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FILED

Date 2/11/13 By Susan Saylor

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

12 In the Matter of the Accusation Against:

Case No. 2013-35

13 **AARON P. EDWARDS**  
14 **43555 Corte Logrono**  
**Temecula, CA 92592**

**A C C U S A T I O N**

15 **Field Representative License No. FR 48084**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about August 22, 2012, the Structural Pest Control Board issued Field  
24 Representative License Number FR 48084 to Aaron P. Edwards, also known as Aaron Patrick  
25 Edwards (Respondent). The Field Representative License was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

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## JURISDICTION

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

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

9 5. Section 8625 of the Code states:

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

## STATUTORY PROVISIONS

16 6. Section 482 of the Code states:

17 Each board under the provisions of this code shall develop criteria to evaluate  
18 the rehabilitation of a person when:

19 (a) Considering the denial of a license by the board under Section 480; or

20 (b) Considering suspension or revocation of a license under Section 490.

21 Each board shall take into account all competent evidence of rehabilitation  
22 furnished by the applicant or licensee.

23 7. Section 490 of the Code states, in pertinent part, that the Board may suspend or  
24 revoke a license when it finds that the licensee has been convicted of a crime.

25 8. Section 493 of the Code states:

26 Notwithstanding any other provision of law, in a proceeding conducted by a  
27 board within the department pursuant to law to deny an application for a license or to  
28 suspend or revoke a license or otherwise take disciplinary action against a person who  
holds a license, upon the ground that the applicant or the licensee has been convicted  
of a crime substantially related to the qualifications, functions, and duties of the  
licensee in question, the record of conviction of the crime shall be conclusive  
evidence of the fact that the conviction occurred, but only of that fact, and the board  
may inquire into the circumstances surrounding the commission of the crime in order

1 to fix the degree of discipline or to determine if the conviction is substantially related  
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"  
4 and "registration."

5 9. Section 8649 of the Code states:

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

10 10. Section 8654 of the Code states:

11 Any individual who has been denied a license for any of the reasons specified  
12 in Section 8568, or who has had his or her license revoked, or whose license is under  
13 suspension, or who has failed to renew his or her license while it was under  
14 suspension, or who has been a member, officer, director, associate, qualifying  
15 manager, or responsible managing employee of any partnership, corporation, firm, or  
16 association whose application for a company registration has been denied for any of  
17 the reasons specified in Section 8568, or whose company registration has been  
18 revoked as a result of disciplinary action, or whose company registration is under  
19 suspension, and while acting as such member, officer, director, associate, qualifying  
20 manager, or responsible managing employee had knowledge of or participated in any  
21 of the prohibited acts for which the license or registration was denied, suspended or  
22 revoked, shall be prohibited from serving as an officer, director, associate, partner,  
23 qualifying manager, or responsible managing employee of a registered company, and  
24 the employment, election or association of such person by a registered company is a  
25 ground for disciplinary action.

26 11. Section 8655 of the Code states:

27 A plea or verdict of guilty or a conviction following a plea of nolo contendere  
28 made to a charge substantially related to the qualifications, functions, and duties of a  
structural pest control operator, field representative, applicator, or registered company  
is deemed to be a conviction within the meaning of this article or Section 8568 of this  
chapter. The board may order the license or registration suspended or revoked, or  
may decline to issue a license, when the time for appeal has elapsed, or the judgment  
of conviction has been affirmed on appeal or when an order granting probation is  
made suspending the imposition of sentence, irrespective of a subsequent order under  
the provisions of Section 1203.4 of the Penal Code allowing the individual or  
registered company to withdraw a plea of guilty and to enter a plea of not guilty, or  
setting aside the verdict of guilty, or dismissing the accusation, information or  
indictment.

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## REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1937.1 states:

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

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

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

(1) Fiscal dishonesty

(2) Fraud

(3) Theft

(4) Violations relating to the misuse of pesticides.

