

FILED

Date 2/14/17 By *Susan Saylor*

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

11 In the Matter of the Accusation Against:

Case No. 2017-48

12 **PATRICK JOHN SILVA**
13 **P.O. Box 28503**
Fresno, CA 93723

ACCUSATION

14 **Applicator License No. RA 54686**

15 Respondent.

16
17 Susan Saylor ("Complainant") alleges:

18 **PARTIES**

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

22 2. On or about July 22, 2013, the Board issued Applicator License Number RA 54686 to
23 Patrick John Silva ("Respondent"). The license was in full force and effect at all times relevant to
24 the charges brought herein and will expire on June 30, 2017, unless renewed.

25 **JURISDICTION**

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

3 4. Code section 8625 states:

4 The lapsing or suspension of a license or company registration by operation of
5 law or by order or decision of the board or a court of law, or the voluntary surrender
6 of a license or company registration shall not deprive the board of jurisdiction to
7 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.

8 STATUTORY PROVISIONS

9 5. Code section 8649 states:

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

12 COST RECOVERY

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

17 CAUSE FOR DISCIPLINE

18 (Conviction of a Crime)

19 7. Respondent is subject to discipline under Code section 8649, in that on or about
20 June 15, 2016, in the case of *People v. Patrick John Silva*, (Super. Ct. Fresno County, 2016, Case
21 No. F16901495), Respondent was convicted by the Court on his plea of guilty of two counts of
22 Penal Code section 211 (second degree robbery), felonies, with an enhancement of one count of
23 violating Penal Code section 12022(b)(1) (used a deadly and dangerous weapon, to wit: a knife,
24 in the commission and attempted commission of said offense). The circumstances of the crimes
25 were that on or about January 13, 2016, and February 5, 2016, Respondent willfully, unlawfully,
26 and by means of force and fear took personal property from the person, possession, and
27 immediate presence of X.Z. and B.S., respectively.

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1 **MATTERS IN AGGRAVATION**

2 8. On or about November 8, 2006, in the case of *People v. Patrick John Silva*, (Super.
3 Ct. Fresno County, 2006, Case No. F06908238/F0698213), Respondent was convicted by the
4 Court on his plea of nolo contendere of violating Penal Code section 211 (second degree
5 robbery), a felony; Penal Code section 459/460 (second degree burglary), a felony; and Vehicle
6 Code section 10851(a) (vehicle theft), a felony.

7 **OTHER MATTERS**

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

13 10. Pursuant to Code section 8654, if discipline is imposed on Applicator License
14 Number RA 54686, issued to Respondent, then Respondent shall be prohibited from serving as an
15 officer, director, associate, partner or responsible managing employee of a licensee, and any
16 licensee which employs, elects, or associates Respondent shall be subject to disciplinary action.

17 **PRAYER**

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

- 20 1. Revoking or suspending Applicator License Number RA 54686, issued to Patrick
21 John Silva;
- 22 2. Revoking or suspending any other license issued to Patrick John Silva;
- 23 3. Prohibiting Patrick John Silva from serving as an officer, director, associate, partner,
24 qualifying manager or responsible managing employee of any registered company during the
25 period that discipline is imposed on Applicator License Number RA 54686, issued to Patrick John
26 Silva;

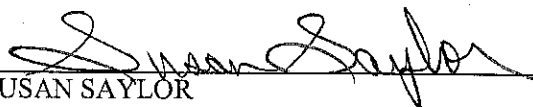
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1 4. Ordering Patrick John Silva to pay the Structural Pest Control Board the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3; and,

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

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6 DATED: 2/14/17


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

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