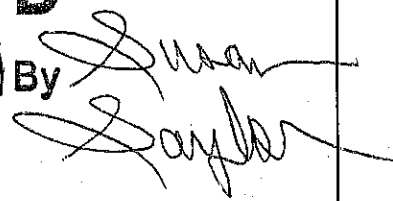


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FILED

Date 10/9/14 By 

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. 2015-15

12 **GRISELDA VIGIL**
4973 Firestone Boulevard
13 South Gate, CA 90280

ACCUSATION

14 Field Representative License No. FR 44918

15 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 November 5, 2009, the Board issued Field Representative License No.
23 FR 44918 to Griselda Vigil (Respondent). The Field Representative License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on June 30, 2015, unless
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 8620 provides, in pertinent part, that the Board may suspend or revoke a
2 license when it finds that the holder, while a licensee or applicant, has committed any acts or
3 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil
4 penalty.

5 5. Section 8625 of the Code states:

6 The lapsing or suspension of a license or company registration by operation of
7 law or by order or decision of the board or a court of law, or the voluntary surrender of
8 a license or company registration shall not deprive the board of jurisdiction to proceed
9 with any investigation of or action or disciplinary proceeding against such licensee or
10 company, or to render a decision suspending or revoking such license or registration.

11 **STATUTORY PROVISIONS**

12 6. Section 8593 states:

13 The board shall require as a condition to the renewal of each operator's and field
14 representative's license that the holder submit proof satisfactory to the board that he or
15 she has informed himself or herself of developments in the field of pest control either
16 by completion of courses of continuing education in pest control approved by the board
17 or equivalent activity approved by the board. In lieu of submitting that proof, the
18 licenseholder, if he or she so desires, may take and successfully complete an
19 examination given by the board, designed to test his or her knowledge of developments
20 in the field of pest control since the issuance of his or her license.

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

25 The board may charge a fee for the taking of an examination in each branch of
26 pest control pursuant to this section in an amount sufficient to cover the cost of
27 administering each examination, provided, however, that in no event shall the fee
28 exceed fifty dollars (\$50) for each examination.

7. Section 8637 states:

Misrepresentation of a material fact by the applicant in obtaining a license or
company registration is a ground for disciplinary action.

8. 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.

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1 9. Section 8654 states:

2 Any individual who has been denied a license for any of the reasons specified in
3 Section 8568, or who has had her license revoked, or whose license is under
4 suspension, or who has failed to renew his or her license while it was under
5 suspension, or who has been a member, officer, director, associate, qualifying
6 manager, or responsible managing employee of any partnership, corporation, firm, or
7 association whose application for a company registration has been denied for any of
8 the reasons specified in Section 8568, or whose company registration has been revoked
9 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.

10 **REGULATORY PROVISIONS**

11 10. California Code of Regulations, title 16, section 1950 states, in pertinent part:

12 (a) Except as provided in section 1951, every licensee is required, as a
13 condition to renewal of a license, to certify that he or she has completed the
14 continuing education requirements set forth in this article. A licensee who cannot
15 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.

16 (b) Each licensee is required to complete a certain number of continuing
17 education hours during the three year renewal period. The number of hours required
18 depends on the number of branches of pest control in which licenses are held. The
19 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.

20 (d) Field representatives licensed in one branch of pest control shall have
21 completed 16 continuing education hours, field representatives licensed in two
22 branches of pest control shall have completed 20 continuing education hours, field
23 representatives licensed in three branches of pest control shall have completed 24
24 continuing education hours during each three year renewal period. In each case, a
25 minimum of four continuing education hours in a technical subject directly related to
26 each branch of pest control held by the licensee must be completed for each branch of
27 pest control licensed, a minimum of two hours in Integrated Pest Management must be
completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a
minimum of eight hours must be completed from Board approved courses on the
Structural Pest Control Act, the Rules and Regulations, or structural pest control
related agencies' rules and regulations.

