

**FILED**

Date 10/3/12 By Susan Saylor

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

12 In the Matter of the Accusation Against:

Case No. 2013-16

13 **BILLY C. JENNINGS,**  
14 **AKA BILLY CLYDE JENNINGS**  
13538 Quiet Hills Drive  
Poway, CA 92064

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

15 **Field Representative License No. 39744**  
16 **Applicator License No. 43314**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity  
22 as the Assistant Executive Officer of the Structural Pest Control Board, Department of Pesticide  
23 Regulation.

24 2. On or about March 30, 2005, the Structural Pest Control Board issued Applicator  
25 License Number 43314 to Billy C. Jennings, aka Billy Clyde Jennings (Respondent). The  
26 Applicator License expired on March 30, 2008, and has not been renewed.

27 3. On or about March 14, 2006, the Structural Pest Control Board issued Field  
28 Representative License Number 39744 to Billy C. Jennings, aka Billy Clyde Jennings

1 (Respondent). The Field Representative License was in full force and effect at all times relevant  
2 to the charges brought herein and will expire on June 30, 2014, unless renewed.

### 3 JURISDICTION

4 4. This Accusation is brought before the Structural Pest Control Board (Board),  
5 Department of Pesticide Regulation, under the authority of the following laws. All section  
6 references are to the Business and Professions Code unless otherwise indicated.

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

11 6. Section 8625 of the Code states:

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

16 7. Section 8654 of the Code states:

17 Any individual who has been denied a license for any of the reasons  
18 specified in Section 8568, or who has had his or her license revoked, or whose  
19 license is under suspension, or who has failed to renew his or her license while it  
20 was under suspension, or who has been a member, officer, director, associate,  
21 qualifying manager, or responsible managing employee of any partnership,  
22 corporation, firm, or association whose application for a company registration has  
23 been denied for any of the reasons specified in Section 8568, or whose company  
24 registration has been revoked as a result of disciplinary action, or whose company  
25 registration is under suspension, and while acting as such member, officer,  
26 director, associate, qualifying manager, or responsible managing employee had  
27 knowledge of or participated in any of the prohibited acts for which the license or  
28 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.

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## STATUTORY PROVISIONS

8. Section 8593 of the Code 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.

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

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

9. Section 8593.1 of the Code states:

The board shall require as a condition to the renewal of each applicator's license that the holder thereof submit proof satisfactory to the board that he or she has completed courses of continuing education in pesticide application and use 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 successfully apply for and pass an appropriate written applicator's examination for renewal of a license given by the board.

10. Section 8637 of the Code states in pertinent part that “[m]isrepresentation 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 states in pertinent part that “[f]ailure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, . . . is a ground for disciplinary action.”

## REGULATORY PROVISION

12. Title 16, California Code of Regulations (“Regulation”), section 1950, subdivision (a), states:

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1 Except as provided in section 1951, every licensee is required, as a condition to a  
2 renewal of a license, to certify that he or she has completed the continuing  
3 education requirements set forth in this article. A licensee who cannot verify  
4 completion of continuing education by producing certificates of activity  
5 completion, whenever required to do so by the Board, may be subject to  
6 disciplinary action under section 8641 of the code.

### 7 COST RECOVERY

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

### 12 FACTS

13 14. On or before July 25, 2011, Respondent submitted a renewal application for his  
14 Field Representative's License to the Board in which he certified to the Board that he had taken  
15 all required continuing education coursework. Specifically, Respondent signed a License  
16 Renewal Application, which provided in pertinent part:

17 Continuing Education Certification – I have completed 16 [blank filled in with the  
18 number 16] hours of continuing education required for renewal of my license. I DECLARE  
19 UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA  
20 THAT THE FOREGOING IS TRUE AND CORRECT.

21 Respondent signed his name below the above certification, and dated his signature  
22 "7/19/11."

23 15. Thereafter, on October 20, 2011, Respondent was notified that he had been  
24 selected for a continuing education (CE) audit by the Board. Respondent was informed, in  
25 writing that he was to submit to the Board copies of his certificates of course completion for the  
26 renewal period of July 1, 2008 through June 30, 2011. Respondent was given two weeks to  
27 respond to the Board's request or risk disciplinary action being taken against his license.  
28 Respondent failed to provide the Board with any certificates of completion of CE requirements  
for the renewal period of July 1, 2008 through June 30, 2011. On November 18, 2011, the Board

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1 received Respondent's response stating that he had no CE hours for the renewal period of July 1,  
2 2008 through June 30, 2011.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Failure To Provide Proof Of Continuing Education)**

5 16. Respondent's Field Representative License is subject to disciplinary action under  
6 Code section 8641, for failure to comply with Code section 8593 and Regulation section 1950,  
7 subdivision (a), in that Respondent failed to provide the Board with verifiable documentation to  
8 demonstrate that he completed the continuing education requirements as a condition of renewal of  
9 his Field Representative License, as set forth above in paragraphs 14 and 15.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Misrepresentation of Fact Regarding Continuing Education)**

12 17. Respondent's Field Representative License and Applicartor's License are subject  
13 to disciplinary action under Code sections 8637, in that Respondent misrepresented that he had  
14 completed 16 hours of continuing education coursework in his license renewal application, when  
15 in fact he had failed to fulfill the Board's continuing education requirements as a condition of  
16 renewal of his license as set forth above in paragraphs 14 and 15.

17 **PRAYER**

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

- 20 1. Revoking or suspending Field Representative License Number 39744,  
21 issued to Billy C. Jennings, aka Billy Clyde Jennings;  
22 2. Revoking or suspending Applicator License Number 43314, issued to Billy  
23 C. Jennings, aka Billy Clyde Jennings;

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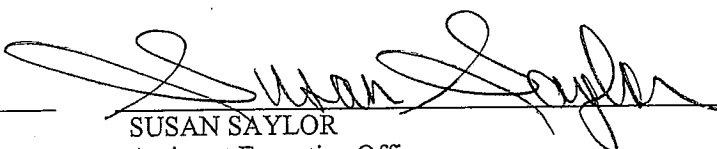
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3. Ordering Billy C. Jennings to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 10/3/12 

SUSAN SAYLOR  
Assistant Executive Officer  
Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
*Complainant*

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