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FILED

Date 10/10/14 By Susan Saylor

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:
12 **JON D. SANO**
13 **7097 N. Antioch, Unit #104**
14 **Fresno, CA 93722**
15 **Field Representative License No. FR 44998**
16 Respondent.

Case No. 2015-16

ACCUSATION

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 December 7, 2009, the Board issued Field Representative License
23 Number FR 44998 to Jon D. Sano ("Respondent"). The license was in full force and effect at all
24 times relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

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1 **STATUTORY PROVISIONS**

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

6 4. Code section 8625 states:

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

13 5. 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 6. Code section 8593 states, in pertinent part:

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

28 **REGULATORY PROVISIONS**

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

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

(b) Each licensee is required to gain a certain number of continuing
education hours during the three year renewal period. The number of hours required

1 depends on the number of branches of pest control in which licenses are held. The
2 subject matter covered by each activity shall be designated as "technical" or "general"
3 by the Board when the activity is approved. Hour values shall be assigned by the
4 Board to each approved educational activity, in accordance with the provisions of
5 section 1950.5.

6 (d) Field representatives licensed in one branch of pest control shall have
7 completed 16 continuing education hours, field representatives licensed in two
8 branches of pest control shall have completed 20 continuing education hours, field
9 representatives licensed in three branches of pest control shall have completed 24
10 continuing education hours during each three year renewal period. In each case, a
11 minimum of four continuing education hours in a technical subject directly related to
12 each branch of pest control held by the licensee must be gained for each branch of
13 pest control licensed and a minimum of eight hours must be gained from Board
14 approved courses on the Structural Pest Control Act, the Rules and Regulations, or
15 structural pest control related agencies' rules and regulations.

16 COST RECOVERY

17 8. Code section 125.3 states, in pertinent part, that a Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 BACKGROUND INFORMATION

22 9. In or about June 2012, Respondent submitted a License Renewal Application to
23 the Board. On or about June 15, 2012, Respondent certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in the application, including the
25 successful completion of 22 hours of continuing education during the renewal period of July 1,
26 2009, through June 30, 2012.

27 10. On or about November 28, 2012, January 9, 2013, and October 23, 2013, the
28 Board sent Respondent written requests for copies of his continuing education certificates to
verify the 22 hours of continuing education set forth on his renewal application dated
June 15, 2012. Respondent was advised on each occasion that if he failed to submit verification
of his continuing education within fourteen (14) days, his field representative's license would be
subject to disciplinary action.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Verify Completion of Continuing Education)**

3 11. Respondent is subject to discipline under Code section 8641, for failure to comply
4 with California Code of Regulation, title 16, section 1950, by failing to submit verification that he
5 had completed 22 hours of continuing education. Respondent failed to submit copies of the
6 continuing education certificates as requested by the Board on November 28, 2012,
7 January 9, 2013, and October 23, 2013.

8 **OTHER MATTERS**

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

14 13. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
15 License Number FR 44998, issued to Jon D. Sano, then Jon D. Sano shall be prohibited from
16 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
17 employee for any registered company during the time the discipline is imposed, and any
18 registered company which employs, elects, or associates him shall be subject to disciplinary
19 action.

20 **PRAYER**

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

23 1. Revoking or suspending Field Representative's License Number FR 44998, issued
24 to Jon D. Sano;

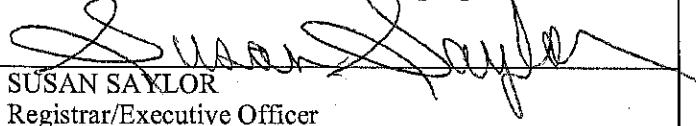
25 2. Prohibiting Jon D. Sano from serving as an officer, director, associate, partner,
26 qualifying manager or responsible managing employee of any registered company during the
27 period that discipline is imposed on Field Representative's License Number FR 44998, issued to
28 Jon D. Sano;

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3. Ordering Jon D. Sano 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,

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

DATED: 10/10/14



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

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