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FILED

Date 9/26/13 By Susan Saylor

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

11 In the Matter of the Accusation Against:

Case No. 2014-19

12 **PATRICK WILLIAM LOCKARD**
13 **4121 Oakmont Rd.**
Shingle Springs, CA 95682

ACCUSATION

14 **Applicator License No. RA 51362**

15 Respondent.

16
17 Susan Saylor ("Complainant") alleges:

18 **PARTIES**

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

22 2. On or about September 28, 2010, the Board issued Applicator License Number RA
23 51362 to Patrick William Lockard ("Respondent"). The license was in full force and effect at all
24 times relevant to the charges brought herein and will expire on September 28, 2013, unless
25 renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
28 the Board may suspend or revoke a license when it finds that the holder, while a licensee or

1 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
2 of a suspension may assess a civil penalty.

3 4. Code section 8625 states:

4 The lapsing or suspension of a license or company registration by operation of
5 law or by order or decision of the board or a court of law, or the voluntary surrender
6 of a license or company registration shall not deprive the board of jurisdiction to
7 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.

8 STATUTORY PROVISIONS

9 5. Code section 8649 states:

10 Conviction of a crime substantially related to the qualifications, functions, and
11 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.

12 COST RECOVERY

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

17 FIRST CAUSE FOR DISCIPLINE

18 (Conviction of a Crime)

19 7. Respondent is subject to discipline under Code section 8649, in that on or about
20 July 10, 2013, in the case of *People v. Patrick William Lockard*, (Super. Ct. El Dorado County,
21 2013, Case No. P12CRF0485), Respondent was convicted by the Court on his plea of nolo
22 contendere of violating Penal Code section 243.4(a) (sexual battery by restraint), a felony. The
23 crime is substantially related to the qualifications, functions or duties of a licensed applicator.
24 The circumstances of the crime were that on or about August 2, 2012, Respondent willfully and
25 unlawfully touched an intimate part of Jane Doe, while said person was unlawfully restrained by
26 Respondent, and against her will and for the purpose of sexual arousal, sexual gratification, and
27 sexual abuse.

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

DATED: 9/26/13



SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
State of California
Complainant

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