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FILED

Date 6/24/16 By

Susan Saylor

8
9 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2016-72

13 **RICHARD SCOTT BANDFIELD**
14 **719 Sable**
Rancho Santa Margarita, CA 92688

A C C U S A T I O N

15 **Operator's License No. OPR 12353**

16 and

17 **MONARCH PEST MANAGEMENT**
18 **719 Sable**
Rancho Santa Margarita, CA 92688
19 **RICHARD SCOTT BANDFIELD**
OWNER/QM

20 **Company Registration Certificate**
21 **No. PR 6572**

22 Respondent.

23 Complainant alleges:

24 **PARTIES**

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

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1 2. On or about April 30, 2012, the Board issued Operator's License Number OPR 12353
2 in Branch 2 to Richard Scott Bandfield (Respondent). The Operator's License was suspended on
3 June 9, 2015 for failure to maintain the general liability insurance as required per Business and
4 Professions Code section 8690. The Operator's License was in full force and effect at all times
5 relevant to the charges brought herein and will expire on June 30, 2017, unless renewed.

6 3. On or about July 19, 2012, the Board issued Company Registration Certificate
7 Number PR 6572 in Branch 2 to Monarch Pest Management, with Richard Scott Bandfield as the
8 Owner and Qualifying Manager (Respondent). The Company Registration Certificate was
9 suspended on June 9, 2015 for failure to maintain the general liability insurance as required per
10 Business and Professions Code section 8690. The Company Registration Certificate was
11 suspended on January 5, 2016 for failure to maintain a surety bond in the amount of \$12,500 as
12 required by Business and Professions Code section 8697.

13 4. On or about May 11, 1990, the Board issued Field Representative License Number
14 FR 18566 in Branch 2 to Richard Scott Bandfield. The Field Representative License was
15 cancelled from the Board's files on April 30, 2012 due to issuance of an Operator's License.

16 **JURISDICTION**

17 5. This Accusation is brought before the Board under the authority of the following
18 laws. All section references are to the Business and Professions Code (Code) unless otherwise
19 indicated.

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

24 7. Section 8625 of the Code states:

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

STATUTORY PROVISIONS

8. Section 498 of the Code states:

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

9. Section 8624 of the Code states:

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

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.

The performance by any partnership, corporation, firm, association, or registered company of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who, at the time the act or omission occurred, was the qualifying manager, a partner, responsible officer, or owner of the partnership, corporation, firm, association, or registered company whether or not he or she had knowledge of, or participated in, the prohibited act or omission.

10. Section 8637 of the Code states: "Misrepresentation of a material fact by the applicant in obtaining a license or company registration is a ground for disciplinary action."

11. Section 8641 of the Code provides that failure to comply with the provisions of the Business and Professions Code, or any rule or regulation adopted by the Board, is a ground for disciplinary action.

12. Section 8654 of the Code 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.

1 13. Section 8593 of the Code provides, in pertinent part, that the Board shall require as a
2 condition to the renewal of an operator's license that the holder submit proof satisfactory to the
3 board that he or she has informed himself or herself of developments in the field of pest control
4 either by completion of courses of continuing education in pest control approved by the board or
5 equivalent activity approved by the board.

6 REGULATORY PROVISIONS

7 14. California Code of Regulations, title 16, section 1950 states:

8 (a) Except as provided in section 1951,¹ every licensee is required, as a
9 condition to renewal of a license, to certify that he or she has completed the
10 continuing education requirements set forth in this article. A licensee who cannot
11 verify completion of continuing education by producing certificates of activity
12 completion, whenever requested to do so by the Board, may be subject to disciplinary
13 action under section 8641 of the code.

12 (b) Each licensee is required to complete a certain number of continuing
13 education hours during the three year renewal period. The number of hours required
14 depends on the number of branches of pest control in which licenses are held. The
15 subject matter covered by each activity shall be designated as "technical" or "general"
16 by the Board when the activity is approved. Hour values shall be assigned by the
17 Board to each approved educational activity, in accordance with the provisions of
18 section 1950.5.

18 (c) Operators licensed in one branch of pest control shall complete 16
19 continuing education hours during each three year renewal period. Operators licensed
20 in two branches of pest control shall complete 20 continuing education hours during
21 each three year renewal period. Operators licensed in three branches of pest control
22 shall complete 24 continuing education hours during each three year renewal period.
23 In each case, a minimum of four continuing education hours in a technical subject
24 directly related to each branch of pest control held by the licensee must be completed
25 for each branch license, a minimum of two hours in Integrated Pest Management as
26 defined in section 1984 must be completed by Branch 2 and/or 3 licensees renewing
27 on or after June 30, 2010, and a minimum of eight hours must be completed from
28 Board approved courses on the Structural Pest Control Act, the Rules and
Regulations, or structural pest control related agencies' rules and regulations. . .

