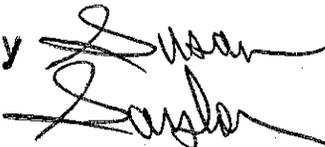


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FILED

Date 1/8/14 By 

7 *Attorneys for Complainant*

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:
12 **OPTIMAL TERMITE AND PEST SOLUTIONS, INC.;**
13 **JASON GRAYDON ANDERSON, SR., QM**
14 525 W. 118th Street
Los Angeles, CA 90044
15 Company Registration Certificate No. PR 5272
16 and
17 **OPTIMAL TERMITE AND PEST SOLUTIONS, INC.;**
18 **JASON GRAYDON ANDERSON, SR.,**
19 **Branch Office Supervisor**
811 West 125th Street
Los Angeles, CA 90044
20 Branch Office Registration No. BR 5264,
21 and
22 **JASON GRAYDON ANDERSON, SR.**
23 525 W. 118th Street
Los Angeles, CA 90044
24 Operator's License No. OPR 11840
25 Respondent.

Case No. 2014-32

ACCUSATION

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1 Complainant alleges:

2 **PARTIES**

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

6 2. On or about March 14, 2007, the Board issued Company Registration Certificate No.
7 PR 5272 to Optimal Termite and Pest Solutions, Inc.; with Jason Graydon Anderson, Sr.,
8 Qualifying Manager (Respondent).

9 3. On or about February 8, 2011, the Board issued Branch Office Registration No. 5264
10 to Optimal Termite and Pest Solutions, Inc., with Respondent, Branch Office Supervisor.

11 4. On or about April 28, 2009, the Board issued Operator's License No. OPR 11840 to
12 Respondent. The Operator's License was in full force and effect at all times relevant to the
13 charges brought herein and will expire on June 30, 2014, unless renewed.

14 **JURISDICTION**

15 5. This Accusation is brought before the Board, Department of Consumer Affairs, under
16 the authority of the following laws. All section references are to the Business and Professions
17 Code (Code) unless otherwise indicated.

18 **STATUTORY PROVISIONS**

19 6. Section 490 states, in pertinent part:

20 "(a) In addition to any other action that a board is permitted to take against a licensee, a
21 board may suspend or revoke a license on the ground that the licensee has been convicted of a
22 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
23 or profession for which the license was issued.

24 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
25 discipline a licensee for conviction of a crime that is independent of the authority granted under
26 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
27 of the business or profession for which the licensee's license was issued.

1 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
2 conviction following a plea of nolo contendere. Any action that a board is permitted to take
3 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
4 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
5 made suspending the imposition of sentence, irrespective of a subsequent order under the
6 provisions of Section 1203.4 of the Penal Code."

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

11 8. Section 8625 states:

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

17 9. Section 8649 states:

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

21 10. Section 8654 states:

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

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

7 11. Section 8655 states:

8 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
9 charge substantially related to the qualifications, functions, and duties of a structural pest control
10 operator, field representative, applicator, or registered company is deemed to be a conviction
11 within the meaning of this article or Section 8568 of this chapter. The board may order the license
12 or registration suspended or revoked, or may decline to issue a license, when the time for appeal
13 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
14 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
15 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company
16 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
17 or dismissing the accusation, information or indictment."

18 **REGULATORY PROVISIONS**

19 12. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

20 "For the purposes of denial, suspension or revocation of a license or company registration
21 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
22 considered to be substantially related to the qualifications, functions or duties of a licensee or
23 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
24 evidences present or potential unfitness of such licensee or registered company to perform the
25 functions authorized by the license or company registration in a manner consistent with the public
26 health, safety, or welfare."

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1 **COST RECOVERY**

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

5 **CAUSE FOR DISCIPLINE**

6 **(Conviction of a Substantially Related Crime)**

7 14. Respondent is subject to disciplinary action under sections 8649 and 490, in
8 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent has
9 been convicted of a crime substantially related to the qualifications, functions or duties of a
10 licensed operator, as follows:

11 a. On or about February 7, 2013, after pleading nolo contendere, Respondent was
12 convicted of one misdemeanor count of violating Penal Code section 261.5, subdivision (c)
13 [sexual intercourse with a minor] in the criminal proceeding entitled *The People of the State of*
14 *California v. Jason Graydon Anderson* (Super. Ct. Los Angeles County, 2013, No. 3CA04624.)
15 The Court placed Respondent on three (3) years of summary probation, ordered him to serve 45
16 days in Los Angeles County jail, ordered him to take classes, and ordered him to pay fines.

17 b. The circumstances surrounding the conviction are that on or about June 11, 2012,
18 Respondent engaged in sexual intercourse with a seventeen (17) year old minor. He admitted to
19 officers he had told the minor he would buy her a cell phone if she would have sex with him. He
20 knew that the victim was a minor when he propositioned her and engaged in sexual intercourse.

21 **OTHER MATTERS**

22 15. Pursuant to section 8624, if discipline is imposed on Operator's License No. OPR
23 11840, issued to Respondent, The Board may suspend or revoke Company Registration
24 Certificate No. PR5272.

25 16. Pursuant to section 8624, if discipline is imposed on Operator's License No. OPR
26 11840, issued to Respondent, The Board may suspend or revoke Branch Office Registration No.
27 BR5264;

1 17. Pursuant to section 8654, if discipline is imposed on Operator's License No. OPR
2 11840, issued to Respondent, Respondent shall be prohibited from serving as an officer, director,
3 associate, partner, qualifying manager, or responsible managing employee for any registered
4 company, and any registered company which employees, elects, or associates Respondent shall be
5 subject to disciplinary action.

6 18. Section 8620, provides, in pertinent part, that a Respondent may request that a civil
7 penalty of not more than \$5,000 be assess in lieu of an actual suspension of 1 to 19 days, or not
8 more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made at the
9 time of hearing and must be noted in the proposed decision. The proposed decision shall not
10 provide that a civil penalty shall be imposed in lieu of a suspension.

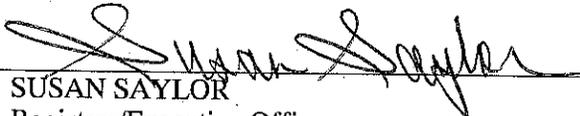
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PRAYER

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 5272, issued to Optimal Termite and Pest Solutions, Inc. with Jason Graydon Anderson, Qualifying Manager;
2. Revoking or suspending Branch Office Registration No. 5264, issued to Optimal Termite and Pest Solutions, Inc. with Jason Graydon Anderson, Branch Office Supervisor;
3. Revoking or suspending Operator's License No. OPR 11840, issued to Jason Graydon Anderson;
4. Prohibiting Jason Graydon Anderson from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Operator License No. OPR 11840, issued to Jayson Graydon Anderson;
5. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
6. Taking such other and further action as deemed necessary and proper.

DATED: 1/8/14


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

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