

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

MATTHEW ALEXANDER SANCHEZ
P.O. Box 221328
Newhall, CA 91322

Residence:
25656 Ramada Dr.
Valencia, CA 91355

Field Representative License Applicant

Respondent.

Case No. 2016-26

OAH No. 2015110233

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 19, 2016.

It is so ORDERED April 19, 2016


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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Attorney General of California
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8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

12 **MATTHEW ALEXANDER SANCHEZ**
13 P.O. Box 221328
Newhall, CA 91322

14 Residence:
15 25656 Ramada Dr.
Valencia, CA 91355

16
17 Field Representative License Applicant

18 Respondent.

Case No. 2016-26

OAH No. 2015110233

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural
24 Pest Control Board. She brought this action solely in her official capacity and is represented in
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Heather Vo,
26 Deputy Attorney General.

27 2. Respondent Matthew Alexander Sanchez ("Respondent") is representing himself in
28 this proceeding and has chosen not to exercise his right to be represented by counsel.

1 3. On or about October 6, 2014, Respondent filed an application dated October 2, 2014,
2 with the Structural Pest Control Board to obtain a Field Representative License.

3 **JURISDICTION**

4 4. Statement of Issues Case No. 2016-26 was filed before the Structural Pest Control
5 Board (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Statement of Issues and all other statutorily required documents were properly served on
7 Respondent on October 28, 2015.

8 5. A copy of Statement of Issues Case No. 2016-26 is attached as exhibit A and
9 incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Statement of Issues Case No. 2016-26. Respondent has also carefully read, and understands the
13 effects of this Stipulated Settlement and Disciplinary Order.

14 7. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
16 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
17 the right to present evidence and to testify on his own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 9. Respondent admits the truth of each and every charge and allegation in Statement of
25 Issues Case No. 2016-26.

26 10. Respondent agrees that his Field Representative License is subject to denial and he
27 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.
28

1 CONTINGENCY

2 11. This stipulation shall be subject to approval by the Structural Pest Control Board.
3 Respondent understands and agrees that counsel for Complainant and the staff of the Structural
4 Pest Control Board may communicate directly with the Board regarding this stipulation and
5 settlement, without notice to or participation by Respondent. By signing the stipulation,
6 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
7 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
8 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
9 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
10 the parties, and the Board shall not be disqualified from further action by having considered this
11 matter.

12 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
13 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
14 signatures thereto, shall have the same force and effect as the originals.

15 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
18 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
19 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
20 writing executed by an authorized representative of each of the parties.

21 14. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Respondent Matthew Alexander Sanchez shall be issued a
26 Field Representative License, Branch 2, which shall be immediately revoked. The revocation
27 will be stayed and the Respondent placed on five (5) years probation on the following terms and
28 conditions.

1 1. **Obey All Laws.** Respondent shall obey all Federal, State and Local laws and all laws
2 and rules relating to the practice of structural pest control.

3 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during
4 the period of probation.

5 3. **Tolling of Probation.** Should Respondent leave California to reside outside this
6 state, Respondent must notify the Board in writing of the dates of departure and return. Periods
7 of residency or practice outside the state shall not apply to reduction of the probationary period.

8 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
9 of the decision in Case No. 2016-26 and the terms, conditions and restriction imposed on
10 Respondent by said decision.

11 Within 30 days of the effective date of this decision, and within 15 days of Respondent
12 undertaking new employment, Respondent shall cause his employer to report to the Board in
13 writing acknowledging the employer has read the decision in Case No. 2016-26.

14 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this
15 decision, post or circulate a notice to all employees involved in structural pest control operations
16 which accurately recite the terms and conditions of probation. Respondent shall be responsible
17 for said notice being immediately available to said employees. "Employees" as used in this
18 provision includes all full-time, part-time, temporary and relief employees and independent
19 contractors employed or hired at any time during probation.

20 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
21 license will be fully restored.