13. California Code of Regulations, title 16, section 1937.2 states:

.....  
(b) When considering the suspension or revocation of a structural pest control license or company registration on the grounds that the licensee or registered company has been convicted of a crime, the board, in evaluating the rehabilitation of such person or company and his or her or its present eligibility for a license or company registration will consider the following:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee or registered company has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee or registered company.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any of rehabilitation submitted by the licensee or registered company.

(c) When considering a petition for reinstatement of a structural pest control license or company registration, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

1 **COSTS**

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **CAUSE FOR DISCIPLINE**

9 **(October 23, 2012 Criminal Conviction for Domestic Violence on October 15, 2012)**

10 15. Respondent has subjected his license to disciplinary action under sections 490 and  
11 8649 of the Code in that he was convicted of a crime that is substantially related to the  
12 qualifications, functions, and duties of a field representative. The circumstances are as follows:

13 a. On or about October 23, 2012, in a criminal proceeding entitled *People of*  
14 *the State of California v. Aaron Patrick Edwards*, in Riverside County Superior Court, case  
15 number SWF1207037, Respondent was convicted on his plea of guilty of violating Penal Code  
16 section 273.5, subdivision (a), inflicting corporal injury resulting in a traumatic injury upon a  
17 spouse/cohabitant, a felony. The court dismissed additional felony counts of assault (Pen. Code,  
18 § 245, subd. 245(a)), and making deadly threats (Pen. Code, § 422), pursuant to a plea agreement.

19 b. As a result of the conviction, on or about October 23, 2012, Respondent  
20 was sentenced to state prison for the low term of two years, with credit for 20 days. A protective  
21 order was issued for Respondent's victim.

22 c. The circumstances that led to the conviction are that on or about the  
23 afternoon of October 15, 2012, a woman (Victim) went to the Riverside County Sheriff's  
24 Department in Murrieta to report that she had been assaulted by her live-in boyfriend  
25 (Respondent). The Victim reported that on October 13, 2012, a fight erupted between the Victim  
26 and Respondent after they returned home from a party. Respondent was angry because the  
27 Victim did not ask him permission to smoke marijuana with her friends. The arguing continued  
28 throughout the night and over the next two days, culminating in an assault on the early morning

1 of October 15, 2012. Respondent punched, choked, and kicked the victim, and threatened to kill  
2 her. After Respondent fell asleep, the victim left the residence to go to work; she was encouraged  
3 by coworkers to file a report. The Riverside Sheriff Department obtained an emergency  
4 protective order for the victim, photographed her injuries, and placed her in the care of a domestic  
5 violence advocate. Respondent was arrested at his residence after a 25-minute standoff. In a  
6 subsequent interview with Respondent, he told detectives that he never hit or kicked or threatened  
7 the victim, and that she fell down because she tripped.

### 8 OTHER MATTERS

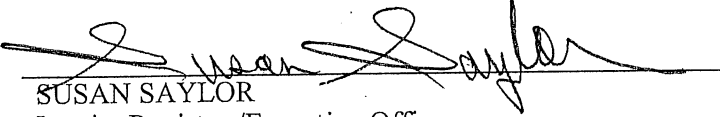
9 16. Pursuant to section 8654 of the Code, if discipline is imposed on Field Representative  
10 License Number FR 48084 issued to Respondent, Aaron P. Edwards shall be prohibited from  
11 serving as an officer, director, associate, partner, qualifying manager, or responsible managing  
12 employee for any registered company during the time the discipline is imposed, and any  
13 registered company which employs, elects, or associates with Aaron P. Edwards shall be subject  
14 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 48084, issued to  
19 Aaron P. Edwards;
- 20 2. Ordering Aaron P. Edwards to pay the Structural Pest Control Board the reasonable  
21 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
22 Code section 125.3;
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 2/11/13

25   
26 SUSAN SAYLOR  
27 Interim Registrar/Executive Officer  
28 Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
*Complainant*

SD2013704762