

FILED

Date 9/26/11 **By** William H. Douglas

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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. 2008-30

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

PETITION TO REVOKE PROBATION

Field Representative License No. FR 43641

Respondent.

William H. Douglas ("Complainant") alleges:

PARTIES

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

Field Representative License

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

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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