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FILED
Date 3/23/16 By Susan Saylor

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **TERREN C. NAVONE** 19905 Hirsch Court Anderson, CA 96007 Field Representative's License No. FR 50111 Applicator's License No. RA 56751 Respondent.	Case No. 2016-46 **ACCUSATION**

Susan Saylor ("Complainant") alleges:

PARTIES

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

Applicator's License

2. On or about April 9, 2015, the Board issued Applicator's License Number No. RA 56751, in Branches 2 (general pest) and 3 (termite), to Terren C. Navone, also known as Terren Christopher Navone ("Respondent"), as an employee of Big Time Pest Control in Anderson, California. On or about April 28, 2015, the Applicator's License was downgraded to include Branch 2 only due to issuance of a Branch 3 Field Representative's license. The license was in

full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2017, unless renewed.

Field Representative's License

3. On or about April 28, 2015, the Board issued Field Representative's License Number FR 50111, Branch 3, to Terren C. Navone ("Respondent"), as an employee of Big Time Pest Control in Anderson, California. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2017, unless renewed.

JURISDICTION

4. Business and Professions Code ("Code") section 8620 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.

5. Code section 8625 states:

> The 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 PROVISIONS

6. Code section 8649 states:

> Conviction of a crime substantially related to the qualifications, functions, and 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.

7. Code section 8654 states:

> Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or registration was denied, suspended or

revoked, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is a ground for disciplinary action.

8. Code section 8655 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.

COST RECOVERY

9. Code section 125.3 provides, 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Criminal Conviction)

10. Respondent is subject to discipline under Code section 8649, in that he committed a crime that is substantially related to the qualifications, functions, or duties of a field representative and/or an applicator. Specifically, on or about September 23, 2015, in the case entitled, *People v. Terren Christopher Navone,* Shasta County Superior Court, Case No. MC RD CRF 150003987, Respondent was convicted by the court on his plea of nolo contendere of violating Penal Code section 503 (embezzlement), a misdemeanor. The circumstances of the crime are that between in or around January 2014 and January 2015, Respondent used, and allowed his wife to use, a City of Shasta Lake fuel card for their own personal use, for a total of

$4,512.31. The card had been issued to him for use in his capacity as an employee of the City of Lake Shasta only.

OTHER MATTERS

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

12. Pursuant to Code section 8654, if discipline is imposed on Applicator's License Number RA 56751 and Field Representative's License Number FR 50111, issued to Terren C. Navone, then Terren C. Navone shall be prohibited from serving as an officer, director, associate, partner or responsible managing employee of a registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Terren C. Navone as an officer, director, associate, partner or responsible managing employee 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's License Number RA 56751, issued to Terren C. Navone, also known as Terren Christopher Navone;

2. Revoking or suspending Field Representative's License Number FR 50111, issued to Terren C. Navone, also known as Terren Christopher Navone;

3. Prohibiting Terren C. Navone, also known as Terren Christopher Navone, from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company during the period that discipline is imposed on Applicator's License Number RA 56751 and Field Representative's License Number FR 50111 issued to Terren C. Navone, also known as Terren Christopher Navone;

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4. Ordering Terren C. Navone, also known as Terren Christopher Navone, 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; and,

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

DATED: 3/23/16

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

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