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

11 In the Matter of the Accusation Against:

Case No. 2009-67

12 **JAMIE A. RENEAU**

DEFAULT DECISION AND ORDER

13 Respondent. [Gov. Code, §11520]
14

15 FINDINGS OF FACT

- 16 1. On or about June 22, 2009, Complainant Kelli Okuma, in her official capacity as the
17 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
18 Affairs, filed Accusation No. 2009-67 against Jamie A. Reneau (Respondent) before the
19 Structural Pest Control Board.
- 20 2. On or about May 22, 2007, the Structural Pest Control Board (Board) issued
21 Registered Applicator's License No. RA 47426 to Respondent. The Registered Applicator's
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on May 22, 2010, unless renewed.
- 24 3. On or about November 18, 2009, Mona Sebastian, an employee of the Department of
25 Justice, served by First Class and Certified Mail a copy of the Accusation No. 2009-67, Statement
26 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections
27 11507.5,
28 ///

1 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:
2 909 Rancheros Drive, San Marcos, CA 92069. A copy of the Accusation is attached as exhibit
3 A, and is incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c). On or about November 23, 2009, the
6 aforementioned documents were returned by the U.S. Postal Service marked "Attempted No
7 Known" and "Unable to Forward."

8 5. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent files
10 a notice of defense, and the notice shall be deemed a specific denial of all parts of the
11 accusation not expressly admitted. Failure to file a notice of defense shall constitute a
12 waiver of respondent's right to a hearing, but the agency in its discretion may
13 nevertheless grant a hearing.

14 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
16 2009-67.

17 7. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions
20 or upon other evidence and affidavits may be used as evidence without any notice to
21 respondent.

22 8. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 evidence on file herein, finds that the allegations in Accusation No. 2009-67 are true.

25 9. The total cost for investigation and enforcement in connection with the Accusation
26 are \$1,126.00 as of September 2, 2009.

27 DETERMINATION OF ISSUES

28 1. Based on the foregoing findings of fact, Respondent Jamie A. Reneau has subjected
his Registered Applicator's License No. RA 47426 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

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4. The Structural Pest Control Board is authorized to revoke Respondent's Registered Applicator's License based upon the following violation alleged in the Accusation:

Respondent has subjected his license to disciplinary action under sections 490 and 8649 of the Code in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered applicator. On or about December 2, 2008, in a criminal proceeding entitled *People of the State of California v. Jamie Reneau*, in Los Angeles County Superior Court, case number BA338633, Respondent was convicted on his plea of guilty to violating Penal Code section 273.5, subdivision (a) corporal injury to spouse (Count 1); and Penal Code section 245, subdivision (a)(1), assault by means likely to produce great bodily injury (Count 6), felonies.

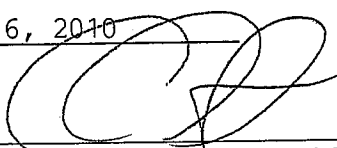
ORDER

IT IS SO ORDERED that Registered Applicator's License No. RA 47426, heretofore issued to Respondent Jamie A. Reneau, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 6, 2010.

It is so ORDERED April 6, 2010



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

Attachment: Exhibit A: Accusation No. 2009-67
SD2009803886

Exhibit A
Accusation No. 2009-67

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STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-67

13 JAMIE A. RENEAU
Corky's Pest Control
14 909 Rancheros Drive
San Marcos, CA 92069

A C C U S A T I O N

15 Registered Applicator's License No. RA 47426

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about May 22, 2007, the Structural Pest Control Board issued
24 Registered Applicator's License Number RA 47426, Branches 2 and 3, to Jamie A. Reneau
25 (Respondent). The Registered Applicator's License will expire on May 22, 2010, unless
26 renewed.

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JURISDICTION

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

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

9 5. Section 8625 of the Code states:

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

STATUTORY PROVISIONS

15 6. Section 490 of the Code provides, in pertinent part, that a board may
16 suspend or revoke a license on the ground that the licensee has been convicted of a crime
17 substantially related to the qualifications, functions, or duties of the business or profession for
18 which the license was issued.

19 7. Section 8649 of the Code 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 8. Section 8654 of the Code states, in pertinent part, that if discipline is
25 imposed on Registered Applicator's License No. RA 47426, Respondent shall be prohibited from
26 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
27 employee for any registered company during the time the discipline is imposed, and any
28 registered company which employs, elects, or associates Respondent shall be subject to
disciplinary action.