22 7. **Violation of Probation.** Should Respondent violate probation in any respect, the
23 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
24 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
25 Respondent during probation, the Board shall have continuing jurisdiction until the matter is
26 final, and the period of probation shall be extended until the matter is final.

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1 8. **Random Inspections.** Respondent shall reimburse the Board for one random
2 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
3 inspection.

4 9. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
5 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
6 qualifying manager or branch office manager of any registered company during the period that
7 discipline is imposed on Respondent's Field Representative License.

8 10. **No Interest In Any Registered Company.** Respondent shall not have any legal or
9 beneficial interest in any company currently or hereinafter registered by the Board during the
10 period of probation.

11 11. **Therapy Or Counseling Program.** Respondent, at his expense, shall
12 participate in an on-going counseling program until such time as the Board releases him from this
13 requirement and only upon the recommendation of the counselor. Written progress reports from
14 the counselor will be required at various intervals to be determined by the Board.

15 ACCEPTANCE

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
17 stipulation and the effect it will have on my Field Representative License, Branch 2. I enter into
18 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
19 agree to be bound by the Decision and Order of the Structural Pest Control Board.

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23 DATED: 01/15/2016 *Matthew Alexander Sanchez*
24 MATTHEW ALEXANDER SANCHEZ
25 Respondent
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

Dated: *January 16, 2016*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



HEATHER VO
Deputy Attorney General
Attorneys for Complainant

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FILED

Date 10/20/15 By Susan Saylor

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2016-26

13 **MATTHEW ALEXANDER SANCHEZ**

STATEMENT OF ISSUES

14 Field Representative License Applicant

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

21 2. On or about October 6, 2014, the Structural Pest Control Board ("Board"),
22 Department of Consumer Affairs received an application for a Field Representative License from
23 Matthew Alexander Sanchez ("Respondent"). On or about October 2, 2014, Matthew Alexander
24 Sanchez certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on April 15, 2015.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code ("Code") unless
4 otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 of the Code states, in pertinent part:

7 "(a) A board may deny a license regulated by this code on the grounds that the applicant
8 has one of the following:

9 "(1) Been convicted of a crime. A conviction within the meaning of this section means a
10 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
11 board is permitted to take following the establishment of a conviction may be taken when the
12 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when
13 an order granting probation is made suspending the imposition of sentence, irrespective of a
14 subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

15 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit
16 himself or herself or another, or substantially injure another.

17 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,
18 would be grounds for suspension or revocation of license.

19 (B) The board may deny a license pursuant to this subdivision only if the crime or act is
20 substantially related to the qualifications, functions, or duties of the business or profession for which
21 application is made.

22

23 "(d) A board may deny a license regulated by this code on the ground that the applicant
24 knowingly made a false statement of fact required to be revealed in the application for the
25 license."

26 5. Section 8568 of the Code provides that the Board may deny a license or registration if
27 the applicant, while unlicensed or not registered, knowingly committed or aided or abetted the
28 commission of any act for which a license or company registration is required, or has committed

1 any act or omissions constituting grounds for discipline under section 480 of that code.

2 6. Section 8649 of the Code states, in pertinent part:

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

6 7. Section 8654 of the Code states, in pertinent part:

7 "Any individual who has been denied a license for any of the reasons specified in Section
8 8568, or who has had his or her license revoked, or whose license is under suspension, or who has
9 failed to renew his or her license while it was under suspension, or who has been a member,
10 officer, director, associate, qualifying manager, or responsible managing employee of any
11 partnership, corporation, firm, or association whose application for a company registration has
12 been denied for any of the reasons specified in Section 8568, or whose company registration has
13 been revoked as a result of disciplinary action, or whose company registration is under
14 suspension, and while acting as such member, officer, director, associate, qualifying manager, or
15 responsible managing employee had knowledge of or participated in any of the prohibited acts for
16 which the license or registration was denied, suspended or revoked, shall be prohibited from
17 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
18 employee of a registered company, and the employment, election or association of such person by
19 a registered company is a ground for disciplinary action."

