

Date 8/29/12 By
Susan Saylor

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

11 In the Matter of the First Amended Accusation
Against:
12 **SETH D. THOMAS**
13 **P.O. Box 2466**
14 **Bakersfield, CA 93303**
- and -
15 **1407 W. Thurman Avenue**
16 **Porterville, CA 93257**
17 **Field Representative's License No. FR 45034**
Applicator License No. RA 50224
18 Respondent.

Case No. 2011-72(h)

12 **FIRST AMENDED**
13 **ACCUSATION**

19 Susan Saylor ("Complainant") alleges:

20 **PARTIES**

21
22 1. Complainant brings this First Amended Accusation solely in her official capacity as
23 the Assistant Executive Officer of the Structural Pest Control Board ("Board"), Department of
24 Pesticide Regulation.

25 2. On or about December 14, 2009, the Board issued Field Representative's License
26 Number FR 45034 to Seth D. Thomas ("Respondent"). The license was in full force and effect at
27 all times relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.
28

1 CAUSE FOR DISCIPLINE

2 (Unlicensed Activity)

3 9. Respondent's field representative license and applicator license are subject to
4 discipline under Code section 8651, in that between August 13, 2009, and December 14, 2009,
5 while an applicator, Respondent engaged in pest control work in a branch other than that for
6 which he was licensed.

7 OTHER MATTERS

8 10. 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 11. Pursuant to Code section 8624, if Field Representative's License No. FR 45034,
14 issued to Respondent, is suspended or revoked, the Board may suspend or revoke Registered
15 Applicator's License No. RA 50224, issued to Respondent.

16 12. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
17 License No. FR 45034 and/or Registered Applicator's License No. RA 50224, issued to
18 Respondent, then Respondent shall be prohibited from serving as an officer, director, associate,
19 partner or responsible managing employee of a licensee, and any licensee which employs, elects,
20 or associates Respondent shall be subject to disciplinary action.

21 PRAYER

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

24 1. Revoking or suspending Field Representative's License Number FR 45034, issued to
25 Seth D. Thomas;

26 2. Revoking or suspending Registered Applicator's License Number RA 50224, issued
27 to Seth D. Thomas;

1. 3. Revoking or suspending any other license for which Seth D. Thomas is furnishing the
2 qualifying experience or appearance;

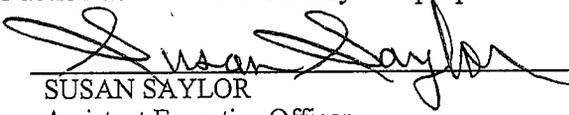
3 4. Prohibiting Seth D. Thomas from serving as an officer, director, associate, partner,
4 qualifying manager or responsible managing employee of any registered company during the
5 period that discipline is imposed on Field Representative's License Number FR 45034, issued to
6 Seth D. Thomas;

7 5. Prohibiting Seth D. Thomas from serving as an officer, director, associate, partner,
8 qualifying manager or responsible managing employee of any registered company during the
9 period that discipline is imposed on Registered Applicator's License Number RA 50224, issued
10 to Seth D. Thomas;

11 6. Ordering Seth D. Thomas to pay the Structural Pest Control Board the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3; and,

14 7. Taking such other and further action as deemed necessary and proper.

15 DATED: 8/29/12


16 SUSAN SAYLOR
17 Assistant Executive Officer
18 Structural Pest Control Board
19 Department of Pesticide Regulation
20 State of California
21 Complainant

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