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(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee or registered company has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee or registered company.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any of rehabilitation submitted by the licensee or registered company.

COST RECOVERY

12. Section 125.3 of the Code 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.

CAUSE FOR DISCIPLINE

(December 2, 2008 Criminal Conviction for Assault & Corporal Injury to Spouse)

13. Respondent has subjected his license to disciplinary action under sections 490 and 8649 of the Code in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered applicator. The circumstances are as follows:

a. On or about December 2, 2008, in a criminal proceeding entitled *People of the State of California v. Jamie Reneau*, in Los Angeles County Superior Court, case number BA338633, Respondent was convicted on his plea of guilty to violating Penal Code section 273.5, subdivision (a) corporal injury to spouse (Count 1); and Penal Code section 245, subdivision (a)(1), assault by means likely to produce great bodily injury (Count 6), felonies.

b. As a result of the conviction, on or about December 2, 2008, Respondent was sentenced to a total of three years in state prison as follows: as to Count 1, Respondent was sentenced to the low term of two years with credit for 312 days. As to Count 6,

1 Respondent was sentenced to one-third of the mid-term of three years (one year), with credit for
2 312 days. Both sentences were ordered to run consecutively. Respondent was further ordered to
3 pay \$1,440 in fines, fees, and restitution. A protective order was issued for his victim.

4 c. The facts that led to the conviction were that on or about the
5 evening of January 29, 2008, officers from the Los Angeles Police Department were dispatched
6 to a call of an assault in a park. Upon arrival, the officers met with a public safety officer in the
7 park who related that he came upon Respondent and his wife (DOE) sitting in a parked vehicle.
8 The officer told the couple he needed to close the park and asked them to leave. A short time
9 later, DOE ran towards the officer yelling that he (Respondent) had beaten and raped her.
10 Respondent drove away. The LAPD officers transported DOE to her home where she gave the
11 following information: DOE and Respondent had been married for three years but split up a
12 month earlier. On the evening in question, she had been sitting with Respondent in their vehicle
13 in front of her residence discussing their relationship. As DOE attempted to leave the vehicle,
14 Respondent pulled her back inside and began choking her. Respondent closed and locked the
15 passenger door and drove off. DOE pleaded with Respondent to take her home. Respondent
16 stopped in a parking lot and threatened to punch DOE if she did not talk to him. Respondent
17 began choking DOE again and then told her to remove her clothing or he would hurt her. Based
18 on past domestic violence incidents, DOE was fearful she would be hurt and complied. DOE
19 continuously fought off Respondent and begged him to stop. Respondent choked DOE again
20 until she was nearly unconscious and then raped her. She attempted to jump out of the car, but
21 Respondent held her. When the park public safety officer arrived, DOE took the opportunity to
22 escape. DOE told the officers that she and Respondent had a long history of domestic violence
23 and that this was the second time he had raped her. Respondent was subsequently arrested on
24 May 8, 2008.

25 OTHER MATTERS

26 14. Pursuant to section 8654 of the Code, if discipline is imposed on
27 Registered Applicator License RA 47426 issued to Respondent, Respondent shall be prohibited
28 from serving as an officer, director, associate, partner, qualifying manager, or responsible

1 managing employee for any registered company during the time the discipline is imposed, and
2 any registered company which employs, elects, or associates Respondent shall be subject to
3 disciplinary action.

4 PRAYER

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

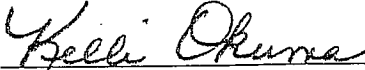
7 1. Revoking or suspending Registered Applicator's License Number RA
8 47426, issued to Jamie A. Reneau;

9 2. Prohibiting Jamie A. Reneau from serving as an officer, director,
10 associate, partner, qualifying manager or responsible managing employee of any registered
11 company during the period that discipline is imposed on Registered Applicator's License No. RA
12 47426, issued to Jamie A. Reneau;

13 3. Ordering Jamie A. Reneau to pay the Structural Pest Control Board the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

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

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18 DATED: 6/22/09

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20 
21 KELLI OKUMA
22 Registrar/Executive Officer
23 Structural Pest Control Board
24 Department of Consumer Affairs
25 State of California
26 Complainant