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1 2 3 4 5 6 7	KAMALA D. HARRIS Attorney General of California DIANN SOKOLOFF Supervising Deputy Attorney General CAROL ROMEO Deputy Attorney General State Bar No. 124910 1515 Clay Street, 20th Floor P.O. Box 70550 Oakland, CA 94612-0550 Telephone: (510) 622-2141 Facsimile: (510) 622-2270 Attorneys for Complainant				
8	BEFORE THE STRUCTURAL PEST CONTROL BOARD				
9	DEPARTMENT OF PESTICIDE REGULATION				
10	STATE OF CALIFORNIA				
11	In the Matter of the Accusation Against: Case No. 2011-53				
12	JOSEPH BROWN				
13	1010 Olinder CourtSan Jose, CA95122A C C U S A T I O N				
14	Field Representative's License No. FR				
15	43306, Branches 2 and 3				
16	Respondent.				
17	Complainant alleges:				
18	PARTIES				
[′] 19	1. William H. Douglas (Complainant) brings this Accusation solely in his official				
20	capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board,				
21	Department of Pesticide Regulation.				
22	2. On or about August 13, 1997, the Structural Pest Control Board issued Field				
23	Representative's License No. FR 43306, Branch 3, to Joseph Brown (Respondent). On or about				
24	November 25, 2008, Field Representative's License No FR 43306 was upgraded to include				
25	Branches 2 & 3. The Field Representative's License is due to expire on June 30, 2011, unless				
26	renewed.				
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	Accusatio				

JURISDICTION

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.

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 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

19 7. Section 490 of the Code states, in pertinent part, that the Board may suspend or
20 revoke a license when it finds that the licensee has been convicted of a crime substantially related
21 to the qualifications, functions, or duties of the business or profession for which the license was
22 issued.

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8. Section 8649 of the Code states:

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

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1	COST RECOVERY
2	9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3	administrative law judge to direct a licentiate found to have committed a violation or violations of
4	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5	enforcement of the case.
6 7	FIRST CAUSE FOR DISCIPLINARY ACTION (Substantially Related Conviction) (Bus. & Prof. Code §§ 490 and 8649)
8	10. Respondent has subjected his Field Representative License to disciplinary action
9	under Sections 490 and 8649 of the Code in that he was convicted of a crime substantially related
10	to the qualifications, functions, or duties of a field representative. Specifically, on or about
11	September 7, 2010, in the Superior Court of California, County of Alameda, Case No. 428599,
12	Respondent pled nolo contendere and was convicted of violating Penal Code section 470,
13	subdivision (a) (forgery with intent to defraud), a misdemeanor. Respondent was placed on
14	Probation for three years upon terms and conditions, which included serving 180 days in county
15	jail.
16	11. The factual circumstances of the conviction are as follows:
17	a. On or about May 17, 2010, an elderly victim, L. Z. ¹ responded to a notice from
18	the Bank of America that her checking account was overdrawn. L. Z. went to the Bank of
19	America and discovered that Respondent had cashed one of her checks in the amount of \$2,250
20	by forging her signature. Respondent had a dating relationship with L. Z.'s granddaughter and
21	illegally entered L. Z.'s residence and stole one of her checks. Respondent was charged by the
22	District Attorney's Office with violating Penal Code sections 459, (burglary), 368, subdivision (d)
23	(theft from elder or dependent adult), and 470, subdivision (a) (forgery with intent to deceive).
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28	¹ The victim will be referred to by initials only in order to preserve confidentiality.
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Accusation

1	PRAYER			
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleg	ged,		
3	and that following the hearing, the Structural Pest Control Board issue a decision:			
4	1. Revoking or suspending Field Representative's License Number FR 43306, issue	ed to		
5	Joseph Brown;			
6	2. Ordering Joseph Brown to pay the Structural Pest Control Board the reasonable	costs		
7	of the investigation and enforcement of this case, pursuant to Business and Professions Code	\$		
8	section 125.3; and			
9	3. Taking such other and further action as deemed necessary and proper.			
10	Althing AL Manual A			
11	DATED: <u>4/18/11</u> William H. Douglas			
12	Interim Registrar/Executive Officer Structural Pest Control Board			
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14	Complainant			
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16	CR: 04/18/11			
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