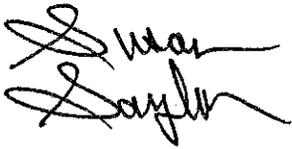


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FILED

Date 1/3/14 By 

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. 2014-31

12 **PIERRE L. ALCUTT**
13 **115 Pico Place**
Bay Point, CA 94565

ACCUSATION

14 **Field Representative License No. FR**
15 **45045/Branches 2 and 3**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about October 19, 2006, the Structural Pest Control Board ("Board") issued
23 Field Representative License Number FR 40910 in Branch 2, to Pierre L. Alcutt (Respondent).
24 On April 13, 2009, the Field Representative's License No. FR 40910 was upgraded to include
25 Branches 2 and 3. The Field Representative License was cancelled on or about June 30, 2009.

26 3. On or about December 22, 2009, the Structural Pest Control Board issued Field
27 Representative License Number FR 45045 in Branches 2 and 3 to Respondent. The license was in
28

1 full force and effect at all times relevant to the charges brought in this Accusation and will expire
2 on June 30, 2015, unless renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Structural Pest Control Board (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section references
6 are to the Business and Professions Code unless otherwise indicated.

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

11 6. Section 8625 of the Code states:

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

17 STATUTORY/REGULATORY PROVISIONS

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

20 8. Section 8641 of the Code states, in pertinent part:

21 Failure to comply with the provisions of this chapter, or any rule or regulation adopted by
22 the board, is ground for disciplinary action.

23 9. Section 8593 of the Code states, in pertinent part:

24 "The board shall require as a condition to the renewal of each operator's and field
25 representative's license that the holder submit proof satisfactory to the board that he or she has
26 informed himself or herself of developments in the field of pest control either by completion of
27 courses of continuing education in pest control approved by the board or equivalent activity
28 approved by the board. In lieu of submitting that proof, the license holder, if he or she so desires,

1 may take and successfully complete an examination given by the board, designed to test his or her
2 knowledge of developments in the field of pest control since the issuance of his or her license.

3 10. Title 16, California Code of Regulations section 1950 states, in pertinent part:

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

9

10 “(d) Field representatives licensed in two branches of pest control shall have completed 20
11 continuing education hours during each three year renewal period. A minimum of four continuing
12 education hours in a technical subject directly related to each branch of pest control held by the
13 licensee must be completed for each branch of pest control licensed, a minimum of two hours in
14 Integrated pest Management must be completed by Branch 2 and/or 3 licensees renewing on or
15 after June 30, 2010, and a minimum of eight hours must be completed from Board approved
16 courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control
17 related agencies’ rules and regulations.

18 **COST RECOVERY**

19 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
23 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
24 included in a stipulated settlement.

25 **FACTS**

26 12. On or about May 25, 2012, Respondent certified, under penalty of perjury that he had
27 completed the required 20 hours of continuing education, on his application to renew his Field
28 Representative License, in Branches 2 and 3. On or about November 28, 2012, the Board

1 informed Respondent that he had been selected for the 2012 continuing education audit.
2 Respondent was instructed to submit copies of his continuing education certificates to the Board.
3 On or about December 12, 2012, the Board received Respondent's continuing education
4 certificates. On or about February 26, 2013, the Board informed Respondent that he was 18 hours
5 short of the required 20 hours of continuing education. Five of the certificates that were submitted
6 by Respondent were not verifiable because Respondent did not complete the full hour of
7 instruction. Respondent was directed to submit any additional certificates for courses that he may
8 have taken during the renewal period of July 1, 2009, through June 30, 2012. Respondent did not
9 provide any additional certificates to the Board.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Failure to Provide Proof of Continuing Education)**

12 13. Respondent has subjected his license to disciplinary action pursuant to Code section
13 8593 in that he failed to submit satisfactory proof of completion of continuing education
14 requirements to the Board, as set forth in paragraph 11, above.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Misrepresentation of Material Fact)**

17 14. Respondent has subjected his license to disciplinary action under Code section 8637 in
18 that he misrepresented that he had completed 20 hours of continuing education, in order to renew
19 his Field Representative License, when in fact he had only completed two hours of continuing
20 education, as set forth in paragraph 11, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Continuing Education Requirements)**

23 15. Respondent has subjected his license to disciplinary action under Code section 8641, in
24 conjunction with Title 16, California Code of Regulations, section 1950, in that Respondent failed
25 to complete the required 20 hours of continuing education prior to the renewal of his Field
26 Representative License, as set forth in paragraph 11, above.

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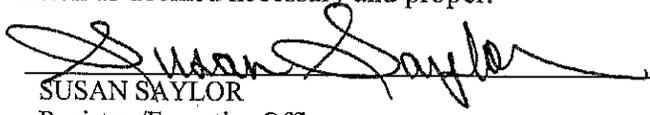
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PRAYER

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 45045, issued to Pierre L. Alcutt;
2. Ordering Pierre L. Alcutt 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 1/3/14



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

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