

**FILED**

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Date 10/8/12 By Susan Saylor

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. 2013-18

12 **JAMES D. DYE**  
13 **1645 Sycamore Street**  
**Gridley, CA 95948**

**ACCUSATION**

14 **Applicator License No. RA 51458, Br. 2 & 3**  
15 **Respondent.**

17 Susan Saylor ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Assistant  
20 Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

21 2. On or about October 26, 2010, the Board issued Applicator License Number RA  
22 51458, in Branches 2 and 3 to James D. Dye ("Respondent"). The license was in full force and  
23 effect at all times relevant to the charges brought herein and will expire on October 26, 2013,  
24 unless renewed.

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1 **JURISDICTION**

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

6 4. Code section 8625 states:

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

13 **STATUTORY PROVISIONS**

14 5. Code section 8649 states:

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

19 **COST RECOVERY**

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

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Conviction of a Crime)**

26 7. Respondent is subject to discipline under Code section 8649, in that on or about  
27 October 25, 2011, in the case of *People v. James Douglas Dye*, (Super. Ct. Butte County, 2011,  
28 Case No. CM035098), Respondent was convicted by the Court on his plea of nolo contendere of  
violating Penal Code section 470(d) (forgery), a felony. The crime is substantially related to the  
qualifications, functions or duties of an applicator.

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1 OTHER MATTERS

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

7 9. Pursuant to Code section 8654, if discipline is imposed on Applicator License  
8 Number RA 51458, issued to Respondent, then Respondent shall be prohibited from serving as an  
9 officer, director, associate, partner or responsible managing employee of a licensee, and any  
10 licensee which employs, elects, or associates Respondent shall be subject to disciplinary action.

11 PRAYER

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

14 1. Revoking or suspending Applicator License Number RA 51458, issued to James D.  
15 Dye;

16 2. Revoking or suspending any other license issued to James D. Dye;

17 3. Prohibiting James D. Dye from serving as an officer, director, associate, partner,  
18 qualifying manager or responsible managing employee of any registered company during the  
19 period that discipline is imposed on Applicator License Number RA 51458, issued to James D.  
20 Dye;

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1           4.    Ordering James D. Dye to pay the Structural Pest Control Board the reasonable costs  
2 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
3 section 125.3; and,

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

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6 DATED: 10/8/12



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

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