20 8. Section 8655 of the Code states, in pertinent part:

21 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
22 charge substantially related to the qualifications, functions, and duties of a structural pest control
23 operator, field representative, applicator, or registered company is deemed to be a conviction
24 within the meaning of this article or Section 8568 of this chapter. The board may order the license
25 or registration suspended or revoked, or may decline to issue a license, when the time for appeal
26 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
27 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
28 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company

1 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
2 or dismissing the accusation, information or indictment.”

3 **REGULATORY PROVISION**

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

5 “For the purposes of denial, suspension or revocation of a license or company registration
6 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
7 considered to be substantially related to the qualifications, functions or duties of a licensee or
8 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
9 evidences present or potential unfitness of such licensee or registered company to perform the
10 functions authorized by the license or company registration in a manner consistent with the public
11 health, safety, or welfare.”

12 **FIRST CAUSE FOR DENIAL OF APPLICATION**

13 **(Convictions of Substantially Related Crimes)**

14 10. Respondent’s application is subject to denial pursuant to Code sections 8568 and 480,
15 subdivision (a)(1), in conjunction with California Code of Regulations, title 16 section 1937.1, in
16 that Respondent was convicted of crimes substantially related to the qualifications, functions and
17 duties of a structural pest control field representative, as follows:

18 a. On or about February 18, 2003, after pleading nolo contendere, Respondent was
19 convicted of one misdemeanor count of violating Penal Code section 466 [possession of burglary
20 tools] in the criminal proceeding entitled *The People of the State of California v. Matthew*
21 *Alexander Sanchez* (Super. Ct. L.A. County, 2003, No. 3AT00922). The Court sentenced
22 Respondent to 8 days in jail, placed him on two years summary probation with terms and
23 conditions, and ordered him to pay fines.

24 b. On or about October 8, 2003, after pleading nolo contendere, Respondent was
25 convicted of one felony count of violating Penal Code section 459 [first degree residential
26 burglary] in the criminal proceeding entitled *The People of the State of California v. Matthew*
27 *Alexander Sanchez* (Super. Ct. L.A. County, 2003, No. MA027382). On or about March 23,
28 2004, the Court sentenced Respondent to 365 days in jail, and placed him on three years on

1 formal probation with terms and conditions.

2 c. On or about May 26, 2005, after pleading nolo contendere, Respondent was convicted
3 of one felony count of violating Penal Code section 496, subdivision (a) [receive stolen
4 properties, to wit, auto stereo and checks], in the criminal proceeding entitled *The People of the*
5 *State of California v. Matthew Alexander Sanchez* (Super. Ct. L.A. County, 2005, No.
6 MA031956). On or about June 16, 2005, the Court sentenced Respondent to 365 days in jail, and
7 placed him on 36 months formal probation with terms and conditions.

8 d. On or about March 7, 2006, after pleading nolo contendere, Respondent was
9 convicted of one felony count of violating Penal Code section 487, subdivision (a) [grand theft of
10 personal property over \$400], in the criminal proceeding entitled *The People of the State of*
11 *California v. Matthew Alexander Sanchez* (Super. Ct. L.A. County, 2006, No. MA034582). On
12 or about March 28, 2006, the Court sentenced Respondent to 32 months in state prison.

13 e. On or about October 16, 2008, after pleading nolo contendere, Respondent was
14 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
15 [drive while having a 0.08% or higher blood alcohol content (BAC), by weight], in the criminal
16 proceeding entitled *The People of the State of California v. Matthew Alexander Sanchez* (Super.
17 Ct. L.A. County, 2008, No. 8AV10536). The Court sentenced Respondent to 3 days in jail,
18 placed him on three year summary probation with terms and conditions, ordered him to complete
19 a Three-Month First-Offender Alcohol and Other Drug Education and Counseling Program, and
20 ordered him to pay fines. The circumstances surrounding the conviction are that on or about
21 September 30, 2008, Respondent drove a vehicle while under the influence of alcohol.
22 Respondent told a law enforcement officer that he had consumed about three "shots of rum" prior
23 to driving.

