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

In the Matter of the Petition to Revoke  
Probation Against:

Case No. 2008-30

**WAYNE WINDELL SAMPSON, AKA  
BENNETT, WAYNE, AKA WAYNE SAM  
COX, AKA WAYNE SIMPSON  
3630 West Adams Boulevard  
Los Angeles, CA 90018  
Field Representative License No. 43641**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about September 26, 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 Petition to Revoke Probation No. 2008-30 against Wayne Windell Sampson, aka Bennett, Wayne, aka Wayne Sam Cox, aka Wayne Simpson (Respondent) before the Structural Pest Control Board. (Petition to Revoke Probation attached as Exhibit A.)
2. On or about October 2, 2008, the Structural Pest Control Board (Board) issued Field Representative License No. 43641 to Respondent. The Field Representative License expired on June 30, 2011, and has not been renewed.
3. On or about September 29, 2011, Respondent was served by Certified and First Class Mail copies of the Petition to Revoke Probation No. 2008-30, Statement to Respondent, Notice of

1 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
2 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and  
3 Professions Code section 136, is required to be reported and maintained with the Board, which  
4 was and is: 3630 West Adams Boulevard, Los Angeles, CA 90018.

5 4. Service of the Petition to Revoke Probation was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
7 Code section 124.

8 5. On or about October 20, 2011, the aforementioned documents were returned by the  
9 U.S. Postal Service marked "Unclaimed." The address on the documents was the same as the  
10 address on file with the Board. Respondent failed to maintain an updated address with the Board  
11 and the Board has made attempts to serve the Respondent at the address on file. Respondent has  
12 not made himself available for service and therefore, has not availed himself of his right to file a  
13 notice of defense and appear at hearing.

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

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
21 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of  
22 Petition to Revoke Probation No. 2008-30.

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

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

28 9. Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.  
2 2008-30, finds that the charges and allegations in Petition to Revoke Probation No. 2008-30, are  
3 separately and severally, found to be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and  
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
6 and Enforcement is \$1037.50 as of October 24, 2011.

#### 7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Wayne Windell Sampson, aka  
9 Bennett, Wayne, aka Wayne Sam Cox, aka Wayne Simpson has subjected his Field  
10 Representative License No. 43641 to discipline.

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

12 3. The Structural Pest Control Board is authorized to revoke Respondent's Field  
13 Representative License based upon the following violations alleged in the Petition to Revoke  
14 Probation which are supported by the evidence contained in the Default Decision Evidence  
15 Packet in this case:

16 a. Condition 2 of the terms and conditions of probation contained in the  
17 decision in Case No. 2008-30 provides that Respondent shall obey all laws and rules  
18 relating to the practice of structural pest control.

19 b. Respondent Sampson's probation is subject to revocation because he failed  
20 to comply with Probation Condition 2, referenced above. The facts and circumstances regarding  
21 this violation are that Respondent failed to obey all laws and rules relating to the practice of  
22 structural pest control in that he failed to comply with Business and Professions Code section  
23 8567 and California Code of Regulations, title 16, section 1911 in that Respondent failed to notify  
24 on a form prescribed by the Board his change of employment and address of record. Further,  
25 Respondent failed to comply with California Code of Regulations, title 16, section 1937.12 (a)(1)  
26 in that Respondent failed to file quarterly reports as indicated in paragraph 11 below which is  
27 incorporated herein.  
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1           c.     Condition No. 3 of the terms and conditions of probation contained in the  
2 decision in Case No. 2008-30 provides that Respondent shall file quarterly reports with the Board  
3 during the period of probation. Respondent Sampson's probation is subject to revocation because  
4 he failed to file Quarterly Reports for the period January 2011 to September 2011.

5           d.     Condition 5 of the terms and conditions of probation contained in the  
6 decision in Case No. 2008-30 provides that Respondent shall notify all present and prospective  
7 employers of the decision in Case No. 2008-30 and the terms, conditions, and restrictions  
8 imposed on Respondent by said decision. Within 30 days of the effective date of this decision and  
9 within 15 days of new employment, Respondent shall submit a letter from his present or  
10 prospective employer which certifies that the employer has read the Decision which is the basis  
11 for the issuance of the probationary license; and the employer will carefully review all  
12 transactions performed by Respondent and otherwise exercise close supervision over  
13 Respondent's performance of acts for which a license is required.

14           e.     Respondent Sampson's probation is subject to revocation because he failed to  
15 comply with Condition 5 in that he failed to notify his employer, Eco Concepts Termite & Pest  
16 Control of his probationary license status.

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ORDER

1  
2 IT IS SO ORDERED that Field Representative License No. 43641, heretofore issued to  
3 Respondent Wayne Windell Sampson, aka Bennett, Wayne, aka Wayne Sam Cox, aka Wayne  
4 Simpson, is revoked.

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

9 This Decision shall become effective on December 21, 2011.

10 It is so ORDERED November 21, 2011

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14 FOR THE STRUCTURAL PEST CONTROL  
15 BOARD  
16 DEPARTMENT OF PESTICIDE REGULATION

17 SAMPSON DEFAULT.DOCX  
18 DOJ Matter ID:LA2011601484

19 Attachment:  
20 Exhibit A: Petition to Revoke Probation  
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**FILED**

Date 9/26/11 By William H. Douglas

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

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11 In the Matter of the Accusation Against:

Case No. 2008-30

12 **WAYNE WINDELL SAMPSON**  
3630 West Adams Boulevard  
13 Los Angeles, Ca. 90018

**PETITION TO REVOKE PROBATION**

14 **Field Representative License No. FR 43641**

15 Respondent.

16  
17 William H. Douglas ("Complainant") alleges:

18 PARTIES

19 1. Complainant brings this Petition to Revoke Probation solely in his official  
20 capacity as the Interim Registrar of the Structural Pest Control Board ("Board"), Department of  
21 Pesticide Regulation.

