

**FILED**

Date *7/25/12* By *William H. Douglas*

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

12 In the Matter of the Accusation Against:  
13 **GREGORY D. BRIGHT**  
14 **P.O. Box 8371**  
**Anaheim, CA 92812**  
15 **Applicator License No. RA 48618**  
16 Respondent.

Case No. 2013-6  
**ACCUSATION**

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about March 20, 2008, the Structural Pest Control Board issued Applicator  
24 License Number RA 48618 to Gregory D. Bright (Respondent). The Applicator License was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on March  
26 20, 2014, unless renewed.

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1 **JURISDICTION**

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

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

9 5. Section 8625 of the Code states:

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

14 **STATUTORY PROVISIONS**

15 6. Section 482 of the Code states:

16 Each board under the provisions of this code shall develop criteria to evaluate  
17 the rehabilitation of a person when:

18 (a) Considering the denial of a license by the board under Section 480; or

19 (b) Considering suspension or revocation of a license under Section 490.

20 Each board shall take into account all competent evidence of rehabilitation  
21 furnished by the applicant or licensee.

22 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
23 revoke a license on the ground that the licensee has been convicted of a crime substantially  
24 related to the qualifications, functions, or duties of the business or profession for which the  
25 license was issued.

26 8. Section 493 of the Code states:

27 Notwithstanding any other provision of law, in a proceeding conducted by a  
28 board within the department pursuant to law to deny an application for a license or to  
suspend or revoke a license or otherwise take disciplinary action against a person who  
holds a license, upon the ground that the applicant or the licensee has been convicted  
of a crime substantially related to the qualifications, functions, and duties of the

1 licensee in question, the record of conviction of the crime shall be conclusive  
2 evidence of the fact that the conviction occurred, but only of that fact, and the board  
3 may inquire into the circumstances surrounding the commission of the crime in order  
4 to fix the degree of discipline or to determine if the conviction is substantially related  
5 to the qualifications, functions, and duties of the licensee in question.

6 As used in this section, "license" includes "certificate," "permit," "authority,"  
7 and "registration."

8 9. Section 8649 of the Code states:

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

13 10. Section 8654 of the Code states:

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

11. Section 8655 of the Code 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.

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1 **REGULATORY PROVISIONS**

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

3 For the purposes of denial, suspension or revocation of a license or company  
4 registration pursuant to Division 1.5 (commencing with Section 475) of the code, a  
5 crime or act shall be considered to be substantially related to the qualifications,  
6 functions or duties of a licensee or registered company under Chapter 14 of Division  
7 3 of the code if to a substantial degree it evidences present or potential unfitness of  
8 such licensee or registered company to perform the functions authorized by the  
9 license or company registration in a manner consistent with the public health, safety,  
10 or welfare. Such crimes or acts shall include, but not be limited to, the following:

11 (a) Any violation of the provisions of Chapter 14 of Division 3 of the code.

12 (b) Commission of any of the following in connection with the practice of  
13 structural pest control:

14 (1) Fiscal dishonesty

15 (2) Fraud

16 (3) Theft

17 (4) Violations relating to the misuse of pesticides.

18 13. California Code of Regulations, title 16, section 1937.2 states:

19 .....

20 (b) When considering the suspension or revocation of a structural pest control  
21 license or company registration on the grounds that the licensee or registered  
22 company has been convicted of a crime, the board, in evaluating the rehabilitation of  
23 such person or company and his or her or its present eligibility for a license or  
24 company registration will consider the following:

25 (1) Nature and severity of the act(s) or offense(s).

26 (2) Total criminal record.

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

28 (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.

(c) When considering a petition for reinstatement of a structural pest control  
license or company registration, the board shall evaluate evidence of rehabilitation  
submitted by the petitioner, considering those criteria specified in subsection (b).

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**COST RECOVERY**

14. Section 125.3 of the Code provides, in pertinent part, that the 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.