24 f. On or about November 19, 2009, after pleading nolo contendere, Respondent was
25 convicted of one misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a)
26 [drive when privilege suspended for prior driving under the influence conviction], in the criminal
27 proceeding entitled *The People of the State of California v. Matthew Alexander Sanchez* (Super.
28 Ct. L.A. County, 2009, No. 9AV08543). The Court sentenced Respondent to ten days in jail,

1 placed him on 36 months summary probation with terms and conditions, and ordered him to
2 install an ignition interlock device on his vehicle. The circumstances surrounding the conviction
3 are that on or about September 10, 2009, after a traffic stop, Respondent was cited for driving
4 with a suspended driver's license.

5 g. On or about April 19, 2012, after pleading nolo contendere, Respondent was
6 convicted of one misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a)
7 [drive when privilege suspended for prior driving under the influence conviction], in the criminal
8 proceeding entitled *The People of the State of California v. Matthew Alexander Sanchez* (Super.
9 Ct. L.A. County, 2012, No. 2AV02270). The Court sentenced Respondent to ten days in jail,
10 placed him on three years summary probation with terms and conditions, and ordered him to pay
11 fines. The circumstances surrounding the conviction are that on or about April 17, 2012, after a
12 traffic stop, Respondent was driving a stolen vehicle and was driving with a suspended driver's
13 license.

14 h. On or about April 25, 2012, after pleading nolo contendere, Respondent was
15 convicted of one felony count for violating Penal Code section 459 [second degree commercial
16 burglary] in the criminal proceeding entitled *The People of the State of California v. Matthew*
17 *Alexander Sanchez* (Super. Ct. L.A. County, 2012, No. MA056000). The Court sentenced
18 Respondent to 32 months in state prison, and ordered him to pay fines. The circumstances
19 surrounding the conviction are that on or about April 23, 2012, Respondent entered Bank of
20 America and attempted to deposit a forged check.

21 **SECOND CAUSE FOR DENIAL OF APPLICATION**

22 **(Acts Involving Dishonesty, Fraud, or Deceit)**

23 11. Respondent's application is subject to denial pursuant to Code sections 8568 and 480,
24 subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud, or deceit with
25 the intent to substantially benefit himself, or substantially injure another. Complainant refers to
26 and by this reference incorporated the allegation set forth above in paragraph 10, as though set
27 forth fully.

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1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 **(Acts Warranting Discipline of Licensee)**

3 12. Respondent's application is subject to denial pursuant to Code sections 8568 and 480,
4 subdivision (a)(3), in that Respondent committed acts which if done by a licensed field
5 representative would be grounds for suspension or revocation of the license when Respondent
6 was convicted of crimes substantially related to the qualifications, functions and duties of a
7 structural pest control field representative in violation of Code section 8649 in conjunction with
8 California Code of Regulations, title 16, section 1937.1. Complainant refers to and by this
9 reference incorporated the allegation set forth above in paragraph 10, as though set forth fully.

10 **OTHER MATTERS**

11 13. Pursuant to Code section 8654, if Respondent's application for a field
12 representative's license is denied, Respondent shall be prohibited from serving as an officer,
13 director, associate, partner, qualifying manager, or responsible managing employee for any
14 registered company, and any registered company which employees, elects, or associates
15 Respondent shall be subject to disciplinary action.

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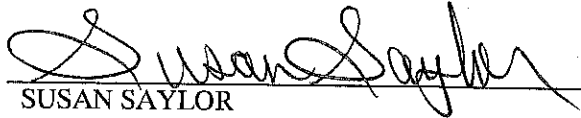
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Denying the application of Matthew Alexander Sanchez for a Field Representative License;
2. Prohibiting Matthew Alexander Sanchez from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/20/15



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

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