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1 **COST RECOVERY**

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

5 **FACTS**

6 12. On or about June 28, 2012, Respondent submitted a Field Representative license
7 renewal application to the Board wherein Respondent certified under penalty of perjury that she
8 successfully completed all required continuing education coursework during her last renewal
9 period. Specifically, Respondent signed a License Renewal Application, which provided in
10 pertinent part:

11 Continuing Education Certification – I have completed “16” hours of continuing
12 education required for renewal of my license. I DECLARE UNDER PENALTY OF
13 PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE
14 FOREGOING IS TRUE AND CORRECT.

15 Respondent filled in the “16” for the number of hours, signed her name below the above
16 certification, and dated her signature “6/28/12.”

17 13. On or about November 28, 2012, Respondent was notified that she had been selected
18 for a continuing education (CE) audit by the Board. Respondent was informed that she needed to
19 submit to the Board, copies of her certificates of completion that verify the CE hours for the
20 renewal period July 1, 2009, through June 30, 2012. Respondent was given 14 days to respond to
21 the Board’s request or risk disciplinary action being taken against her license. Respondent failed
22 to provide the Board with any certificates of completion of CE requirements for the renewal
23 period indicated.

24 14. Thereafter, on or about January 9, 2013, and October 23, 2013, Respondent was
25 notified by “SECOND REQUEST” and “FINAL REQUEST” (respectively), that she had been
26 selected for the 2012 continuing education (CE) audit. Each time, Respondent was given 14 days
27 to respond to the Board’s request. Respondent was advised that her failure to verify her CE hours
28 or to supply the requested information could subject her field representative’s license to
disciplinary action. Respondent has not responded to any of the Board’s requests.

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FIRST CAUSE FOR DISCIPLINE

(Failure to Provide Proof of Continuing Education)

15. Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8593 in conjunction with California Code of Regulations, title 16, section 1950 subdivision (a), in that Respondent failed to provide the Board with verifiable documentation to demonstrate that she completed all of the courses of continuing education requirements as a condition of renewal of her Field Representative License. Specifically, Respondent failed to produce copies documenting completion of sixteen (16) hours of continuing education for the renewal period of July 1, 2009 through June 30, 2012, as requested by the Board's representative. Complainant refers to and by this reference incorporates, the allegations set forth above in paragraphs 12-14, inclusive, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Misrepresentation of Material Fact)

16. Respondent is subject to disciplinary action pursuant to Code section 8637, in that on or about June 20, 2011, Respondent misrepresented to the Board that she had completed sixteen (16) hours of continuing education coursework in her license renewal application, when in fact she had failed to fulfill the Board's continuing education requirements as a condition of renewal of her license. Complainant refers to and by this reference incorporates, the allegations set forth above in paragraphs 12-14, inclusive, as though set forth fully.

OTHER MATTERS

17. 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 8654 of the Code, if discipline is imposed on Field Representative License No. FR 44918 issued to Respondent Griselda Vigil, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for

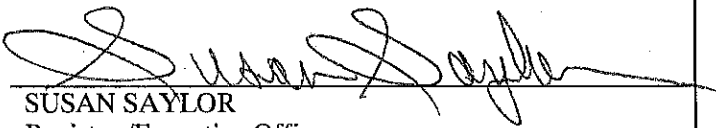
1 any registered company during the time the discipline is imposed, and any registered company
2 which employs elects, or associate Griseld Vigil, shall be subject to disciplinary action.

3 **PRAYER**

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

- 6 1. Revoking or suspending Field Representative License No. FR 44918, issued to
7 Griselda Vigil;
8 2. Ordering Griselda Vigil to pay the Board the reasonable costs of the investigation and
9 enforcement of this case, pursuant to section 125.3; and
10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: 10/9/14


13 SUSAN SAYLOR
14 Registrar/Executive Officer
15 Structural Pest Control Board
16 Department of Consumer Affairs
17 State of California
18 Complainant

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