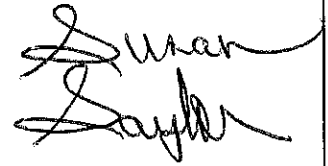


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**FILED**

Date 2/3/15 By



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

12 In the Matter of the Accusation Against:

Case No. 2015-37

13 **AARON D. PALMER**  
14 **13380 Edgemont Street**  
**Moreno Valley, CA 92553**

**ACCUSATION**

15 **Applicator License No. RA 53334**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about June 27, 2012, the Structural Pest Control Board issued Applicator  
24 License Number RA 53334 in Branches 2 and 3 to Aaron D. Palmer (Respondent). The  
25 Applicator License was in full force and effect at all times relevant to the charges brought herein.  
26 The Applicator License was suspended on November 24, 2012, for failure to comply with a  
27 judgment or order for family support, pursuant to Family Code section 17520. The Applicator  
28 License will expire on June 27, 2015, unless renewed.



1 licensee in question, the record of conviction of the crime shall be conclusive  
2 evidence of the fact that the conviction occurred, but only of that fact, and the board  
3 may inquire into the circumstances surrounding the commission of the crime in order  
4 to fix the degree of discipline or to determine if the conviction is substantially related  
5 to the qualifications, functions, and duties of the licensee in question.

6 As used in this section, "license" includes "certificate," "permit," "authority,"  
7 and "registration."

8 9. Section 8649 of the Code states:

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

13 10. Section 8654 of the Code states:

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

11. Section 8655 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere  
made to a charge substantially related to the qualifications, functions, and duties of a  
structural pest control operator, field representative, applicator, or registered company  
is deemed to be a conviction within the meaning of this article or Section 8568 of this  
chapter. The board may order the license or registration suspended or revoked, or  
may decline to issue a license, when the time for appeal has elapsed, or the judgment  
of conviction has been affirmed on appeal or when an order granting probation is  
made suspending the imposition of sentence, irrespective of a subsequent order under  
the provisions of Section 1203.4 of the Penal Code allowing the individual or  
registered company to withdraw a plea of guilty and to enter a plea of not guilty, or  
setting aside the verdict of guilty, or dismissing the accusation, information or  
indictment.

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## REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1937.1 states:

For the purposes of denial, suspension or revocation of a license or company registration pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensee or registered company under Chapter 14 of Division 3 of the code if to a substantial degree it evidences present or potential unfitness of such licensee or registered company to perform the functions authorized by the license or company registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

(a) Any violation of the provisions of Chapter 14 of Division 3 of the code.

(b) Commission of any of the following in connection with the practice of structural pest control:

(1) Fiscal dishonesty

(2) Fraud

(3) Theft

(4) Violations relating to the misuse of pesticides.

13. California Code of Regulations, title 16, section 1937.2 states:

.....

(b) When considering the suspension or revocation of a structural pest control license or company registration on the grounds that the licensee or registered company has been convicted of a crime, the board, in evaluating the rehabilitation of such person or company and his or her or its present eligibility for a license or company registration will consider the following:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee or registered company has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee or registered company.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any of rehabilitation submitted by the licensee or registered company.

(c) When considering a petition for reinstatement of a structural pest control license or company registration, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

1 **COST RECOVERY**

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **CAUSE FOR DISCIPLINE**

9 **(June 24, 2014 Criminal Conviction for Petty Theft on April 30, 2014)**

10 15. Respondent has subjected his license to disciplinary action under sections 490 and  
11 8649 of the Code in that he was convicted of a crime that is substantially related to the  
12 qualifications, functions, and duties of an applicator. The circumstances are as follows:

13 a. On or about June 24, 2014, in a criminal proceeding entitled *People of the*  
14 *State of California v. Aaron David Palmer*, in Sonoma County Superior Court, case number SCR-  
15 649667, Respondent was convicted on his plea of nolo contendere of violating Penal Code section  
16 484(a), petty theft, a misdemeanor.

17 b. As a result of the conviction, Respondent was granted conditional  
18 probation for 24 months, and sentenced to serve one day in jail, with pre-custody credit for one  
19 day. Respondent was ordered to submit to a Fourth Amendment waiver, pay fees and fines, and  
20 stay away from the Safeway store in Windsor.

21 c. The circumstances that led to the conviction are that on the evening of  
22 April 30, 2014, loss prevention officers at a Windsor Safeway store observed Respondent conceal  
23 a bottle of whiskey and a sandwich in his front pants pocket. Respondent was intercepted outside  
24 of the store when he left without paying for the items. Respondent resisted being detained by the  
25 loss prevention officers; he was handcuffed and taken to the security office. A Sonoma County  
26 Sheriff's Deputy interviewed Respondent who admitted he was intoxicated and hungry when he  
27 went into the store. Respondent was arrested and transported to jail.

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**OTHER MATTERS**


16. Pursuant to section 8654 of the Code, if discipline is imposed on Applicator License Number RA 53334 issued to Respondent, Aaron D. Palmer shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Aaron D. Palmer shall be subject to disciplinary action.

**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 Applicator License Number RA 53334, issued to Aaron D. Palmer;
- 2. Ordering Aaron D. Palmer 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;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 2/3/15

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

SD2014708328