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FILED

Date 10/24/14 By Susan Saylor

7 *Attorneys for Complainant*

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. 2015-23

12 **Benjamin N. Loveridge**
13 **3164 McKinley Avenue,**
San Bernardino, CA 92404

ACCUSATION

14 **Field Representative License No. FR 44660,**
15 **Branch 3**

16 Respondent

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about August 13, 2009, the Board issued (inactive) Field Representative
23 License Number FR 44660 in Branch 3 (termite) to Benjamin N. Loveridge ("Respondent").
24 Respondent's field representative license will expire on June 30, 2015, unless renewed.

25 **STATUTORY AND REGULATORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
27 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
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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 8654 states:

4 Any individual who has been denied a license for any of the reasons
5 specified in Section 8568, or who has had his or her license revoked, or whose license
6 is under suspension, or who has failed to renew his or her license while it was under
7 suspension, or who has been a member, officer, director, associate, qualifying
8 manager, or responsible managing employee of any partnership, corporation, firm, or
9 association whose application for a company registration has been denied for any of
10 the reasons specified in Section 8568, or whose company registration has been
11 revoked as a result of disciplinary action, or whose company registration is under
12 suspension, and while acting as such member, officer, director, associate, qualifying
13 manager, or responsible managing employee had knowledge of or participated in any
14 of the prohibited acts for which the license or registration was denied, suspended or
15 revoked, shall be prohibited from serving as an officer, director, associate, partner,
16 qualifying manager, or responsible managing employee of a registered company, and
17 the employment, election or association of such person by a registered company is a
18 ground for disciplinary action.

12 5. Code section 8641 states:

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

16 6. Code section 8593 states:

17 The board shall require as a condition to the renewal of each Field
18 Representative's and field representative's license that the holder submit proof
19 satisfactory to the board that he or she has informed himself or herself of
20 developments in the field of pest control either by completion of courses of
21 continuing education in pest control approved by the board or equivalent activity
22 approved by the board.

22 In lieu of submitting that proof, the licenseholder, if he or she so desires,
23 may take and successfully complete an examination given by the board, designed to
24 test his or her knowledge of developments in the field of pest control since the
25 issuance of his or her license.

24 The board shall develop a correspondence course or courses with any
25 educational institution or institutions as it deems appropriate. This course may be
26 used to fulfill the requirements of this section. The institution may charge a
27 reasonable fee for each course.

27 The board may charge a fee for the taking of an examination in each
28 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.

1 November 28, 2012 letter to Respondent asked Respondent to submit copies of the certificates of
2 course completion which verified his CE hours for the renewal period of July 1, 2009, through,
3 June 30, 2012, to the Board.

4 11. Having received no response from Respondent, on or about January 9, 2013, a
5 representative of the Board sent another letter to Respondent asking him to submit copies of any
6 certificates of course completion which verify his continuing education hours for the renewal
7 period of July 1, 2009 through June 30, 2012, to the Board.

8 12. After again receiving no response from Respondent, on or about October 23, 2013,
9 the Board sent a letter to Respondent asking him to submit copies of any certificates of course
10 completion which verify his continuing education hours for the renewal period of July 1, 2009
11 through June 30, 2012, to the Board.

12 13. On or about December 4, 2013, a representative of the Board spoke with Respondent
13 on the telephone. Respondent indicated to the Board representative at that time that he did not
14 mind that his license will be revoked.

15 14. On or about December 24, 2013, the Board sent Respondent another letter indicating
16 that as of that date the Board has not received proof of completion of Respondent's continuing
17 education requirements for the renewal period of July 1, 2009 through June 30, 2012 and that
18 based upon Respondent's non-compliance that the matter would be forwarded for disciplinary
19 action against Respondent's license.

20 15. On or about September 16, 2014, the Board sent Respondent a final letter indicating
21 that as of that date the Board has not received proof of completion of Respondent's continuing
22 education requirements for the renewal period of July 1, 2009 through June 30, 2012 and that
23 based upon Respondent's non-compliance that the matter would be forwarded for disciplinary
24 action against Respondent's license.

25 16. Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8593
26 in that he failed to comply with Regulation 1950 by failing to verify that he completed all of the
27 required courses of continuing education in pest control approved by the Board. Specifically,
28 Respondent failed to produce copies documenting completion of sixteen (16) hours of continuing

1 education for the renewal period of July 1, 2009 through June 30, 2012, as requested by the
2 Board's representative.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Misrepresentation of Material Fact)**

5 17. Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8637
6 in that he made a misrepresentation of a material fact to the Board or its designee in that on or
7 about July 29, 2012, Respondent sent back to the Board a completed license renewal application
8 signed under penalty of perjury that he had completed all sixteen (16) hours of continuing
9 education required for renewal of his license when in fact he had not completed the sixteen (16)
10 hours required for renewal of his license. Paragraphs 10-16 are hereby incorporated by reference
11 as though alleged herein.

12 **OTHER MATTERS**

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

18 19. Pursuant to Code section 8654, if discipline is imposed on Field Representative
19 License Number FR 44660, issued to Benjamin N. Loveridge, Benjamin N. Loveridge shall be
20 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
21 responsible managing employee for any registered company during the time the discipline is
22 imposed, and any registered company which employs, elects, or associates Benjamin N.
23 Loveridge shall be subject to disciplinary action.

24 **PRAYER**

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

27 1. Revoking or suspending Field Representative's License Number FR
28 44660, issued to Benjamin N. Loveridge;

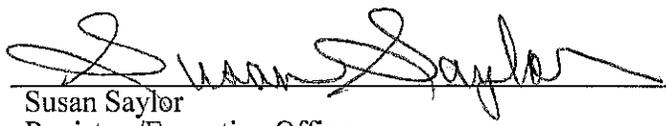
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2. Prohibiting Benjamin N. Loveridge from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Field Representative's License Number FR 44660, issued to Benjamin N. Loveridge;

3. Ordering Benjamin N. Loveridge 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;

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

DATED: 10/24/14



Susan Saylor
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

LA2014512826