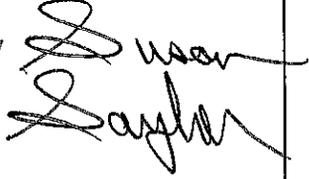


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FILED

Date 12/11/15 By 

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2016-30

12 **MATTHEW DAVID SHEWMAKE**
13 **13285 Owning Lane**
Galt, CA 95632

ACCUSATION

14 **Field Representative License No. FR 44103**

15 Respondent.

16
17 Susan Saylor ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
21 Consumer Affairs.

22 2. On or about March 5, 2009, the Board issued Field Representative License Number
23 FR 44103 to Matthew David Shewmake ("Respondent"). The license was in full force and effect
24 at all times relevant to the charges brought herein and will expire on June 30, 2017, unless
25 renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
28 the Board may suspend or revoke a license when it finds that the holder, while a licensee or

1 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
2 of a suspension may assess a civil penalty.

3 4. Code section 8625 states:

4 The lapsing or suspension of a license or company registration by operation of
5 law or by order or decision of the board or a court of law, or the voluntary surrender
6 of a license or company registration shall not deprive the board of jurisdiction to
7 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.

8 **STATUTORY PROVISIONS**

9 5. Code section 8649 states:

10 Conviction of a crime substantially related to the qualifications, functions, and
11 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.

12 **COST RECOVERY**

13 6. Code section 125.3 provides, in pertinent part, that the Registrar may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Conviction of a Crime)**

19 7. Respondent is subject to discipline under Code section 8649, in that on or about
20 December 9, 2014, in the case of *People v. Matthew Shewmake*, (Super. Ct. San Joaquin County,
21 2014, Case No. SF129858A), Respondent was convicted by the Court on his plea of guilty of
22 violating Penal Code section 484(a) (petty theft). The circumstances of the crime were that on or
23 about September 21, 2014, Respondent willfully, unlawfully stole, took and carried away the
24 personal property of another, to wit: Target. The property included a backpack, flashlight, knives,
25 and multi-tools totaling over \$300. The crime is substantially related to the qualifications,
26 functions or duties of a field representative.

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1 **OTHER MATTERS**

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

7 9. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
8 License Number FR 44103, issued to Respondent, then Respondent shall be prohibited from
9 serving as an officer, director, associate, partner or responsible managing employee of a licensee,
10 and any licensee which employs, elects, or associates Respondent shall be subject to disciplinary
11 action.

12 **PRAYER**

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

15 1. Revoking or suspending Field Representative's License Number FR 44103, issued to
16 Matthew David Shewmake;

17 2. Revoking or suspending any other license issued to Matthew David Shewmake;

18 3. Prohibiting Matthew David Shewmake from serving as an officer, director, associate,
19 partner, qualifying manager or responsible managing employee of any registered company during
20 the period that discipline is imposed on Field Representative's License Number FR 44103, issued
21 to Matthew David Shewmake;

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4. Ordering Matthew David Shewmake 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; and,

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

DATED: 12/11/15


SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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