

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS
Deputy Attorney General
4 State Bar No. 131767
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2078
7 Facsimile: (619) 645-2061
Attorneys for Complainant

FILED

Date 3/24/15 By *Susan Saylor*

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

11
12 In the Matter of the Petition to Revoke
13 Probation Against:

14 **RICHARD J. SPERRY**
1331 Morena Boulevard, Suite 300
15 San Diego, CA 92110

16 **Applicator License No. RA 52879**

17 Respondent.

Case No. 2013-25

PETITION TO REVOKE PROBATION

18 Complainant alleges:

19 **PARTIES**

20 1. Susan Saylor (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Registrar/Executive Officer of the Structural Pest Control Board,
22 Department of Consumer Affairs.

23 2. On or about March 8, 2012, the Structural Pest Control Board issued Applicator
24 License Number RA 52879 to Richard J. Sperry (Respondent). The Applicator License was in
25 effect at all times relevant to the charges brought herein and will expire on June 30, 2015, unless
26 renewed.

27 3. In a disciplinary action entitled "*In the Matter of the Accusation Against Richard J.*
28 *Sperry*," Case No. 2013-25, the Structural Pest Control Board, issued a decision, effective

1 February 28, 2014, in which Respondent's Applicator License was revoked. However, the
2 revocation was stayed and Respondent's Applicator License was placed on probation for a period
3 of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit
4 A and is incorporated by reference.

5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Structural Pest Control Board
7 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
8 references are to the Business and Professions Code (Code) unless otherwise indicated.

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

13 6. Section 8625 of the Code states:

14 The lapsing or suspension of a license or company registration by operation of
15 law or by order or decision of the board or a court of law, or the voluntary surrender
16 of a license or company registration shall not deprive the board of jurisdiction to
17 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."

18 FIRST CAUSE TO REVOKE PROBATION

19 (Quarterly Reports)

20 7. At all times after the effective date of Respondent's probation, Condition 4 stated:

21 **Quarterly Reports.** Respondent shall file quarterly reports with the Board during the
22 period of probation.

23 8. Respondent's probation is subject to revocation because he failed to comply with
24 Probation Condition 4, referenced above. Approximately two weeks after the effective date of the
25 Board's Decision and Order, Respondent was sent a letter providing him with specific dates for
26 filing quarterly reports. As of March 2015, Respondent has failed to file any quarterly reports
27 despite being sent two letters reminding him of his responsibility to do so.

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1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Payment of Enforcement Costs)**

3 9. At all times after the effective date of Respondent's probation, Condition 8 stated:

4 **Payment of Enforcement Costs.** Within 90 days from the effective date of this decision,
5 respondent shall pay to the SPCB the sum of \$1,542.50 for the SPCB's costs of enforcement.

6 10. Respondent's probation is subject to revocation because he failed to comply with
7 Probation Condition 8, referenced above. Respondent has failed to pay any of the enforcement
8 costs as ordered.

9 **PRAYER**

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

12 1. Revoking the probation that was granted by the Structural Pest Control Board in Case
13 No. 2013-25 and imposing the disciplinary order that was stayed thereby revoking Applicator
14 License No. RA 52879 issued to Richard J. Sperry;

15 2. Revoking or suspending Applicator License No. RA 52879, issued to Richard J.
16 Sperry; and

17 3. Taking such other and further action as deemed necessary and proper.

18
19
20 DATED: 3/24/15



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

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