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FILED

Date 5/11/16 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:

Case No. 2016-57

12 **TERMITE CONTROL PRO, JAVIER**
13 **EDWARD ENRIQUEZ**
14 5641 East Beverly Boulevard, Suite D
Los Angeles, CA 90022
15 **Company Registration Certificate No. PR**
6675

ACCUSATION

16 and

17 **JAVIER EDWARD ENRIQUEZ**
18 5641 East Beverly Boulevard, Suite D
Los Angeles, CA 90022
19 **Operator's License Number OPR 11282**

20 Respondents.

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22 Complainant alleges:

23 **PARTIES**

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

27 2. On or about January 7, 2013, the Structural Pest Control Board issued Company
28 Registration Certificate Number PR 6675 to Termite Control Pro, Javier Edward Enriquez

1 (“Respondent Termite Control Pro”). On September 25, 2014, Company Registration Certificate
2 No. PR 6675 was suspended for failure to maintain a surety bond in the amount of \$12,500 as
3 required by section 8697 of the Business and Professions Code. On November 5, 2015, Company
4 Registration Certificate No. PR 6675 was suspended for failure to maintain the general liability
5 insurance as required by section 8690 of the Business and Professions Code.

6 3. On or about March 17, 2006, the Structural Pest Control Board issued Operator's
7 License Number OPR 11282 (“Operator's License”) in Branch 3 to Javier Edward Enriquez
8 (“Respondent Enriquez”), as an employee of Mike's Pest Control Inc. On or about September 19,
9 2011, Respondent Enriquez became the Qualifying Manager of Mike's Pest Control Inc. On or
10 about September 20, 2012, Respondent Enriquez disassociated as Qualifying Manager of Mike's
11 Pest Control Inc. due to cancellation of the company registration. On or about January 7, 2013,
12 Respondent Enriquez became the Owner and Qualifying Manager of Termite Control Pro
13 (Company Registration Certificate No. PR 6675). On or about November 5, 2015, Respondent
14 Enriquez’s license was suspended for failure to maintain the general liability insurance for
15 Termite Control Pro, as required by section 8690 of the Business and Professions Code. The
16 Operator's License was in full force and effect at all times relevant to the charges brought herein
17 and will expire on June 30, 2017, unless renewed.

18 **JURISDICTION**

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

22 4. Code section 477 states, in pertinent part:

23 “(b) ‘License’ includes certificate, registration or other means to engage in a business or
24 profession regulated by this code.”

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1 10. Code section 8642 states:

2 "The commission of any grossly negligent or fraudulent act by the licensee as a pest control
3 operator, field representative, or applicator or by a registered company is a ground for
disciplinary action."

4 11. Code section 8593 states, in pertinent part, that:

5 "The board shall require as a condition to the renewal of each operator's and
6 field representative's license that the holder submit proof satisfactory to the board that
7 he or she has informed himself or herself of developments in the field of pest control
8 either by completion of courses of continuing education in pest control approved by
the board or equivalent activity approved by the board."

9 12. California Code of Regulations, title 16, section 1950 states, in pertinent part:

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

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

17 "(c) Operators licensed in one branch of pest control shall complete 16
18 continuing education hours during each three year renewal period. Operators licensed
19 in two branches of pest control shall complete 20 continuing education hours during
20 each three year renewal period. Operators licensed in three branches of pest control
21 shall complete 24 continuing education hours during each three year renewal period.
22 In each case, a minimum of four continuing education hours in a technical subject
23 directly related to each branch of pest control held by the licensee must be completed
for each branch license, a minimum of two hours in Integrated Pest Management as
defined in section 1984 must be completed by Branch 2 and/or 3 licensees renewing
on or after June 30, 2010, and a minimum of eight hours must be completed from
Board approved courses on the Structural Pest Control Act, the Rules and
Regulations, or structural pest control related agencies' rules and regulations."

24 **COST RECOVERY**

25 13. Code section 125.3 states, in pertinent part, that a Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Verify Completion of Continuing Education)**

3 14. Respondents are subject to disciplinary action pursuant to Code section 8641, in
4 that Respondent Enriquez failed to comply with provisions of Code section 8593 and California
5 Code of Regulations, title 16, section 1950, by failing to verify that he completed courses of
6 continuing education in pest control approved by the Board. Specifically, Respondent Enriquez
7 failed to submit copies of any continuing education certificates for the renewal period of July 1,
8 2011, through June 30, 2014, upon request by the Board. The circumstances are as follows:

9 15. On or about May 23, 2014, Respondent Enriquez submitted a license renewal
10 application to the Board. On or about May 23, 2014, Respondent Enriquez certified under penalty
11 of perjury on the application form that he successfully completed 16 hours of continuing
12 education during his last renewal period.

13 16. On November 3, 2014, a representative of the Board sent Respondent Enriquez a
14 written request for copies of his continuing education certificates for the renewal period of July 1,
15 2011, through June 30, 2014. The representative informed Respondent Enriquez that he would be
16 subject to disciplinary action if he failed to verify his continuing education requirements or hours.
17 On or about March 3, 2015, the representative sent Respondent Enriquez a second written
18 request. On or about May 8, 2015, the representative sent Respondent Enriquez a final written
19 request for copies of his continuing education certificates on March 3, 2015, and May 8, 2015,
20 respectively.

21 17. On or about May 18, 2015, the Board representative left a voicemail message for
22 Respondent Enriquez. On or about May 28, 2015, Respondent Enriquez responded and informed
23 the representative that he has not performed any Branch 3 work in over a year and that he does not
24 have any training documents.

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OTHER MATTERS

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

7 23. Pursuant to Code section 8624, if Operator's License Number OPR 11282, issued to
8 Respondent Enriquez, is suspended or revoked, the Board may suspend or revoke Company
9 Registration Certificate Number PR 6675, issued to Respondent Termite Control Pro, with
10 Respondent Enriquez as owner and qualifying manager.

11 24. Pursuant to Code section 8654, if discipline is imposed on Operator's License Number
12 OPR 11282, issued to Respondent Enriquez, he shall be prohibited from serving as an officer,
13 director, associate, partner, qualifying manager, or responsible managing employee for any
14 registered company during the time the discipline is imposed, and any registered company which
15 employs, elects, or associates Respondent Enriquez shall be subject to disciplinary action.

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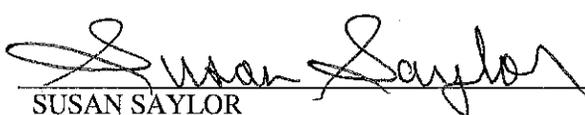
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PRAYER

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

1. Revoking or suspending Company Registration Certificate Number PR 6675, issued to Termite Control Pro;
2. Revoking or suspending Operator's License Number OPR 11282, issued to Javier Edward Enriquez;
3. Ordering Termite Control Pro and Javier Edward Enriquez 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; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 5/11/16



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

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