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**FILED**

Date 3/17/16 By Susan Saylor

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:

Case No. 2016-45

12 **GEORGE MAHER MIKHAEL**  
13 1533 Roxbury Court  
Upland, CA 91784

**ACCUSATION**

14 Operator's License No. OPR 11945

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about December 1, 2009, the Board issued Operator's License No. OPR 11945  
23 to George Maher Mikhael (Respondent). The Operator's License was in full force and effect at all  
24 times relevant to the charges brought herein and will expire on June 30, 2018, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following laws.  
27 All section references are to the Business and Professions Code unless otherwise indicated.

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1 STATUTORY PROVISIONS

2 4. Section 490 states, in pertinent part:

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

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

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

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

21 6. Section 8625 states:

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

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1           7.    Section 8649 states:

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

5           8.    Section 8654 states:

6           "Any individual who has been denied a license for any of the reasons specified in Section  
7 8568, or who has had his or her license revoked, or whose license is under suspension, or who has  
8 failed to renew his or her license while it was under suspension, or who has been a member,  
9 officer, director, associate, qualifying manager, or responsible managing employee of any  
10 partnership, corporation, firm, or association whose application for a company registration has  
11 been denied for any of the reasons specified in Section 8568, or whose company registration has  
12 been revoked as a result of disciplinary action, or whose company registration is under suspension,  
13 and while acting as such member, officer, director, associate, qualifying manager, or responsible  
14 managing employee had knowledge of or participated in any of the prohibited acts for which the  
15 license or registration was denied, suspended or revoked, shall be prohibited from serving as an  
16 officer, director, associate, partner, qualifying manager, or responsible managing employee of a  
17 registered company, and the employment, election or association of such person by a registered  
18 company is a ground for disciplinary action."

19          9.    Section 8655 states:

20          "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
21 charge substantially related to the qualifications, functions, and duties of a structural pest control  
22 operator, field representative, applicator, or registered company is deemed to be a conviction  
23 within the meaning of this article or Section 8568 of this chapter. The board may order the license  
24 or registration suspended or revoked, or may decline to issue a license, when the time for appeal  
25 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting  
26 probation is made suspending the imposition of sentence, irrespective of a subsequent order under  
27 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company  
28

1 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,  
2 or dismissing the accusation, information or indictment."

### 3 REGULATORY PROVISIONS

4 10. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

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

### 12 COST RECOVERY

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

### 16 FIRST CAUSE FOR DISCIPLINE

#### 17 (Convictions of Substantially Related Crimes)

18 12. Respondent is subject to disciplinary action under sections 8649 and 490, in  
19 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent has  
20 been convicted of crimes substantially related to the qualifications, functions or duties of a licensed  
21 operator, as follows:

22 a. On or about November 24, 2015, Respondent was convicted of one misdemeanor  
23 count of violating Penal Code section 484, subdivision (a) [petty theft] in the criminal proceeding  
24 entitled *The People of the State of California v. George Maheramin Mikhael* (Super. Ct. San  
25 Bernardino County, 2015, No. MWV1506002). The Court sentenced Respondent to serve 20  
26 days in jail and placed him on 36 months probation, with terms and conditions.

27 b. On or about July 31, 2015, after pleading nolo contendere, Respondent was convicted  
28 of one misdemeanor count of violating Penal Code section 459.5 [shoplifting] in the criminal

1 proceeding entitled *The People of the State of California v. George Maher Mikahel* (Super. Ct.  
2 L.A. County, 2015, No. 5DY05109). The Court sentenced Respondent to serve 10 days in jail  
3 and placed him on 36 months probation, with terms and conditions. The circumstances  
4 surrounding the conviction are that on or about April 8, 2015, Respondent entered a Wal-Mart in  
5 Pico Rivera, CA, selected several clothing items, placed them in a bag, and walked out of the store  
6 without paying for the items.

