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FILED
Date 1/17/13 By Susan Saylor

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

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| In the Matter of the Accusation Against:<br><br>**CASEY W. JACOBSON**<br>**4136 Avalon Court**<br>**Fremont, CA 94536**<br><br>**Field Representative License No. FR 43899, Branch 2**<br>**Applicator License No. RA 52539, Branch 3**<br><br>Respondent. | Case No. 2013-30<br><br>**ACCUSATION** |

Complainant alleges:

PARTIES

1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the Interim Registar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

2. On or about December 22, 2008, the Structural Pest Control Board issued Field Representative License Number FR 43899, Branch 2 to Casey W. Jacobson (Respondent). The Field Representative License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on June 30, 2014, unless renewed.

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3. On or about September 26, 2011, the Structural Pest Control Board issued Applicator License Number RA 52539, Branch 3, to Casey W. Jacobson (Respondent). The Applicator License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on September 26, 2014, unless renewed.

JURISDICTION

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

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

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 8625 of the Code states "[t]he lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration 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."

STATUTORY/REGULATORY PROVISIONS

8. Section 8641 of the Code states:

"Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood destroying pests or organisms, or furnishing a notice of work completed prior to the completion of the work specified in the contract, is a ground for disciplinary action."

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9. Section 8593 of the Code states, in pertinent part:

"The board shall require as a condition to the renewal of each operator's and field representative's license that the holder submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board. In lieu of submitting that proof, the licenseholder, if he or she so desires, may take and successfully complete an examination given by the board, designed to test his or her knowledge of developments in the field of pest control since the issuance of his or her license."

10. Section 8637 of the Code states:

"Misrepresentation of a material fact by the applicant in obtaining a license or company registration is a ground for disciplinary action."

11. Section 8642 of the Code states:

"The commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, or applicator is a ground for disciplinary action"

12. California Code of Regulations, title 16, section 1950, subdivision (d), states, in pertinent part:

"Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 hours continuing education hours, field representative licensed in three branches of pest control shall have completed 24 hours continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be gained for each branch of pest control licensed and a minimum of eight hours must be gained from Board approved courses on the Structural Pest Control Act and its rules and regulations."

COST RECOVERY

13. Section 125.3 of the Code states, 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.

APPLICATION INFORMATION

14. At some time after September 6, 2011, the Board received an application to renew Field Representative License Number FR 43899, Branch 2, from Respondent. On or about September 6, 2011, Respondent certified under penalty of perjury that the information contained in the application was true and correct, including information regarding continuing education requirements.

FIRST CAUSE FOR DISCIPLINARY ACTION
(Failure to Provide Proof of Continuing Education)
(Bus. & Prof. Code § 8641)

15. Respondent has subjected his field representative's license to disciplinary action under Section 8641 of the Code in that he failed to comply with the requirements of Title 16, California Code of Regulations, section 1950, subdivision (d). Specifically, Respondent failed to provide proof of having acquired 16 hours of continuing education for the renewal period of July 1, 2008, through June 30, 2011, as claimed on his renewal application dated September 6, 2012. In order to assure compliance with continuing education requirements, the Board instructed Respondent in a letter dated October 27, 2011, to submit to the Board copies of his continuing education completion certificates for the renewal period of July 1, 2008, through June 30, 2011. On or about January 13, 2012, the Board sent a second letter to Respondent again instructing him to submit to the Board copies of his continuing education completion certificates for the renewal period of July 1, 2008, through June 30, 2011. On or about March 13, 2012, the Board sent a final letter to Respondent requesting the same information. On or about October 17, 2012, Respondent told a Board representative that he could only locate his continuing education certificate for three hours, and faxed it to the Board, along with a letter of explanation. On or about October 22, 2012, the Board sent Respondent a letter notifying him that his submission of his three hours of continuing education certificate was not sufficient, and that he was out of compliance for the 2011 audit and that, accordingly, his license was subject to disciplinary action.

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## SECOND CAUSE FOR DISCIPLINARY ACTION
(Misrepresentation)
(Bus. & Prof. Code § 8637)

16. The allegations of paragraphs 14 and 15 are hereby realleged and incorporated by reference, as if fully set forth.

17. Respondent has subjected his field representative's license to disciplinary action under Section 8637 of the Code in that he obtained the renewal of his field representative's license by misrepresenting the material fact that he had acquired 16 hours of continuing education, when in fact he had not, as set forth in paragraphs 14 and 15, above.

## THIRD CAUSE FOR DISCIPLINARY ACTION
(Fraudulent Act)
(Bus. & Prof. Code § 8642)

18. The allegations of paragraphs 14 and 15 are hereby realleged and incorporated by reference as if fully set forth.

19. Respondent has subjected his field representative's license to disciplinary action under Section 8642 of the Code in that he committed a fraudulent act by certifying under penalty of perjury on his renewal application that he had acquired and could demonstrate 16 hours of continuing education in order to meet the license renewal requirements pursuant to Title 16, California Code of Regulations, section 1950, subdivision (d). Indeed, Respondent failed to obtain 16 hours of continuing education and/or failed to demonstrate that he had done so, as set forth in paragraphs 14 and 15, above.

## PRAYER

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

1. Revoking or suspending Field Representative License Number FR 43899, Branch 2, issued to Casey W. Jacobson;

2. Revoking or suspending Applicator License Number RA 52539, Branch 3, issued to Casey W. Jacobson;

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3. Ordering Casey W. Jacobson to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 1/17/13

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

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