**FIRST CAUSE FOR DISCIPLINE**

**(Multiple Criminal Convictions for Public Intoxication)**

15. Respondent has subjected his license to disciplinary action under sections 490 and 8649 of the Code in that he was convicted of crimes that are substantially related to the qualifications, functions, and duties of an applicator. The circumstances are as follows:

a. On or about February 1, 2012, in a criminal proceeding entitled *People of the State of California v. Gregory David Bright*, in Orange County Superior Court, case number 12NM00987, Respondent was convicted on his plea of guilty of violating Penal Code section 647, subdivision (f), public intoxication, a misdemeanor, committed on January 10, 2012. As a result of the conviction, on or about February 1, 2012, Respondent was sentenced to 30 days in the Orange County Jail, with credit for four days, and granted three years informal probation. Respondent was ordered to consume no alcohol, pay fees, fines, and restitution, and to stay away from McDonald's restaurants.

b. On or about April 10, 2012, in a criminal proceeding entitled *People of the State of California v. Gregory David Bright*, in Orange County Superior Court, case number 12WM020029, Respondent was convicted on his plea of guilty of violating Penal Code section 647, subdivision (f), public intoxication, a misdemeanor, committed on February 19, 2012. As a result of the conviction, on or about April 10, 2012, Respondent was sentenced to 10 days in the Orange County Jail, with credit for four days, to run concurrent with any other sentence, and ordered to pay fees, fines, and restitution.

c. On or about April 10, 2012, in a criminal proceeding entitled *People of the State of California v. Gregory David Bright*, in Orange County Superior Court, case number 12WM02981, Respondent was convicted on his plea of guilty of violating Penal Code section

1 647, subdivision (f), public intoxication, a misdemeanor, committed on March 12, 2012. As a  
2 result of the conviction, on or about April 10, 2012, Respondent was sentenced to 10 days in the  
3 Orange County Jail, with credit for four days, and ordered to pay fees, fines, and restitution.

4 d. On or about April 25, 2012, in a criminal proceeding entitled *People of the*  
5 *State of California v. Gregory David Bright*, in Orange County Superior Court, case number  
6 12WM03629, Respondent was convicted on his plea of guilty of violating Penal Code section  
7 647, subdivision (f), public intoxication, a misdemeanor, committed on March 4, 2012. As a  
8 result of the conviction, on or about April 25, 2012, Respondent was sentenced to 10 days in the  
9 Orange County Jail, and ordered to pay fees, fines, and restitution.

10 e. On or about May 29, 2012, in a criminal proceeding entitled *People of the*  
11 *State of California v. Gregory David Bright*, in Orange County Superior Court, case number  
12 12WM04531, Respondent was convicted on his plea of guilty of violating Penal Code section  
13 647, subdivision (f), public intoxication, a misdemeanor, committed on April 9, 2012. As a result  
14 of the conviction, on or about May 29, 2012, the court suspended sentencing, and ordered  
15 Respondent to pay fees, fines, and restitution.

16 f. On or about May 29, 2012, in a criminal proceeding entitled *People of the*  
17 *State of California v. Gregory David Bright*, in Orange County Superior Court, case number  
18 12WM04787, Respondent was convicted on his plea of guilty of violating Penal Code section  
19 647, subdivision (f), public intoxication, a misdemeanor, committed on May 3, 2012. As a result  
20 of the conviction, on or about May 29, 2012, the court suspended sentencing, and ordered  
21 Respondent to pay fees, fines, and restitution.

22 g. On or about May 29, 2012, in a criminal proceeding entitled *People of the*  
23 *State of California v. Gregory David Bright*, in Orange County Superior Court, case number  
24 12WM05303, Respondent was convicted on his plea of guilty of violating Penal Code section  
25 647, subdivision (f), public intoxication, a misdemeanor, committed on May 4, 2012. As a result  
26 of the conviction, on or about May 29, 2012, the court suspended sentencing, and ordered  
27 Respondent to pay fees, fines, and restitution.