22 **Field Representative License**

23 2. On or about October 2, 2008, the Board issued probationary Field  
24 Representative License Number FR 43641 in Branch 2 to Wayne Windell Sampson ("Respondent  
25 or Respondent Sampson"). The license was in full force and effect at all times relevant to the  
26 charges brought herein. The license expired on June 30, 2011 and has not been renewed.  
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3. Code section 8620 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.

STATUTORY PROVISIONS

4. Code section 8625 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.

5. Code section 8567 states:

Should a field representative or applicator change his or her employment, or should an operator enter the employ of a registered company, or being already employed by a registered company change his or her employment, or being employed by a registered company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar in writing, on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. Whereupon the registrar shall register the change in his or her records.

REGULATORY PROVISIONS

6. California Code of Regulations, title 16, section 1911 states:

Each operator, field representative and applicator shall file his or her address of record with the board and shall notify the board of any change in address within ten (10) days of such change. The address of record of a field representative, an operator or an applicator shall be the address of the registered company by which he or she is employed or with which he or she is associated or his or her residence address if he or she is not employed and associated.

1 Each licensee shall also file his or her address for mailing purposes with the board and shall  
2 notify the board of any change in address within ten (10) days of such change.

3 7. California Code of Regulations, title 16, section 1937.12 (a)(1) states:

4 (a) Whenever a proposed decision places a licensee or registered company on probation as a  
5 condition of staying a revocation or staying all or any portion of a suspension, the order granting  
6 such probation shall include at least the following conditions:

7 (1) That the licensee or registered company shall file quarterly reports with the board during  
8 the period of probation;

9 (2) Such other terms and conditions as may be appropriate in light of the number and nature  
10 of the violations proven.

11 (b) Nothing in this regulation shall deprive the board of its authority to modify or delete any  
12 term or condition of probation contained in a proposed decision submitted by an administrative  
13 law judge.

14 **PETITION TO REVOKE PROBATION**

15 8. Grounds exist to revoke the probation and reimpose the order of revocation  
16 of Respondent Sampson's Field Representative License No. FR 43641, in that Respondent  
17 Sampson failed to comply with his probation terms and conditions as follows:

18 **FIRST CAUSE TO REVOKE PROBATION**

19 **(Failure to Obey all Laws and Rules Relating to the Practice of Structural Pest Control)**

20 9. Condition 2 of the terms and conditions of probation contained in the  
21 decision in Case No. 2008-30 provides that Respondent shall obey all laws and rules relating to  
22 the practice of structural pest control.

23 10. Respondent Sampson's probation is subject to revocation because he failed  
24 to comply with Probation Condition 2, referenced above. The facts and circumstances regarding  
25 this violation are that Respondent failed to obey all laws and rules relating to the practice of  
26 structural pest control in that he failed to comply with Business and Professions Code section  
27 8567 and California Code of Regulations, title 16, section 1911 in that Respondent failed to notify  
28 on a form prescribed by the Board his change of employment and address of record. Further,



1 Respondent failed to comply with California Code of Regulations, title 16, section 1937.12 (a)(1)  
2 in that Respondent failed to file quarterly reports as indicated in paragraph 11 below which is  
3 incorporated herein.

4 **SECOND CAUSE TO REVOKE PROBATION**

5 **(Failure to File Quarterly Reports)**

6 11. Condition No. 3 of the terms and conditions of probation contained in the  
7 decision in Case No. 2008-30 provides that Respondent shall file quarterly reports with the Board  
8 during the period of probation. Respondent Sampson's probation is subject to revocation because  
9 he failed to comply with Probation Condition 2, referenced above as he failed to file Quarterly  
10 Reports for the period January 2011 to September 2011.

11 **THIRD CAUSE TO REVOKE PROBATION**

12 **(Failure to Notify Employer of the Decision)**

13 12. Condition 5 of the terms and conditions of probation contained in the  
14 decision in Case No. 2008-30 provides that Respondent shall notify all present and prospective  
15 employers of the decision in Case No. 2008-30 and the terms, conditions, and restrictions  
16 imposed on Respondent by said decision. Within 30 days of the effective date of this decision and  
17 within 15 days of new employment, Respondent shall submit a letter from his present or  
18 prospective employer which certifies that the employer has read the Decision which is the basis  
19 for the issuance of the probationary license; and the employer will carefully review all  
20 transactions performed by Respondent and otherwise exercise close supervision over  
21 Respondent's performance of acts for which a license is required.

22 13. Respondent Sampson's probation is subject to revocation because he  
23 failed to notify his employer, Eco Concepts Termite & Pest Control of his probationary license.

24 **OTHER MATTERS**

25 14. Code section 8620 provides, in pertinent part, that respondents may request  
26 that a civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19  
27 days, or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be

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1 made at the time of the hearing and must be noted in the proposed decision. The proposed  
2 decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

3 PRAYER

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

6 1. Revoking or suspending Field Representative License No. FR 43641,  
7 issued to Respondent Sampson;

8 2. Revoking probation and reimposing the order of revocation of Field  
9 Representative License No. FR 43641, issued to Respondent Sampson;

10 3. Ordering Respondent Sampson to pay the Structural Pest Control Board the  
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
12 125.3; and,

13 4. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: \_\_\_\_\_

9/26/11

*William H. Douglas*  
WILLIAM H. DOUGLAS  
Interim Registrar/Executive Officer  
Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
*Complainant*

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