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FILED

Date 2/28/11 By Kelli Okuma

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

11 In the Matter of the Accusation and Petition to
Revoke Probationary Licenses Against:
12
13 **RONALD G. WEST,**
14 **a.k.a. RONALD GEORGE WEST**
15 **c/o Orkin Exterminating Company, Inc.**
16 **18710 S. Wilmington Avenue, Suite 111**
17 **Rancho Dominguez, CA 90220**
18 **- and -**
19 **9027 Van Ness Avenue**
20 **Inglewood, CA 90305**
21 **Applicator's License No. RA 49670**
22 **Field Representative's License No. FR 44667**
23
24 Respondent.

Case No. 2011-39

**ACCUSATION AND PETITION TO
REVOKE PROBATIONARY
LICENSES**

20 Complainant alleges:

21 **PARTIES**

- 22 1. Kelli Okuma ("Complainant") brings this Accusation and Petition to Revoke
23 Probationary Licenses solely in her official capacity as the Registrar/Executive Officer
24 ("Registrar") of the Structural Pest Control Board ("Board"), Department of Pesticide Regulation.
25 2. On or about February 11, 2009, the Board issued Probationary Applicator's License
26 Number RA 49670 ("applicator's license") in Branches 2 (general pest) and 3 (termite) to Ronald
27 G. West, a.k.a. Ronald George West ("Respondent"), employee of Orkin Exterminating
28 Company, Inc. ("Orkin"). On August 18, 2009, Respondent's applicator's license was

1 downgraded to Branch 3 only due to the issuance of his Branch 2 field representative's license, as
2 set forth in paragraph 3 below. Respondent's applicator's license will expire on February 11,
3 2012, unless renewed.

4 3. On or about August 18, 2009, the Board issued Probationary Field Representative's
5 License Number FR 44667 ("field representative's license") in Branch 2 to Respondent,
6 employee of Orkin. Respondent's field representative's license will expire on February 11, 2012,
7 unless renewed.

8 PROBATIONARY HISTORY

9 4. On February 11, 2009, pursuant to the Stipulation for a Probationary License and
10 Order ("Order") in the administrative proceeding titled "In the Matter of the Application of:
11 Ronald George West", etc., the Board granted Respondent's application for a structural pest
12 control applicator's license. The Board ordered that Respondent be issued a probationary
13 applicator's license effective February 11, 2009, and that the license be placed on probation for
14 three years on terms and conditions, including those conditions specified below. A true and
15 correct copy of the Stipulation for a Probationary License and Order is attached as exhibit A and
16 incorporated herein.

17 5. Condition 8 of Respondent's probation states that should Respondent apply for a field
18 representative's license and pass the examination, the Board shall issue Respondent a field
19 representative's license, which shall immediately be placed on probation for the same duration
20 and under the same terms and conditions as set forth in the Order.

21 STATUTORY AND REGULATORY PROVISIONS

22 6. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
23 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
24 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
25 of a suspension may assess a civil penalty.

26 7. Code section 8654 states:

27 Any individual who has been denied a license for any of the reasons
28 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

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

13 8. Code section 8641 states:

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

19 9. Code section 8567 states:

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

28 10. California Code of Regulations, title 16, section ("Regulation") 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.

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

COST RECOVERY

11. 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.

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ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Failure to File Change of Employment with the Registrar)

12. On March 10, 2010, a representative of the Board performed a quarterly probation inspection at Orkin's branch office located in Rancho Dominguez, California. Orkin's assistant operations manager told the representative that Respondent had not been at the Rancho Dominguez branch office for some time and had been transferred to the San Dimas office, that Respondent never "worked out" as an employee, and that Respondent had not been employed with Orkin since before January 2010. Later, the representative searched the Board's records and found that Respondent had not filed a change of address or employment with the Board and had not caused Orkin to report to the Board in writing that they had read the Order.

13. On May 20, 2010, the representative performed a quarterly probation inspection at Orkin's corporate office and was informed by the division administrative assistant that Respondent was terminated from his employment on December 14, 2009, because of unsatisfactory performance.

