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**FILED**

Date 2/13/14 By *Susan Saylor*

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

12 In the Matter of the Accusation Against:

Case No. 2014-40

13 **JEFFREY L. SAGE**  
14 **14647 Bridgeport Circle**  
**Magalia, CA 95954**

**A C C U S A T I O N**

15 **Applicator License No. RA 42351, Br. 2 & 3**

16 Respondent.

17  
18 Susan Saylor ("Complainant") alleges:

19 **PARTIES**

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

23 2. On or about June 17, 2004, the Board issued Applicator License Number RA 42351,  
24 in Branches 2 and 3 to Jeffrey L. Sage ("Respondent"). The license was in full force and effect at  
25 all times relevant to the charges brought herein and will expire on June 17, 2016, unless renewed.

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## JURISDICTION

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

4. Code section 8625 states:

The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to 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

5. Code section 8649 states:

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

6. Code section 8655 states:

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

## REGULATIONS

7. California Code of Regulations, title 16, section 1937.1 states:

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

1 public health, safety, or welfare. Such crimes or acts shall include, but not be  
2 limited to, the following:

- 3 (a) Any violation of the provisions of Chapter 14 of Division 3 of the code.  
4 (b) Commission of any of the following in connection with the practice of  
5 structural pest control:  
6 (1) Fiscal dishonesty  
7 (2) Fraud  
8 (3) Theft  
9 (4) Violations relating to the misuse of pesticides.

#### 10 **COST RECOVERY**

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

#### 15 **FIRST CAUSE FOR DISCIPLINE**

##### 16 **(Conviction of a Crime)**

17 9. Respondent is subject to discipline under Code section 8649, in that on or about  
18 October 21, 2013, in the case of *People v. Jeffrey L. Sage*, (Super. Ct. Butte County, 2013, Case  
19 No. SCR90525), Respondent was convicted by the Court on his plea of nolo contendere of  
20 violating Business and Professions Code section 7028(a) (contracting without a license), a  
21 misdemeanor. The circumstances of the crime were that on or about August 29, 2012,  
22 Respondent met with an undercover officer and gave the officer a business card that read "Top  
23 Notch Landscaping" and a verbal estimate on yard work, including labor and materials.  
24 Respondent told the officer that he was the owner of Top Notch Landscaping. Respondent was  
25 then detained by the officer. The crime is substantially related to the qualifications, functions or  
26 duties of an applicator.

#### 27 **OTHER MATTERS**

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

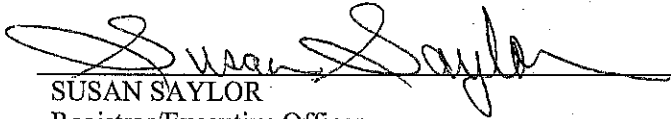
1 11. Pursuant to Code section 8654, if discipline is imposed on Applicator's License  
2 Number RA 42351, issued to Respondent, then Respondent shall be prohibited from serving as an  
3 officer, director, associate, partner or responsible managing employee of a licensee, and any  
4 licensee which employs, elects, or associates Respondent shall be subject to disciplinary action.

5 **PRAYER**

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

- 8 1. Revoking or suspending Applicator's License Number RA 42351, issued to Jeffrey L.  
9 Sage;
- 10 2. Revoking or suspending any other license issued to Jeffrey L. Sage;
- 11 3. Prohibiting Jeffrey L. Sage from serving as an officer, director, associate, partner,  
12 qualifying manager or responsible managing employee of any registered company during the  
13 period that discipline is imposed on Applicator's License Number RA 42351, issued to Jeffrey L.  
14 Sage;
- 15 4. Ordering Jeffrey L. Sage to pay the Structural Pest Control Board the reasonable costs  
16 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
17 section 125.3; and,
- 18 5. Taking such other and further action as deemed necessary and proper.
- 19

20  
21 DATED: 2/13/14

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

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