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FILED

Date 6/28/11

By William H. Douglas

7
8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF PESTICIDE REGULATION**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2011-75

11 **STEPHEN JAMES REDD**
12 **10196 Suey Creek Road**
Nipomo, CA 93444
13 **Operator's License No. OPR 11062,**
Branch 3
14 **Company Registration Certificate No. PR 5315,**
Branch 3

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 **Operator's License**

23 2. On or about March 30, 2005, the Board issued Operator's License Number OPR
24 11062 in Branch 3 to Stephen James Redd ("Respondent"). On or about December 11, 2010, the
25 operator's license was suspended pursuant to Family Code section 17520.

26 **Company Registration Certificate**

27 3. On or about April 20, 2007, the Board issued Company Registration Certificate
28 Number PR 5315 in Branch 3 to Packard Termite & Pest Control of Central California, Inc.,

1 doing business as Packard Termite of Central California, Inc., with Respondent as the President
2 and Qualifying Manager. On or about August 23, 2010, the company registration certificate was
3 suspended pursuant to Business and Professions Code section 8690 (failure to maintain general
4 liability insurance). On or about January 10, 2011, the company registration certificate was
5 further suspended for no qualifier due to suspension of the operator's license pursuant to Family
6 Code section 17520.

7 STATUTORY PROVISIONS

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

12 5. Code section 8625 states:

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

19 6. Code section 8649 states:

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

24 COST RECOVERY

25 7. Code section 125.3 states, in pertinent part, that a Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

29 CAUSE FOR DISCIPLINE

30 (Criminal Convictions)

31 8. Respondent's operator's license and company registration certificate are subject to
32 disciplinary action under Code section 8649, in that Respondent has been convicted of the

1 following crimes that are substantially related to the qualifications, functions, and duties of a
2 licensee:

3 a. On October 28, 2010, in the Superior Court, County of San Luis Obispo, California,
4 in the matter entitled *People vs. Stephen J. Redd*, 2010, Case No. M000448286, Respondent was
5 convicted by the Court following his plea of no contest to a violation of Vehicle Code section
6 20002, subdivision (a) (willfully and unlawfully failed, refused, and neglected to locate and notify
7 the owner of a vehicle or other property damage), a misdemeanor. The circumstances of the
8 crime are that on June 7, 2010, Respondent caused an accident resulting in damage to someone
9 else's property and then failed to notify the owner or leave a note providing his contact
10 information.

11 b. On June 4, 2001, in the Superior Court, County of Santa Barbara, Figueroa Division,
12 California, in the matter entitled *People vs. Stephen James Redd*, 2001, Case No. 1055681,
13 Respondent was convicted by the court following his plea of no contest to a violation of Vehicle
14 Code section 23152, subdivision (b) (driving a vehicle with a blood alcohol level above .08%), a
15 misdemeanor with a prior violation of Vehicle Code section 23103 (reckless driving) The
16 circumstances of the crime are that on or about April 14, 2001, Respondent was arrested for
17 driving under the influence of alcohol.

18 **OTHER MATTERS**

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

24 9. Pursuant to Code section 8654, if discipline is imposed on Operator's License
25 Number OPR 11062 issued to Respondent, then Stephen J. Redd, shall be prohibited from serving
26 as an officer, director, associate, partner or responsible managing employee of a licensee, and any
27 licensee which employs, elects, or associates him shall be subject to disciplinary action.

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