14. Respondent is subject to disciplinary action pursuant to Code section 8641 in that Respondent failed to comply with Code section 8567, as follows: Respondent failed to notify the Registrar in writing that he was no longer employed by Orkin and failed to provide the Registrar with the name and address of the registered company by which he is currently employed, if any.

SECOND CAUSE FOR DISCIPLINE

(Failure to File Change of Address with the Registrar)

15. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 12 and 13 above.

16. Respondent is subject to disciplinary action pursuant to Code section 8641 in that Respondent failed to comply with Regulation 1911, as follows: Respondent failed to provide the Board with the address of the registered company by which he is employed or his residence address if he is not so employed, and failed to file with the Board his address for mailing purposes.

1 PETITION TO REVOKE PROBATIONARY LICENSES

2 17. Complainant incorporates by reference as if fully set forth herein the allegations
3 contained in paragraphs 1 through 16 of the Accusation.

4 18. Condition 7 of Respondent's probation states that should Applicant (hereinafter
5 "Respondent") violate probation in any respect, the Board, after giving Respondent notice and an
6 opportunity to be heard, may revoke the probationary license(s).

7 19. Grounds exist to revoke Respondent's Probationary Applicator's License Number RA
8 49670 and Probationary Field Representative's License Number FR 44667 in that he has violated
9 the terms and conditions of his probation as follows:

10 FIRST CAUSE TO REVOKE PROBATIONARY LICENSES

11 (Failure to Obey All Laws and Rules Relating to
12 the Practice of Structural Pest Control)

13 20. Condition 1 of Respondent's probation states, in pertinent part, that Respondent shall
14 obey all laws and rules relating to the practice of structural pest control.

15 21. Respondent's probationary licenses are subject to revocation in that he failed to
16 comply with Code section 8567 and Regulation 1911, as set forth in paragraphs 14 and 16,
17 respectively, above.

18 SECOND CAUSE TO REVOKE PROBATIONARY LICENSES

19 (Failure to File Quarterly Reports)

20 22. Condition 3 of Respondent's probation states that Respondent shall file quarterly
21 reports with the Board during the period of probation.

22 23. Respondent's probationary licenses are subject to revocation in that he failed to
23 submit to the Board his quarterly reports due on August 11, 2009, November 11, 2009, February
24 11, 2010, May 11, 2010, August 11, 2010, November 11, 2010, and February 11, 2011.

25 THIRD CAUSE TO REVOKE PROBATIONARY LICENSES

26 (Failure to Submit Documentation Acknowledging Employer's Receipt of Order)

27 24. Condition 5 of Respondent's probation states that Respondent shall notify all present
28 and prospective employers of the terms, conditions and restrictions imposed on Respondent by

1 said Order. Within 30 days of the effective date of this Order, and within 15 days of Respondent
2 undertaking new employment, Respondent shall cause his employer to report to the Board in
3 writing acknowledging the employer has read the Order in this matter.

4 25. Respondent's probationary licenses are subject to revocation in that he failed to cause
5 Orkin to submit to the Board written documentation indicating that the company had read the
6 Order.

7 **OTHER MATTERS**

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

13 27. Pursuant to Code section 8654, if discipline is imposed on Probationary Applicator's
14 License Number RA 49670 and/or Probationary Field Representative's License Number FR
15 44667, issued to Respondent Ronald G. West, a.k.a. Ronald George West, shall be prohibited
16 from serving as an officer, director, associate, partner, qualifying manager, or responsible
17 managing employee for any registered company during the time the discipline is imposed, and
18 any registered company which employs, elects, or associates Ronald G. West, a.k.a. Ronald
19 George West, shall be subject to disciplinary action.

20 **PRAAYER**

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

23 1. Revoking or suspending Probationary Applicator's License Number RA 49670,
24 issued to Ronald G. West, a.k.a. Ronald George West;

25 2. Revoking or suspending Probationary Field Representative's License Number FR
26 44667, issued to Ronald G. West, a.k.a. Ronald George West;

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3. Prohibiting Ronald G. West, a.k.a. Ronald George West, 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 Probationary Applicator's License Number RA 49670 and/or Probationary Field Representative's License Number FR 44667, issued to Ronald G. West, also known as Ronald George West;

4. Ordering Ronald G. West, a.k.a. Ronald George West, 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;

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

DATED: 2/28/11


KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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