

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

FILED

Date 5/3/16 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. 2016-55

12 **JEFFREY J. FUENTES**
6155 North Carica Avenue
13 Fresno, CA 93722

ACCUSATION

14 **Operator's License No. OPR 11312**

15 **STRIKE FIRST EXTERMINATOR CO.**
JEFFREY J. FUENTES, QM & PARTNER
16 6732 North Valentine Avenue
Fresno, CA 93711

17 **Company Registration Certificate No. PR 5544**

18 Respondents.

19 Susan Saylor ("Complainant") alleges:

20 **PARTIES**

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

24 2. On or about May 3, 2006, the Board issued Operator's License Number OPR 11312,
25 Branch 2, to Jeffrey J. Fuentes ("Respondent Fuentes"). On or about February 29, 2008,
26 Respondent Fuentes became a Partner and Qualifying Manager of Strike First Exterminator Co.
27 The Operator's License was suspended on June 9, 2015, for failure to maintain general liability
28

1 insurance (Code section 8690), and will expire under suspension on June 30, 2017, unless
2 renewed.

3 3. On or about February 29, 2008, the Board issued Company Registration Certificate
4 No. PR 5544 to Respondent Fuentes as Partner and Qualifying Manager of Strike First
5 Exterminator Co., ("Respondent Company"). The Registration Certificate was suspended on
6 June 9, 2015, for failure to maintain general liability insurance (Code section 8690).

7 JURISDICTION

8 4. This Accusation is brought before the Structural Pest Control Board, Department of
9 Consumer Affairs.

10 STATUTORY AND REGULATORY PROVISIONS

11 5. Code section 8620 states in pertinent part that the Board may suspend or revoke a
12 license when it finds that the holder, while a licensee or applicant, has committed any acts or
13 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil
14 penalty.

15 6. Code section 8624 states in pertinent part, that:

16 If the board suspends or revokes an operator's license and one or more branch offices are
17 registered under the name of the operator, the suspension or revocation may be applied to each
18 branch office.

19 If the operator is the qualifying manager, a partner, responsible officer, or owner of a
20 registered structural pest control company, the suspension or revocation may be applied to the
21 company registration...

22 7. Code section 8654 states:

23 Any individual who has been denied a license for any of the reasons specified
24 in Section 8568, or who has had his or her license revoked, or whose license is under
25 suspension, or who has failed to renew his or her license while it was under
26 suspension, or who has been a member, officer, director, associate, qualifying
27 manager, or responsible managing employee of any partnership, corporation, firm, or
28 association whose application for a company registration has been denied for any of
the reasons specified in Section 8568, or whose company registration has been
revoked as a result of disciplinary action, or whose company registration is under
suspension, and while acting as such member, officer, director, associate, qualifying

manager, or responsible managing employee had knowledge of or participated in any

1 of the prohibited acts for which the license or registration was denied, suspended or
2 revoked, shall be prohibited from serving as an officer, director, associate, partner,
3 qualifying manager, or responsible managing employee of a registered company, and
4 the employment, election or association of such person by a registered company is a
5 ground for disciplinary action.

6 8. Code section 8641 states:

7 Failure to comply with the provisions of this chapter, or any rule or regulation
8 adopted by the board, or the furnishing of a report of inspection without the making
9 of a bona fide inspection of the premises for wood-destroying pests or organisms, or
10 furnishing a notice of work completed prior to the completion of the work specified in
11 the contract, is a ground for disciplinary action.

12 9. Code section 8593 states:

13 The board shall require as a condition to the renewal of each operator's and
14 field representative's license that the holder submit proof satisfactory to the board that
15 he or she has informed himself or herself of developments in the field of pest control
16 either by completion of courses of continuing education in pest control approved by
17 the board or equivalent activity approved by the board. In lieu of submitting that
18 proof, the licenseholder, if he or she so desires, may take and successfully complete
19 an examination given by the board, designed to test his or her knowledge of
20 developments in the field of pest control since the issuance of his or her license.

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

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

10. California Code of Regulations, title 16, section ("Regulation") 1950 states, in
pertinent part:

(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
continuing education requirements set forth in this article. A licensee who cannot
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.

(b) Each licensee is required to complete a certain number of continuing
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
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.

1 (d) Field representatives licensed in one branch of pest control shall have
2 completed 16 continuing education hours, field representatives licensed in two
3 branches of pest control shall have completed 20 continuing education hours, field
4 representatives licensed in three branches of pest control shall have completed 24
5 continuing education hours during each three year renewal period. In each case, a
6 minimum of four continuing education hours in a technical subject directly related to
7 each branch of pest control held by the licensee must be completed for each branch of
8 pest control licensed, a minimum of two hours in Integrated Pest Management must
9 be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and
10 a minimum of eight hours must be completed from Board approved courses on the
11 Structural Pest Control Act, the Rules and Regulations, or structural pest control
12 related agencies' rules and regulations. . . .

7 **COST RECOVERY**

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

12 **CAUSE FOR DISCIPLINE**

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

14 12. In or around June 2014, Respondent Fuentes submitted a license renewal application
15 to the Board. On or about June 28, 2014, Respondent Fuentes certified under penalty of perjury
16 on the application form that he completed 16 hours of continuing education during his last
17 renewal period.

18 13. On November 3, 2014, March 3, 2015, May 18, 2015, and July 23, 2015, a Board
19 representative sent Respondent Fuentes written requests for copies of his continuing education
20 certificates for the renewal period July 1, 2011, through June 30, 2014. Respondent Fuentes was
21 advised that his failure to verify his continuing education hours or to supply the requested
22 information could subject his operator license to disciplinary action.

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

1 **OTHER MATTERS**

2 15. 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,
4 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
5 at the time of the hearing and must be noted in the proposed decision. The proposed decision
6 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

7 16. Pursuant to Code section 8654, if discipline is imposed on Operator License Number
8 OPR 11312, issued to Respondent Jeffrey J. Fuentes, Jeffrey J. Fuentes shall be prohibited from
9 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
10 employee for any registered company during the time the discipline is imposed, and any
11 registered company which employs, elects, or associates him shall be subject to disciplinary
12 action.

13 17. Pursuant to Code section 8624, if discipline in the form of suspension or revocation is
14 imposed on Operator License Number OPR 11312, issued to Respondent Fuentes as the
15 Qualifying Manager of Respondent First Strike Exterminator Co., the suspension or revocation
16 may also be applied to the Company Registration.

17 **PRAYER**

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

- 20 1. Revoking or suspending Operator License Number OPR 11312, issued to Jeffrey J.
21 Fuentes;
- 22 2. Prohibiting Jeffrey J. Fuentes from serving as an officer, director, associate, partner,
23 qualifying manager or responsible managing employee of any registered company during the
24 period that discipline is imposed on Operator License Number OPR 11312, issued to Jeffrey J.
25 Fuentes;
- 26 3. Revoking or suspending Company Registration No. PR 5544, issued to Strike First
27 Exterminator Co.;

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4. Ordering Jeffrey J. Fuentes 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,

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

DATED: 5/3/16



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

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