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FILED

Date 1/9/12 BY

William H. Douglas

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

11 In the Matter of the Accusation Against:

Case No. 2012-26

12 **JASON DUANE MARCH**
24418 McBean Parkway, Unit #140
13 Valencia, California 91355

ACCUSATION

14 Operator's License No. OPR 11595

15 and

16 **TRAFFIC PEST SOLUTIONS**
JASON DUANE MARCH, OWNER/QM
24418 McBean Parkway, Unit #140
17 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 **Jason Duane March**

2 2. On or about October 16, 2007, the Board issued Operator's License Number OPR
3 11595 ("license") in Branch 2 (general pest) to Jason Duane March ("Respondent") on inactive
4 status. On November 9, 2007, Respondent became the owner and qualifying manager of Traffic
5 Pest Solutions. On October 23, 2008, Respondent's license was suspended for failing to maintain
6 general liability insurance as required by Business and Professions Code ("Code") section 8690.
7 On October 27, 2008, Respondent's license was reinstated after posting the general liability
8 insurance. On November 5, 2010, Respondent's license was suspended for failing to maintain
9 general liability insurance as required by Code section 8690. On January 18, 2011, Respondent's
10 license was reinstated after posting the general liability insurance. Respondent's license will
11 expire on June 30, 2013, unless renewed.

12 **Traffic Pest Solutions**

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

23 **STATUTORY AND REGULATORY PROVISIONS**

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

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5. Code section 8624 states, in pertinent part:

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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.

8. Code section 8642 states that "[t]he commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a registered company is a ground for disciplinary action."

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

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

9 10. California Code of Regulations, title 16, section ("Regulation") 1950 states, in
10 pertinent part:

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

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

24 (c) Operators licensed in one branch of pest control shall complete 16
25 continuing education hours during each three year renewal period. Operators licensed
26 in two branches of pest control shall complete 20 continuing education hours during
27 each three year renewal period. Operators licensed in three branches of pest control
28 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

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

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1 FIRST CAUSE FOR DISCIPLINE

2 (Failure to Verify Completion of Continuing Education)

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

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

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

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

24 SECOND CAUSE FOR DISCIPLINE

25 (Fraud)

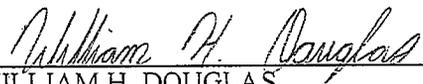
26 16. Complainant incorporates by reference as though fully set forth herein the allegations
27 contained in paragraphs 12 through 15 above.

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1. Revoking or suspending Operator's License Number OPR 11595, issued to Jason Duane March;
2. Revoking or suspending Company Registration Certificate Number PR 5472, issued to Traffic Pest Solutions;
3. Prohibiting Jason Duane March 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's License Number OPR 11595, issued to Jason Duane March;
4. Ordering Jason Duane March to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
5. Taking such other and further action as deemed necessary and proper.

DATED: 1/9/12


WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

LA2011501684