of Pesticide Regulation
.14	State of California Complainant
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