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FILED
Date 11/1/12 By

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

In the Matter of the Accusation Against: **Ronald A. Lopez** **8177 San Luis Ave** **South Gate, CA 90280** **Field Representative License No. FR43968, Branch 2** Respondent	Case No. 2013-20 **ACCUSATION**

Complainant alleges:

PARTIES

1. Susan Saylor ("Complainant") brings this Accusation solely in her official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of Pesticide Regulation.

2. On or about January 20, 2009, the Board issued Field Representative License Number FR43968 in Branch 2 (general pests) to Ronald A. Lopez ("Respondent"). Respondent's field representative license will expire on June 30, 2014, unless renewed.

STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("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.

4. Code section 8654 states:

> Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or 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.

5. Code section 8641 states:

> Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood destroying pests or organisms, or furnishing a notice of work completed prior to the completion of the work specified in the contract, is a ground for disciplinary action.

6. Code section 8593 states:

> The board shall require as a condition to the renewal of each Field Representative's and field representative's license that the holder submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board.
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> In lieu of submitting that proof, the licenseholder, if he or she so desires, may take and successfully complete an examination given by the board, designed to test his or her knowledge of developments in the field of pest control since the issuance of his or her license.
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> The board shall develop a correspondence course or courses with any educational institution or institutions as it deems appropriate. This course may be used to fulfill the requirements of this section. The institution may charge a reasonable fee for each course.
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> The board may charge a fee for the taking of an examination in each branch of pest control pursuant to this section in an amount sufficient to cover the cost of administering each examination, provided, however, that in no event shall the fee exceed fifty dollars ($ 50) for each examination.

7. California Code of Regulations, title 16, section ("Regulation") 1950 states, in pertinent part:

> (a) Except as provided in section 1951, every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.
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> (b) Each licensee is required to gain a certain number of continuing education hours during the three year renewal period. The number of hours required depends on the number of branches of pest control in which licenses are held. The subject matter covered by each activity shall be designated as "technical" or "general" by the Board when the activity is approved. Hour values shall be assigned by the Board to each approved educational activity, in accordance with the provisions of section 1950.5.
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> . . . .
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> (d) Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control shall have completed 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be gained for each branch of pest control licensed and a minimum of eight hours must be gained from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations . . .

COST RECOVERY

8. Code section 125.3 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.

FIRST CAUSE FOR DISCIPLINE

(Failure to Verify Completion of Continuing Education)

10. On or about June 2, 2011, Respondent submitted a license renewal application to the Board wherein Respondent certified under penalty of perjury that he successfully completed sixteen (16) hours of continuing education during his last renewal period.

11. On or about October 20, 2011, a representative of the Board sent Respondent a letter indicating that he had been selected for the 2011 continuing education (CE)

audit. The October 20, 2011 letter to Respondent asked Respondent to submit copies of the certificates of course completion which verified his CE hours for the renewal period of July 1, 2008, through, June 30, 2011, to the Board.

12. Having received no response from Respondent, on or about January 13, 2012, a representative of the Board sent a second request letter to Respondent asking him to submit copies of any certificates of course completion which verify his continuing education hours for the renewal period of July 1, 2008 through June 30, 2011, to the Board.

13. After again receiving no response from Respondent, on or about March, 13, 2012, the Board sent a final request letter to Respondent asking him to submit copies of any certificates of course completion which verify his continuing education hours for the renewal period of July 1, 2008 through June 30, 2011, to the Board.

14. Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8593 in that he failed to comply with Regulation 1950 by failing to verify that he completed all of the required courses of continuing education in pest control approved by the Board. Specifically, Respondent failed to produce copies documenting completion of sixteen (16) hours of continuing education for the renewal period of July 1, 2008 through June 30, 2011, as requested by the Board's representative.

SECOND CAUSE FOR DISCIPLINE

(Misrepresentation of Material Fact)

15. Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8637 in that he made a misrepresentation of a material fact to the Board or its designee in that on or about June 2, 2011, Respondent sent back to the Board a completed license renewal application signed under penalty of perjury that he had completed all sixteen (16) hours of continuing education required for renewal of his license when in fact he had not completed the sixteen (16) hours required for renewal of his license. Paragraphs 10-14 are hereby incorporated by reference as though alleged herein.

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OTHER MATTERS

17. Code section 8620 provides, in pertinent part, that a respondent may request that a civil penalty of not more than $5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or not more than $10,000 for an actual suspension of 20 to 45 days. Such request must be made at the time of the hearing and must be noted in the proposed decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

18. Pursuant to Code section 8654, if discipline is imposed on Field Representative License Number FR43968, issued to Ronald A. Lopez, Ronald A. Lopez shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Ronald A. Lopez shall be subject to disciplinary action.

PRAYER

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

1. Revoking or suspending Field Representative's License Number FR43968, issued to Ronald A. Lopez;

2. Prohibiting Ronald A. Lopez from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Field Representative's License Number FR43968, issued to Ronald A. Lopez;

3. Ordering Ronald A. Lopez 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;

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

DATED: 11/1/12

Susan Saylor
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

LA2012508034