7 c. On or about July 29, 2015, after pleading nolo contendere, Respondent was convicted  
8 of one misdemeanor count of violating Penal Code section 466 [possession of burglary tools], one  
9 misdemeanor count of violating Health and Safety Code section 11377 [possession of a controlled  
10 substance], and one misdemeanor count of violating Health and Safety Code section 11350  
11 [possession of a controlled substance] in the criminal proceeding entitled *The People of the State*  
12 *of California v. George Maher Mikhael* (Super. Ct. L.A. County, 2015, No. 5RI02568). The  
13 Court sentenced Respondent to serve 15 days in jail and placed him on 3 years probation, with  
14 terms and conditions. The circumstances surrounding the conviction are that on or about May 26,  
15 2015, Los Angeles County Sheriff's Department deputies conducted a traffic stop after running  
16 Respondent's vehicle license plate and it revealing in two outstanding warrants issued to the  
17 registered owner. During a search of Respondent's person, the deputies found two hypodermic  
18 needles in his front pant pocket. During a search of Respondent's vehicle, deputies also recovered  
19 a small plastic bindle containing a tar like substance resembling heroin and another small bindle  
20 containing a clear crystalline substance resembling methamphetamine. Deputies also recovered a  
21 window punch commonly used to shatter windows.

22 d. On or about May 27, 2015, after pleading nolo contendere, Respondent was convicted  
23 of one misdemeanor count of violating Health and Safety Code section 11350 [possession of a  
24 controlled substance] and one misdemeanor count of violating Health and Safety Code section  
25 11377 [possession of a controlled substance] in the criminal proceeding entitled *The People of the*  
26 *State of California v. George Maheramin Mikhael* (Super. Ct. L.A. County, 2015, No.  
27 5RI01406). The Court placed Respondent on deferred entry of judgment for 3 years pursuant to  
28 Penal Code section 1210 (Prop 36). On or about July 29, 2015, during a probation violation

1 hearing Proposition 36 was terminated and criminal proceedings were reinstated. The Court  
2 ordered Respondent to serve 60 days in jail. The circumstances surrounding the conviction are  
3 that on or about February 4, 2015, the El Monte Police Department responded to a call of a  
4 suspicious person in a vehicle possibly doing narcotics. Upon arrival, Respondent was identified  
5 by officers as the driver of the reported vehicle. A subsequent records check revealed that  
6 Respondent had several outstanding warrants. During a search of the vehicle the officers found  
7 numerous syringes, methamphetamine, heroin, and valium pills in plastic baggies.

8 e. On or about May 27, 2015, after pleading nolo contendere, Respondent was convicted  
9 of one misdemeanor count of violating Penal Code section 459 [second degree: commercial  
10 burglary] in the criminal proceeding entitled *The People of the State of California v. George*  
11 *Maher Amin Mikhael* (Super. Ct. L.A. County, 2015, No. 5RI01585). The Court placed  
12 Respondent on 3 years probation, with terms and conditions. The circumstances surrounding the  
13 conviction are that on or about March 7, 2015, Respondent entered a Target store with the intent  
14 to commit larceny and any felony.

15 f. On or about April 27, 2015, after pleading guilty, Respondent was convicted of one  
16 misdemeanor count of violating Penal Code section 484, subdivision (a) [petty theft] in the  
17 criminal proceeding entitled *The People of the State of California v. George Maher Amin Mikhael*  
18 (Super. Ct. San Bernardino County, 2015, No. MWV1305713). The Court placed Respondent on  
19 24 months probation, with terms and conditions

#### 20 OTHER MATTERS

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

26 14. Pursuant to section 8654, if discipline is imposed on Operator's License No. OPR  
27 11945, issued to Respondent, Respondent shall be prohibited from serving as an officer, director,  
28 associate, partner, qualifying manager, or responsible managing employee for any registered

1 company, and any registered company which employees, elects, or associates Respondent shall be  
2 subject to disciplinary action.

3 PRAYER

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

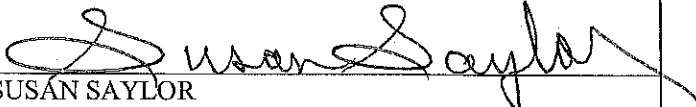
6 1. Revoking or suspending Operator's License Number OPR 11945, issued to George  
7 Maher Mikhael;

8 2. Prohibiting George Maher Mikhael from serving as an officer, director, associate,  
9 partner, qualifying manager, or responsible managing employee of any registered company during  
10 the period that discipline is imposed on Operator's License Number OPR 11945, issued to George  
11 Maher Mikhael;

12 3. Ordering George Maher Mikhael to pay the Board the reasonable costs of the  
13 investigation and enforcement of this case, pursuant to section 125.3; and

14 4. Taking such other and further action as deemed necessary and proper.

15  
16  
17 DATED: 3/17/16

  
18 SUSAN SAYLOR  
19 Registrar/Executive Officer  
20 Structural Pest Control Board  
21 Department of Consumer Affairs  
22 State of California  
23 *Complainant*

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