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7	BEFORE THE	
8	STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION	
9 10	STATE OF CALIFORNIA	
10	In the Matter of the Accusation Against:	Case No. 2012–26
12	JASON DUANE MARCH	
12	24418 McBean Parkway, Unit #140 Valencia, California 91355	ACCUSATION
14	Operator's License No. OPR 11595	
15	and	
16 17	TRAFFIC PEST SOLUTIONS JASON DUANE MARCH, OWNER/QM 24418 McBean Parkway, Unit #140 Valencia, California 91355	
18	Company Registration Certificate No. PR 5472	
19	Respondents.	
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21	Complainant alleges:	
22	PARTIES/LICENSE INFORMATION	
23	1. William H. Douglas ("Complainant") brings this Accusation solely in his official	
24	capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board	
25	("Board"), Department of Pesticide Regulation.	
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	1	Accusation

Jason Duane March

On or about October 16, 2007, the Board issued Operator's License Number OPR 2. 11595 ("license") in Branch 2 (general pest) to Jason Duane March ("Respondent") on inactive status. On November 9, 2007, Respondent became the owner and qualifying manager of Traffic 4 Pest Solutions. On October 23, 2008, Respondent's license was suspended for failing to maintain 5 general liability insurance as required by Business and Professions Code ("Code") section 8690. 6 On October 27, 2008, Respondent's license was reinstated after posting the general liability 7 insurance. On November 5, 2010, Respondent's license was suspended for failing to maintain 8 general liability insurance as required by Code section 8690. On January 18, 2011, Respondent's 9 license was reinstated after posting the general liability insurance. Respondent's license will 10 expire on June 30, 2013, unless renewed. 11

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Traffic Pest Solutions

On or about November 9, 2007, the Board issued Company Registration Certificate 3. 13 Number PR 5472 ("certificate") in Branch 2 to Traffic Pest Solutions with Respondent as owner 14 and qualifying manager. On October 23, 2008, the certificate was suspended for failing to 15 maintain general liability insurance as required by Code section 8690. On October 27, 2008, the 16 certificate was reinstated after posting the general liability insurance. On August 31, 2010, the 17 certificate was suspended for failing to have a qualifying manager. On November 5, 2010, the 18 certificate was suspended for failing to maintain general liability insurance as required by Code 19 section 8690. On October 21, 2010, Respondent resumed his position as the qualifying manager 20 upon renewal of his operator's license. On January 18, 2011, the certificate was reinstated after 21 posting the general liability insurance. 22

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STATUTORY AND REGULATORY PROVISIONS

Code section 8620 provides, in pertinent part, that the Board may suspend or revoke a 4. 24 license when it finds that the holder, while a licensee or applicant, has committed any acts or 25 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil 26 penalty. 27

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5. Code section 8624 states, in pertinent part:

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

6. Code section 8654 states:

Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or 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 of the prohibited acts for which the license or registration was denied, suspended or revoked, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is a ground for disciplinary action.

7. Code section 8641 states:

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

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8. Code section 8642 states that "[t]he commission of any grossly negligent or

19 || fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a

20 registered company is a ground for disciplinary action."

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9. Code section 8593 states:

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

In lieu of submitting that proof, the licenseholder, if he or she so desires, may take and successfully complete an examination given by the board, designed to test his or her knowledge of developments in the field of pest control since the issuance of his or her license.

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

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

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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 gain 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.

(c) Operators licensed in one branch of pest control shall complete 16 continuing education hours during each three year renewal period. Operators licensed in two branches of pest control shall complete 20 continuing education hours during each three year renewal period. Operators licensed in three branches of pest control shall complete 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject 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 . . .

COST RECOVERY

Code section 125.3 states, in pertinent part, that a Board may request the 11.

24 administrative law judge to direct a licentiate found to have committed a violation or violations of

25 || the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

26 enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Failure to Verify Completion of Continuing Education)

12. In or about September 2010, Respondent submitted a Delinquent Renewal Application to the Board. On or about September 28, 2010, Respondent certified under penalty of perjury on the application form that he successfully completed 16 hours of continuing education during his last renewal period.