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25 ¹ 16 C.C.R. § 1951 states: "In lieu of continuing education, a licensee may qualify for
26 renewal by taking and passing an examination designed by the Board to cover developments in
27 the field of pest control. Licensees who choose this method of qualifying for renewal may take
28 this examination only once, and must take the examination no earlier than one year prior to their
license expiration date. A score of 70% or higher shall be considered a passing grade on this
examination."

1 **COSTS**

2 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Securing a License by Fraud, Deceit, or Knowing Misrepresentation of a Material Fact)**

10 16. Respondent is subject to disciplinary action under sections 498 and 8637 of the Code
11 in that he secured his Operator's License by fraud, deceit, or knowing misrepresentation of a
12 material fact. The circumstances are as follows:

13 17. On or about June 26, 2014, Respondent signed the "License Renewal Application –
14 Operator" for Operator's License Number OPR 12353. Declaring under penalty of perjury under
15 the laws of the State of California that his information was true and correct, Respondent stated
16 that he completed 16 hours of continuing education required for the renewal of a license issued in
17 one Branch of pest control. Respondent's Operator's License was subsequently renewed for a
18 period of three years.

19 18. In a letter dated September 1, 2015, mailed to Respondent's address of record, the
20 Board's Licensing Unit informed Respondent that he had been selected for a continuing education
21 audit. Respondent was directed to provide the certificates of course completion to verify the
22 continuing education requirement for the renewal period July 1, 2011 through June 30, 2014.
23 Respondent was told that the requested information was due 14 days from the date of the letter,
24 and that failure to comply would subject him to disciplinary action. Respondent failed to respond
25 to the letter.

26 19. On October 30, 2015, the Licensing Unit mailed a Second Notice letter to Respondent
27 directing him to provide the certificates of course completion to verify the continuing education
28 requirement within 14 days of the date of the letter. Respondent failed to respond to the letter.

1 20. On November 19, 2015, the Licensing Unit called Respondent and left a voicemail
2 regarding the two letters sent to him.

3 21. On December 8, 2015, the Board mailed a Final Notice letter to Respondent directing
4 him to provide the certificates of course completion to verify the continuing education
5 requirement. Respondent failed to respond to the letter.

6 22. On December 30, 2015 and January 6, 2016, the Licensing Unit called Respondent
7 and left voicemails regarding the Board’s attempts to contact him about the continuing education
8 audit.

9 23. On January 11, 2016, the Licensing Unit mailed a second Final Notice letter to
10 Respondent directing him to provide the certificates of course completion to verify the continuing
11 education requirement. Respondent failed to respond to the letter. The Final Notice letter sent to
12 Respondent via Certified Mail was returned by the U.S. Postal Service on February 16, 2016,
13 marked “Return to Sender – Undeliverable as Addressed – Unable to Forward.”

14 24. On February 9, 2016, the Licensing Unit mailed a letter to Respondent advising that
15 as a result of his failure to respond to the Board’s multiple requests to provide the certificates of
16 course completion to verify the continuing education requirement, his case would be forwarded
17 for disciplinary action.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Failure to Comply With the Provisions of the Structural Pest Control Act)**

20 25. Respondent is subject to disciplinary action under section 8641 of the Code, and
21 California Code of Regulations, title 16, section 1950, in that he failed to comply with the
22 provisions of the Structural Pest Control Act, as described in paragraphs 15-24, above.
23 Respondent’s conduct violated Business and Professions Code section 8593, which required
24 Respondent, as a condition to the renewal of his Operator’s License, to submit proof that he
25 completed a minimum of 16 hours of continuing education in pest control approved by the Board
26 or equivalent activity approved by the Board within the three-year renewal period.

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1 **OTHER MATTERS**

2 26. Pursuant to section 8624 of the Code, if discipline is imposed on Operator's License
3 No. OPR 12353 issued to Respondent, then Richard Scott Bandfield shall be prohibited from
4 serving as the officer, director, associate, partner, qualifying manager, or responsible managing
5 employee of Monarch Pest Management, under Company Registration Certificate No. PR 6572.

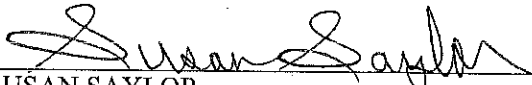
6 27. Pursuant to section 8654 of the Code, if Company Registration Certificate No. PR
7 6572 is revoked or suspended, then Richard Scott Bandfield shall be prohibited from serving as
8 an officer, director, associate, partner, qualifying manager, or responsible managing employee of
9 any registered company, and the employment, election or association of Richard Scott Bandfield
10 by a registered company is a ground for disciplinary action.

11 **PRAYER**

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

- 14 1. Revoking or suspending Operator's License Number OPR 12353, issued to Richard
15 Scott Bandfield;
- 16 2. Revoking or suspending Company Registration Certificate Number PR 6572, issued
17 to Monarch Pest Management, with Richard Scott Bandfield as its Owner and Qualifying
18 Manager;
- 19 3. Ordering Richard Scott Bandfield to pay the Structural Pest Control Board the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3;
- 22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 6/24/16


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

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