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1 SECOND CAUSE FOR DISCIPLINE

2 (April 10, 2012 Criminal Conviction for Petty Theft on February 22, 2012)

3 16. Respondent has subjected his license to disciplinary action under sections 490 and  
4 8649 of the Code in that he was convicted of a crime that is substantially related to the  
5 qualifications, functions, and duties of an applicator. The circumstances are as follows:

6 a. On or about April 10, 2012, in a criminal proceeding entitled *People of the*  
7 *State of California v. Gregory David Bright*, in Orange County Superior Court, case number  
8 12WM02285, Respondent was convicted on his plea of guilty of violating Penal Code section  
9 484(a)/488, petty theft, and Penal Code section 853.7, failure to appear, misdemeanors.

10 b. As a result of the conviction, on or about April 10, 2012, Respondent was  
11 granted three years informal probation, and sentenced to serve 45 days in the Orange County Jail,  
12 with credit for four days, to run concurrent with any other sentence. Respondent was ordered to  
13 stay away from Rite Aid stores, and pay fees, fines, and restitution.

14 c. The circumstances that led to the conviction are that on or about the  
15 afternoon of February 22, 2012, a loss prevention officer at a Westminster Rite Aid store,  
16 observed Respondent conceal a bottle of Gilbey's gin under his shirt in the waistband of his pants.  
17 Respondent left the Rite Aid without paying for the merchandise; he was detained by the loss  
18 prevention officer. Respondent was arrested by the Westminster Police Department, cited, and  
19 released with an order to appear in court on March 26, 2012.

20 DISCIPLINARY CONSIDERATIONS

21 (June 10, 1994 Criminal Conviction for Involuntary Manslaughter on March 25, 1994)

22 17. To determine the degree of discipline, if any, to be imposed on Respondent, pursuant  
23 to California Code of Regulations, title 16, section 1937.2, Complainant alleges:

24 a. On or about June 10, 1994, in a criminal proceeding entitled *People of the*  
25 *State of California v. Gregory David Bright*, in Orange County Superior Court, case number  
26 94NF0740, Respondent was convicted on his plea of guilty of violating Penal Code section 192,  
27 subdivision (b), involuntary manslaughter, a felony. The court found true the special allegations  
28 that the offense was a serious felony, within the meaning of Penal Code section 1192.7,

1 subdivision (c)(1); and that Respondent used a firearm in the commission of the offense, within  
2 the meaning of Penal Code sections 1203.06, subdivision (a)(1) and 12022.5, subdivision (a).

3 b. As a result of the conviction, on or about June 10, 1994, Respondent was  
4 sentenced to 117 days in the Orange County Jail, with credit for 117 days, and he was placed on  
5 five years formal probation. Respondent was required to attend five AA meetings per week, and  
6 ordered to abstain from alcoholic beverages, pay fees, fines, and restitution, and comply with the  
7 terms of felony probation. On or about April 24, 1996, following multiple probation violations,  
8 Respondent was sentenced to two years in state prison, with credit for 223 days.

9 **OTHER MATTERS**

10 18. Pursuant to section 8654 of the Code, if discipline is imposed on Applicator License  
11 Number RA 48618 issued to Respondent, Gregory D. Bright shall be prohibited from serving as  
12 an officer, director, associate, partner, qualifying manager, or responsible managing employee for  
13 any registered company during the time the discipline is imposed, and any registered company  
14 which employs, elects, or associates Gregory D. Bright shall be subject to disciplinary action.

15 **PRAYER**

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

- 18 1. Revoking or suspending Applicator License Number RA 48618, issued to Gregory D.  
19 Bright;
- 20 2. Ordering Gregory D. Bright to pay the Structural Pest Control Board the reasonable  
21 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
22 Code section 125.3;
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 7/25/12

25 *William H. Douglas*  
26 WILLIAM H. DOUGLAS  
27 Interim Registrar/Executive Officer  
28 Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
*Complainant*

SD2012703481