

Structural Pest Control Board
Title 16, California Code of Regulations
Proposed Text
(Additions in Underscore; Deletions in ~~Strikeout~~)

§ 1936. Form and Date for Filing Application for License.

- (a) An application for an initial operator's or field representative's license shall be:
- (1) Filed at the principal office of the board on Form 43L-1 (Rev. ~~6/16~~ 7/20) or Form 43L-14 (Rev. ~~6/16~~ 7/20), which are hereby incorporated by reference, and shall comply with every requirement shown thereon.
 - (2) Accompanied by the required fee.
- (b) All documents filed in support of any application ~~will~~ shall be retained by the board; provided, however, that the board may, at its discretion, permit such documents to be withdrawn upon substitution of a true copy.

Note: Authority cited: Section 8525, Business and Professions Code.
Reference: Sections 114.5, 115.5, 480, 8560-8566 and 8674, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.

§ 1936.1. Form and Date for Filing Application for Company Registration Certificate.

- (a) An application for a company registration certificate shall be:
- (1) Filed at the principal office of the board on Form 43L-26 (Rev. ~~3/14~~ 7/20), which is hereby incorporated by reference, and shall comply with every requirement shown thereon.
 - (2) Accompanied by the required company registration fee.
- (b) All documents filed in support of any application ~~will~~ shall be retained by the board; provided, however, that the board may, at its discretion, permit such documents to be withdrawn upon substitution of a true copy.

Note: Authority cited: Section 8525, Business and Professions Code.
Reference: Sections 114.5, 115.5, 480, 8610 and 8674, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.

§ 1936.2. Form for Filing Application for Applicator's License.

- (a) An application for an initial applicator's license shall be:
- (1) Filed at the principal office of the board on Form 43L-21 (Rev. ~~4/15~~ 7/20), which is hereby incorporated by reference, and shall comply with every requirement shown thereon.
 - (2) Accompanied by the required fee.
- (b) All documents filed in support of any application ~~will~~ shall be retained by the board.

Note: Authority cited: Section 8525, Business and Professions Code.
Reference: Sections 114.5, 115.5, 480, 8564.5 and 8564.6, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.

§ 1937.1. Substantial Relation Criteria.

- (a) For the purposes of denial, suspension or revocation of a license or company registration, pursuant to section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, 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:~~
- (b) In making the substantial relationship criteria determination required under subdivision (a) for a crime, the board shall consider the following criteria:
- (1) The nature and gravity of the offense;
 - (2) The number of years elapsed since the date of the offense; and
 - (3) The nature of duties of the structural pest control license or registration being sought, or held, by the person.
- (c) For the purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:
- ~~(a)~~ (1) Any violation of the provisions of Chapter 14 of Division 3 of the code.
 - ~~(b)~~ (2) Commission of any of the following in connection with the practice of structural pest control:
 - ~~(1)~~ (A) Fiscal dishonesty
 - ~~(2)~~ (B) Fraud
 - ~~(3)~~ (C) Theft
 - ~~(4)~~ (D) Violations relating to the misuse of pesticides.

Note:

Authority cited: Sections 481 and 8525, Business and Professions Code.

Reference: Sections 8525, 8568, 8620 and 8646, Business and Professions Code.

§ 1937.2. Criteria for Rehabilitation.

- (a) When considering the denial of a structural pest control license or company registration under Section 480 of the Business and Professions Code, on the ground that the applicant was convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license or registration, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria: ~~the board, in evaluating the rehabilitation of the applicant and his or her or its present eligibility for a license or company registration will consider the following criteria:~~
- (1) The nature and gravity of the crime(s).
 - (2) The length(s) of the applicable parole or probation period(s).
 - (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
 - (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
 - (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.
- (b) If subdivision (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license or registration if, after considering the following criteria, the board finds the applicant is rehabilitated:
- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
 - (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
 - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) The criteria in subdivision (a)(1-5), as applicable.
 - ~~(5)~~ Evidence, if any, of rehabilitation submitted by the applicant.
- (~~b~~c) 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 shall consider whether the licensee or registered company made a showing of rehabilitation and is presently eligible for a license or registration, if the licensee or registered company completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria: ~~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) The nature and gravity of the crime(s).
 - (2) The length(s) of the applicable parole or probation period(s).
 - (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee or company's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(d) If subdivision (c) is inapplicable, or the board determines that the licensee or company did not make the showing of rehabilitation based on the criteria in subdivision (c), the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license or registration if, after considering the following criteria, the board finds that the applicant is rehabilitated:

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

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or ~~offense~~ crime(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) The criteria in subdivision (c)(1-5), as applicable.

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

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

~~(e)~~ 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)~~.

Note:

Authority cited: Sections 475, 476, 480-482, 484-487 and 8525, Business and Professions Code.

Reference: Sections 475,476, 480-482, 484-487 and 8525, Business and Professions Code.