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FILED

Date 7/8/13 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. 2014-3

12 **CORY LEE DREW**
13 1037 West Graaf Avenue
14 Ridgecrest, CA 93555

ACCUSATION

15 **Field Representative License No. FR 46436,**
Branch 2
16 **Applicator License No. RA 50860, Branch 3**

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

24 Field Representative License No. FR 46436

25 2. On or about February 4, 2011, the Board issued Field Representative License No. FR
26 46436 in Branch 2 (general pest) to Cory Lee Drew ("Respondent"), employee of Pestmaster
27 Services Inc. ("Pestmaster"). The Field Representative License was in full force and effect at all
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1 times relevant to the charges brought herein and is scheduled to expire on June 30, 2013, unless
2 renewed.

3 Applicator License No. RA 50860

4 3. On or about April 30, 2010, the Board issued Applicator License No. RA 50860 in
5 Branch 2 and 3 (termite) to Respondent, as an employee of Pestmaster. On or about February 4,
6 2011, Applicator License No. RA 50860 was downgraded to include Branch 3 only due to
7 issuance of a Branch 2 Field Representative License. The Applicator License was in full force
8 and effect at all times relevant to the charges brought herein, expired on April 30, 2013, and has
9 not been renewed.

10 STATUTORY PROVISIONS

11 4. Business and Professions Code section 8620¹ provides, in pertinent part, that the
12 Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant,
13 has committed any acts or omissions constituting cause for disciplinary action or in lieu of a
14 suspension may assess a civil penalty.

15 5. Section 8625 states:

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

21 6. Section 8649 states:

22 "Conviction of a crime substantially related to the qualifications, functions, and duties of a
23 structural pest control operator, field representative, applicator, or registered company is a ground
24 for disciplinary action. The certified record of conviction shall be conclusive evidence thereof."

25 7. Section 490 states, in pertinent part:

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27 ¹ All further statutory references are to the Business and Professions Code unless
28 otherwise indicated.

1 "(a) In addition to any other action that a board is permitted to take against a licensee, a
2 board may suspend or revoke a license on the ground that the licensee has been convicted of a
3 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
4 or profession for which the license was issued.

5 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
6 discipline a licensee for conviction of a crime that is independent of the authority granted under
7 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
8 of the business or profession for which the licensee's license was issued.

9 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
10 conviction following a plea of nolo contendere. Any action that a board is permitted to take
11 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
12 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
13 made suspending the imposition of sentence, irrespective of a subsequent order under the
14 provisions of Section 1203.4 of the Penal Code."

15 REGULATORY PROVISIONS

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

17 "For the purposes of denial, suspension or revocation of a license or company registration
18 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
19 considered to be substantially related to the qualifications, functions or duties of a licensee or
20 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
21 evidences present or potential unfitness of such licensee or registered company to perform the
22 functions authorized by the license or company registration in a manner consistent with the public
23 health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

24 "(a) Any violation of the provisions of Chapter 14 of Division 3 of the code.

25 "(b) Commission of any of the following in connection with the practice of structural pest
26 control:

27 "(1) Fiscal dishonesty

28 "(2) Fraud

1 “(3) Theft

2 “(4) Violations relating to the misuse of pesticides.”

3 **COST RECOVERY**

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

7 **CAUSE FOR DISCIPLINE**

8 **(Conviction in Connection with the Practice of Structural Pest Control)**

9 10. Respondent is subject to disciplinary action pursuant to Sections 8649 and 490, in
10 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent was
11 convicted of a crime in connection with the practice of structural pest control, which is
12 substantially related to the qualifications, functions, or duties of a licensed field representative
13 and applicator. On or about October 9, 2012, in a criminal proceeding entitled *People v. Cory*
14 *Lee Drew* (Super. Ct. Kern County, 2012, No. RM037997A), Respondent was convicted of one
15 misdemeanor count of Embezzlement, a violation of Penal Code section 508. The Court
16 sentenced Respondent to 15 days in county jail, stayed, referred him to the work release program,
17 placed him on three years court probation, and ordered him to pay restitution, fines, and fees. The
18 circumstances surrounding the conviction are as follows:

19 11. On or about and between December 6, 2011 and February 16, 2012, while employed
20 with Pestmaster, Respondent willfully and unlawfully appropriated credit cards belonging to
21 Pestmaster, thereby embezzling property from his employer. Respondent was a manager of a
22 Pestmaster store in Ridgecrest, California, and was entrusted with several credit cards, including a
23 Bank of America Visa credit card. On or about February 20, 2012, W.M. of Pestmaster reported
24 to Ridgecrest Police Department that he had noticed unauthorized charges on the Bank of
25 America Visa. Pestmaster told Ridgecrest police officers that Respondent made unauthorized
26 charges totaling \$512.78. Respondent admitted to a Ridgecrest police officer that he embezzled
27 approximately \$200, while denying any further unauthorized charges.

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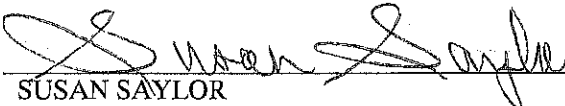
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1 4. Prohibiting Cory Lee Drew from serving as an officer, director, associate, partner,
2 qualifying manager, or responsible managing employee of any registered company during the
3 period that discipline is imposed on Applicator License No. RA 50860, issued to Cory Lee Drew.

4 5. Ordering Cory Lee Drew to pay the Board the reasonable costs of the investigation
5 and enforcement of this case, pursuant to Section 125.3; and

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

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9 DATED: 7/8/13


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

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