13. On December 22, 2010, a representative of the Board sent Respondent a written request for copies of his continuing education certificates for the renewal period of July 1, 2007, through June 30, 2010. The representative informed Respondent that he would be subject to disciplinary action if he failed to verify his continuing education requirements or hours.

14. On or about January 5, 2011, Respondent submitted to the Board copies of 11 certificates for continuing education courses he allegedly completed during the renewal period, 12 including a Certificate of Completion from Aceapp Training reflecting that Respondent 13 successfully completed a 4 hour training course in Rules and Regulations on July 29, 2007, and 14 13 different Certificates of Completion from Univar reflecting that Respondent successfully 15 completed a total of 13 hours of on-line education in various training courses on January 1, 2010, 16 and January 4, 2010. Later, the Board was informed by representatives of Aceapp Training and 17 Univar that Respondent had not taken any of the courses indicated on the certificates. 18

Respondent is subject to disciplinary action pursuant to Code section 8641 in that
 Respondent failed to comply with Regulation 1950 by failing to verify that he completed courses
 of continuing education in pest control approved by the Board. Specifically, Respondent
 submitted to the Board continuing education certificates for the renewal period of July 1, 2007,
 through June 30, 2010, for courses that he did not, in fact, complete, as set forth above.

SECOND CAUSE FOR DISCIPLINE

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(Fraud)

26 16. Complainant incorporates by reference as though fully set forth herein the allegations
27 contained in paragraphs 12 through 15 above.

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Respondent is subject to disciplinary action pursuant to Code section 8642 in that he 17. committed fraudulent acts, as follows:

On or about September 28, 2010, Respondent falsely represented on the Delinquent a. Renewal Application that he successfully completed 16 hours of continuing education during his last renewal period, July 1, 2007, through June 30, 2010, with the intent to substantially benefit himself or another, or substantially injure another.

Respondent made, altered, or falsified the Certificates of Completion, described in b. paragraph 14 above, and submitted them to the Board in order to induce the Board into renewing 8 his operator's license. 9

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OTHER MATTERS

Code section 8620 provides, in pertinent part, that a respondent may request that a 18. 11 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of l to 19 days, 12 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made 13 at the time of the hearing and must be noted in the proposed decision. The proposed decision 14 shall not provide that a civil penalty shall be imposed in lieu of a suspension. 15

19. Pursuant to Code section 8624, if Operator's License Number OPR 11595, issued to 16 Respondent Jason Duane March, is suspended or revoked, the Board may suspend or revoke 17 Company Registration Certificate Number PR 5472, issued to Traffic Pest Solutions, with 18 Respondent as owner and qualifying manager. 19

20. Pursuant to Code section 8654, if discipline is imposed on Operator's License 20 Number OPR 11595, issued to Respondent Jason Duane March, Jason Duane March shall be 21 prohibited from serving as an officer, director, associate, partner, qualifying manager, or 22 responsible managing employee for any registered company during the time the discipline is 23 imposed, and any registered company which employs, elects, or associates Jason Duane March 24 shall be subject to disciplinary action. 25

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 27 and that following the hearing, the Structural Pest Control Board issue a decision: 28

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Revoking or suspending Operator's License Number OPR 11595, issued to Jason 1. 1 Duane March; 2

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DATED:

Revoking or suspending Company Registration Certificate Number PR 5472, issued 2. to Traffic Pest Solutions;

Prohibiting Jason Duane March from serving as an officer, director, associate, 3. partner, qualifying manager or responsible managing employee of any registered company during 6 the period that discipline is imposed on Operator's License Number OPR 11595, issued to Jason 7 Duane March; 8

Ordering Jason Duane March to pay the Structural Pest Control Board the reasonable 4. 9 costs of the investigation and enforcement of this case, pursuant to Business and Professions 10 Code section 125.3; 11

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

hunto

State of California Complainant

Interim Registrar/Executive Officer Structural Pest Control Board Department of Pesticide Regulation LA2011501684 7