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FILED

Date 4/28/11 By William H. Douglas

8
9 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
10 **DEPARTMENT OF PESTICIDE REGULATION**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2011-54

12 **WILLIAM WRIGHT**
13 **13677 Hacienda Heights Drive**
14 **Desert Hot Springs, CA 92240**

ACCUSATION

15 **Operator's License No. OPR 11356**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about July 18, 2006, the Structural Pest Control Board issued Operator's
24 License Number OPR 11356 to William Wright (Respondent). The Operator's License was in
25 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
26 2012, unless renewed.

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1 JURISDICTION

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 unless otherwise indicated.

5 STATUTORY PROVISIONS

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

10 5. Section 8625 of the Code states:

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

16 6. Section 8637 of the Code states that "[m]isrepresentation of a material fact by the
17 applicant in obtaining a license or company registration is a ground for disciplinary action."

18 7. Section 8641 of the Code states:

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

23 8. Section 8642 of the Code states that "[t]he commission of any grossly negligent or
24 fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a
25 registered company is a ground for disciplinary action."

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1 REGULATORY PROVISIONS

2 9. California Code of Regulations, title 16, section 1950, subdivision (d), states, in
3 pertinent part, that field representatives licensed in one branch of pest control shall have
4 completed 16 continuing education hours during each three year renewal period, with a minimum
5 of four continuing education hours in a technical subject directly related to each branch of pest
6 control held by the licensee and a minimum of eight hours must be gained from Board approved
7 courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control
8 related agencies' rules and regulations.

9 COST RECOVERY

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

14 FIRST CAUSE FOR DISCIPLINE

15 **(Failure to Provide Proof of Continuing Education)**

16 11. Respondent is subject to disciplinary action under section under Code section 8641 in
17 that he failed to verify the completion of 18 hours continuing education hours as claimed on his
18 renewal application dated June 26, 2009, as required by California Code of Regulations, title 16,
19 section 1950, subdivision (a), and having been requested by the Board in writing on December 8,
20 2009, January 29, 2010, March 23, 2010, and September 30, 2010, to do so.

21 SECOND CAUSE FOR DISCIPLINE

22 (Misrepresentation)

23 12. Respondent is subject to disciplinary action under section 8637 in that he obtained the
24 renewal of his field representative license by misrepresenting the material fact that he had
25 completed 18 hours in continuing education during the renewal period of July 1, 2006 through
26 June 30, 2009, when in fact, he had not.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Fraudulent Act)

3 13. Respondent is subject to disciplinary action under section 8642 in that he committed a
4 fraudulent act by certifying under penalty of perjury on his renewal application that he had
5 completed and could demonstrate 18 hours of continuing education in order to meet the license
6 renewal requirement pursuant to California Code of Regulations, title 16, section 1950,
7 subdivision (c), when in fact he failed to obtain 18 hours of continuing education and/or failed to
8 demonstrate that he had done so.

9 PRAYER

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

- 12 1. Revoking or suspending Operator's License Number OPR 11356, issued to William
13 Wright;
- 14 2. Ordering William Wright to pay the Structural Pest Control Board the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: _____

4/28/11

William H. Douglas
WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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