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FILED

Date 4/14/16 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 **MICHAEL W. CHRISTOPHER**
400 Plaza Drive, Suite #145
13 Folsom, CA 95630
14 **Field Representative's license No. FR 47264**
15 Respondent.

Case No. 2016-50

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 **Field Representative License**

23 2. On or about November 15, 2011, the Board issued Field Representative's license
24 Number FR 47264, Branch 2, to Michael W. Christopher ("Respondent"), as an employee of
25 Ecolab Inc. The Field Representative's license was in full force and effect at all times relevant to
26 the charges brought herein and will expire on June 30, 2017, unless renewed.

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

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

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

8 9. California Code of Regulations, title 16, section ("Regulation") 1911

9 Each operator, field representative and applicator shall file his or her address of
10 record with the board and shall notify the board of any change in address within ten
(10) days of such change. The address of record of a field representative, an operator
11 or an applicator shall be the address of the registered company by which he or she is
employed or with which he or she is associated or his or her residence address if he or
12 she is not employed and associated.

13 Each licensee shall also file his or her address for mailing purposes with the
board and shall notify the board of any change in address within ten (10) days of such
14 change.

15 10. Regulation 1950 states, in pertinent part:

16 (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
17 continuing education requirements set forth in this article. A licensee who cannot
verify completion of continuing education by producing certificates of activity
18 completion, whenever requested to do so by the Board, may be subject to disciplinary
action under section 8641 of the code.

19 (b) Each licensee is required to complete a certain number of continuing
20 education hours during the three year renewal period. The number of hours required
depends on the number of branches of pest control in which licenses are held. The
21 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
22 Board to each approved educational activity, in accordance with the provisions of
section 1950.5.

23 (d) Field representatives licensed in one branch of pest control shall have
24 completed 16 continuing education hours, field representatives licensed in two
branches of pest control shall have completed 20 continuing education hours, field
25 representatives licensed in three branches of pest control shall have completed 24
continuing education hours during each three year renewal period. In each case, a
26 minimum of four continuing education hours in a technical subject directly related to
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
28 a minimum of eight hours must be completed from Board approved courses on the

1 Structural Pest Control Act, the Rules and Regulations, or structural pest control
2 related agencies' rules and regulations. . . .

3 **COST RECOVERY**

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Failure to Verify Completion of Continuing Education)

10 12. In or around June 2014, Respondent submitted a license renewal application to the
11 Board. On or about June 17, 2014, Respondent certified under penalty of perjury on the
12 application form that he completed 16 hours of continuing education during his last renewal
13 period.

14 13. On November 3, 2014, March 3, 2015, and June 17, 2015, a Board representative sent
15 Respondent written requests for copies of his continuing education certificates for the renewal
16 period July 1, 2011, through June 30, 2014, to Respondent's address of record. The letters were
17 returned by the United States Postal Service as undeliverable.

18 14. Respondent is subject to discipline pursuant to Code section 8641, in that he failed to
19 comply with Code Section 8593 and Regulation section 1950(a) by failing to verify that he
20 completed courses of continuing education in pest control approved by the Board. Specifically,
21 Respondent failed to submit copies of his continuing education certificates for the renewal period
22 July 1, 2011, through June 30, 2014, as requested by the Board representative.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Failure to Notify Registrar of Change in Employment)

25 15. Respondent is subject to discipline pursuant to Code section 8641, in that he failed to
26 comply with Code Section 8567 and Regulation 1911, when he failed to notify the board of his
27 change of employment or to provide an address of record within ten days of such change.
28 Specifically, on or about April 24, 2015, a Board representative contacted Ecolab Inc.,

1 Respondent's employer of record, which informed the Board representative that Respondent was
2 no longer employed by Ecolab, Inc.

3 **OTHER MATTERS**

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

9 17. Pursuant to Code section 8654, if discipline is imposed on Field Representative
10 License Number FR 47264, issued to Respondent Michael W. Christopher, Michael W.
11 Christopher shall be prohibited from serving as an officer, director, associate, partner, qualifying
12 manager, or responsible managing employee for any registered company during the time the
13 discipline is imposed, and any registered company which employs, elects, or associates him shall
14 be subject to disciplinary action.

15 **PRAYER**

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

18 1. Revoking or suspending Field Representative License Number FR 47264, issued to
19 Michael W. Christopher;

20 2. Prohibiting Michael W. Christopher from serving as an officer, director, associate,
21 partner, qualifying manager or responsible managing employee of any registered company during
22 the period that discipline is imposed on Field Representative License Number FR 47264, issued
23 to Michael W. Christopher;

24 3. Ordering Michael W. Christopher to pay the Structural Pest Control Board the
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
26 Professions Code section 125.3; and,

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

DATED: 4/14/16



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

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