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

11 In the Matter of the Accusation Against:

Case No. 2009-46

12 OAH No. 2009061446

13 **JOHN TRAVIS DOSSEY**

DEFAULT DECISION AND ORDER

14 7128 Circlet Way
Citrus Heights, CA 95621

[Gov. Code, §11520]

15 **Registered Applicator's License No. RA**
16 **48741**

17 Respondent.

18 **FINDINGS OF FACT**

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20 1. On or about March 2, 2009, Complainant Kelli Okuma, in her official capacity as the
21 Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide
22 Regulation, filed Accusation No. 2009-46 against John Travis Dossey (Respondent) before the
23 Structural Pest Control Board.

24 2. On or about April 29, 2008, the Structural Pest Control Board (Board) issued
25 Registered Applicator's License No. RA 48741 to Respondent. The Registered Applicator's
26 License was in full force and effect at all times relevant to the charges brought herein and will
27 expire on April 29, 2011, unless renewed.

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1 11. The total cost for investigation and enforcement in connection with the Accusation
2 are \$1,965.50 as of September 30, 2009. See exhibit B.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent John Travis Dossey has
5 subjected his Registered Applicator's License No. RA 48741 to discipline.

6 2. A copy of the Accusation is attached.

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

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

10 a. Business and Professions Code section 8649 (criminal conviction).

11 **ORDER**

12 IT IS SO ORDERED that Registered Applicator's License No. RA 48741, heretofore issued
13 to Respondent John Travis Dossey, is revoked.

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

18 This Decision shall become effective on January 29, 2010.

19 It is so ORDERED December 30, 2009

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21 
22 FOR THE STRUCTURAL PEST CONTROL BOARD
23 DEPARTMENT OF PESTICIDE REGULATION
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28 Attachment:
Exhibit A: Accusation No. 2009-46

Exhibit B: Costs

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FILED

Date 3-2-09 By *Kelli Okuma*

7 Attorneys for Complainant

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. 2009-46

13 JOHN TRAVIS DOSSEY
14 7128 Circlet Way
15 Citrus Heights, CA 95621

ACCUSATION

16 Registered Applicator's License No. RA 48741

Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Kelli Okuma ("Complainant") brings this Accusation solely in her official
20 capacity as the Registrar/Executive Officer of the Structural Pest Control Board.
21 2. On or about April 29, 2008, the Board issued Registered Applicator's
22 License Number RA 48741 to John Travis Dossey (Respondent) in Branches 2 and 3. The
23 Registered Applicator's License was in full force and effect at all times relevant to the charges
24 brought herein and will expire on April 29, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Structural Pest Control Board under
27 the authority of the following laws. All section references are to the Business and Professions
28 Code unless otherwise indicated.

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

5 5. Code section 8625 states:

6 "The lapsing or suspension of a license or company registration by
7 operation of law or by order or decision of the board or a court of
8 law, or the voluntary surrender of a license or company registration
9 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."

10 **STATUTORY PROVISIONS**

11 6. Section 8649 provides, in pertinent part, that the Board may discipline a
12 structural pest control applicator who has been convicted of a crime substantially related to the
13 qualifications, function and duties of their profession. "The certified record of conviction shall
14 be conclusive evidence thereof." (*Id.*)

15 **COST RECOVERY**

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

20 **CAUSE FOR DISCIPLINE**

21 **(Criminal Conviction)**

22 8. Respondent is subject to disciplinary action under Code section 8649 in
23 that he was convicted of a crime which is substantially related to the qualifications, functions,
24 and duties of a Registered Applicator. On or about August 5, 2008, in the criminal proceeding
25 titled *People v. John Travis Dossey* (Super. Ct. Placer County, 2008, Case No. 62-77485),
26 Respondent was convicted by the court on his plea of guilty to violating Penal Code section 496,
27 subdivision (a) (receiving stolen property). The circumstances of the crimes are as follows:

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1 Respondent was employed at Dan Gamel's RV Service Center in May 2007 as a
2 detail technician. In or about the week of May 10, 2007, a customer brought in an RV for repairs
3 and respondent performed detail work on the RV. On May 16, 2007, the customer arrived to
4 pick up his RV and discovered the stereo amplifier missing. On May 16, 2007, Respondent
5 admitted to Placer County Sheriff's Department that he purchased the stolen amplifier from a co-
6 worker for \$20.

7 **OTHER MATTERS**

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

13 10. Pursuant to Code section 8654, if discipline is imposed on Registered
14 Applicator's License Number RA 48741, issued to Respondent John Travis Dossey, then
15 respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying
16 manager or responsible managing employee of a licensee, and any licensee which employs,
17 elects, or associates him shall be subject to disciplinary action.

18 **PRAYER**

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

21 1. Revoking or suspending Registered Applicator's License Number RA
22 48741, issued to John Travis Dossey;

23 2. Ordering John Travis Dossey to pay the Structural Pest Control Board the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

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3. Prohibiting John Travis Dossey from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of a licensee during the period that discipline is imposed on Registered Applicator License No. RA 48741, issued to John Travis Dossey; and

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

DATED: 3-2-09

Kelli Okuma
KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
State of California

Complainant

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