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FILED

Date 10/1/14 By *Susan Saylor*

7
8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2015-12

11 **VICKY L. DAVIS**
12 P.O. Box 20903
13 Bakersfield, CA 93390

A C C U S A T I O N

14 **Applicator License No. RA 52419, Br. 2 and**
15 **3**

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about August 16, 2011, the Board issued Applicator License No. RA 52419 in
23 Branches 2 and 3 to Vicky L. Davis ("Respondent"). The Applicator License was in full force and
24 effect at all times relevant to the charges brought herein, expired on August 16, 2014, and has not
25 been renewed.

26 **JURISDICTION**

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

1 7. Section 8649 states:

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

5 8. Section 8654 states:

6 "Any individual who has been denied a license for any of the reasons specified in Section
7 8568, or who has had his or her license revoked, or whose license is under suspension, or who has
8 failed to renew his or her license while it was under suspension, or who has been a member,
9 officer, director, associate, qualifying manager, or responsible managing employee of any
10 partnership, corporation, firm, or association whose application for a company registration has
11 been denied for any of the reasons specified in Section 8568, or whose company registration has
12 been revoked as a result of disciplinary action, or whose company registration is under suspension,
13 and while acting as such member, officer, director, associate, qualifying manager, or responsible
14 managing employee had knowledge of or participated in any of the prohibited acts for which the
15 license or registration was denied, suspended or revoked, shall be prohibited from serving as an
16 officer, director, associate, partner, qualifying manager, or responsible managing employee of a
17 registered company, and the employment, election or association of such person by a registered
18 company is a ground for disciplinary action."

19 9. Section 8655 states:

20 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
21 charge substantially related to the qualifications, functions, and duties of a structural pest control
22 operator, field representative, applicator, or registered company is deemed to be a conviction
23 within the meaning of this article or Section 8568 of this chapter. The board may order the license
24 or registration suspended or revoked, or may decline to issue a license, when the time for appeal
25 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
26 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
27 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company
28

1 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
2 or dismissing the accusation, information or indictment."

3 **REGULATORY PROVISIONS**

4 10. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

5 "For the purposes of denial, suspension or revocation of a license or company registration
6 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
7 considered to be substantially related to the qualifications, functions or duties of a licensee or
8 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
9 evidences present or potential unfitness of such licensee or registered company to perform the
10 functions authorized by the license or company registration in a manner consistent with the public
11 health, safety, or welfare."

12 **COST RECOVERY**

13 11. Section 125.3 states, in pertinent part, that a Board may request the administrative law
14 judge to direct a licentiate found to have committed a violation or violations of the licensing act to
15 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of a Substantially Related Crime)**

18 12. Respondent is subject to disciplinary action under section 480 and section 8649, in
19 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent has
20 been convicted of a crime substantially related to the qualifications, functions or duties of a
21 licensed applicator, as follows:

22 a. On or about March 11, 2014, after pleading nolo contendere, Respondent was
23 convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [petty
24 theft], in the criminal proceeding entitled *The People of the State of California v. Vicky Louise*
25 *Davis* (Super. Ct. San Bernardino County, 2014, No. MVI1304079). The Court sentenced
26 Respondent to serve six days in San Bernardino County Jail and placed Respondent on probation
27 for thirty-six (36) months.

1 time of the hearing and must be noted in the proposed decision. The proposed decision shall not
2 provide that a civil penalty shall be imposed in lieu of a suspension.


3 15. Pursuant to section 8654, if discipline is imposed on Applicator's License No. RA
4 52419, issued to Respondent, Respondent shall be prohibited from serving as an officer, director,
5 associate, partner, qualifying manager, or responsible managing employee for any registered
6 company during the time the discipline is imposed, and any registered company which employs,
7 elects, or associates Respondent shall be subject to disciplinary action.

8 **PRAYER**

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

- 11 1. Revoking or suspending Applicator License No. RA 52419, issued to Vicky L. Davis;
- 12 2. Ordering Vicky L. Davis to pay the Board the reasonable costs of the investigation
13 and enforcement of this case, pursuant to section 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: 10/1/14


17 _____
18 SUSAN SAYLOR
19 Registrar/Executive Officer
20 Structural Pest Control Board
21 Department of Consumer Affairs
22 State of California
23 *Complainant*

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