

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

FILED

Date 8/19/14 By *Susan Saylor*

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

11 In the Matter of the Accusation Against:

Case No. 2015-6

12 **VONTALLIO L. CARTER**
13 **5860 W. Las Positas Boulevard, Suite 19A**
14 **Pleasanton, CA 94588**

ACCUSATION

15 **Field Representative License No. FR 44802**

16 Respondent.

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18 Complainant alleges:

19 PARTIES

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

23 2. On or about September 28, 2009, the Structural Pest Control Board issued Field
24 Representative License Number FR 44802 to Vontallio L. Carter ("Respondent"). The Field
25 Representative License was in full force and effect at all times relevant to the charges brought in
26 this Accusation and will expire on June 30, 2015, unless renewed.

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1 8. Code section 8641 states:

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

6 Section 8637 of the Code states that “[m]isrepresentation of a material fact by the applicant
7 in obtaining a license or company registration is a ground for disciplinary action.”

8 9. Section 8649 of the Code states, “[c]onviction of a crime substantially related to the
9 qualifications, functions, and duties of a structural pest control operator, field representative,
10 applicator, or registered company is a ground for disciplinary action. The certified record of
11 conviction shall be conclusive evidence thereof.”

12 10. Section 490 of the Code states, in pertinent part, that the Board, Director, or Registrar
13 may suspend or revoke a license when it finds that the licensee has been convicted of a crime.

14 11. Code section 8655 states:

15 “A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
16 charge substantially related to the qualifications, functions, and duties of a structural pest control
17 operator, field representative, applicator, or registered company is deemed to be a conviction
18 within the meaning of this article or Section 8568 of this chapter. The board may order the license
19 or registration suspended or revoked, or may decline to issue a license, when the time for appeal
20 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
21 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
22 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company
23 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
24 or dismissing the accusation, information or indictment.”

25 12. California Code of Regulations, title 16, section 1937.1, states, in pertinent part:

26 “For the purposes of denial, suspension or revocation of a license or company registration
27 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
28 considered to be substantially related to the qualifications, functions or duties of a licensee or

1 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
2 evidences present or potential unfitness of such licensee or registered company to perform the
3 functions authorized by the license or company registration in a manner consistent with the public
4 health, safety, or welfare.”

5 13. California Code of Regulations, title 16, section 1950 states, in pertinent part:

6 “(a) Except as provided in section 1951, every licensee is required, as a condition to
7 renewal of a license, to certify that he or she has completed the continuing education
8 requirements set forth in this article. A licensee who cannot verify completion of continuing
9 education by producing certificates of activity completion, whenever requested to do so by the
10 Board, may be subject to disciplinary action under section 8641 of the code.”

11 COST RECOVERY

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

16 FIRST CAUSE FOR DISCIPLINE

17 (Proof of Continuing Education)

18 (Bus. & Prof. Code, §§ 8593, 8641; Cal. Code Regs., tit. 16, § 1950)

19 15. Respondent has subjected his Field Representative License to discipline in that he
20 failed to provide proof of completion of the required continuing education to the Board. (Bus. &
21 Prof. Code, §§ 8593, 8641; Cal. Code Regs., tit. 16, § 1950.) The circumstances are as follows:

22 16. On or about June 26, 2012, Respondent signed and certified under penalty of perjury
23 on his License Renewal Application for his Field Representative License that he had completed
24 20 hours of continuing education as required for renewal of his license. As part of the Board’s
25 2012 continuing education audit, the Board sent Respondent several notices requesting proof of
26 completion of the courses Respondent completed between July 1, 2009, and June 30, 2012.
27 Respondent failed to respond to the Board’s requests and failed to submit the requested
28 certificates of course completion.

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SECOND CAUSE FOR DISCIPLINE
(Misrepresentation of Material Fact)
(Bus. & Prof. Code, § 8637)

17. Respondent has subjected his Field Representative License to discipline in that he misrepresented a material fact in obtaining renewal of his Field Representative License. (Bus. & Prof. Code, § 8637.) The circumstances are set forth in paragraphs 15 and 16, above.

THIRD CAUSE FOR DISCIPLINE
(Conviction of Substantially Related Crime)
(Bus. & Prof. Code, §§ 490, 8649)

18. Respondent has subjected his Field Representative License to discipline in that he was convicted of a crime substantially related qualifications, functions, and duties of a field representative, as defined by California Code of Regulations, title 16, section 1937.1. (Bus. & Prof. Code, §§ 490, 8649.) The circumstances are as follows:

19. On or about May 2, 2014, in a criminal matter entitled "*The People of the State of California v. Vontallio Learane Carter*," Docket No. 594481, in the Alameda County Superior Court, Respondent was convicted by plea of no contest of driving with a blood alcohol level of .08 percent or more (Veh. Code, § 23152, subd. (b).) Respondent was sentenced to three years of probation and ordered to serve two days in jail, obey all laws and be of good conduct, report to the court when ordered to do so, not drive with any measurable amount of alcohol in his system, attend and complete a three-month Driving Under the Influence School, submit to alcohol detection tests as requested by a peace officer, and pay fees and fines.

PRAYER

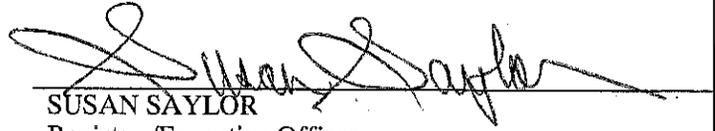
WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Field Representative License Number FR 44802, issued to Vontallio L. Carter;
2. Ordering Vontallio L. Carter 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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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/19/14



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

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