

## Section 7.8

### Unlicensed and Unregistered Activity - Citation Strategies

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**Question posed at the Roundtable**

This document provides guidance on the following question posed at the Hearing Officer Roundtable:

- Many individuals perform pest control for hire and are not licensed to perform pest control activities. Should we take action against that person as being both “unlicensed and unregistered (Food and Agricultural Code [FAC] sections 11701 and 11732 respectively)?”
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**The applicant attempts to register**

In order to become registered to perform pest control for hire in a particular county, an applicant must register at the county agricultural commissioner’s (CAC’s) office. The county requires proof of a license or certificate issued by the Department of Pesticide Regulation (DPR) before it will register the applicant to perform pest control for hire in the county. If the applicant is unable to produce any documentation of a DPR-issued license or certificate, the county should advise the applicant that he/she first needs to obtain a DPR-issued license or certificate prior to conducting business anywhere in the State and that the county will not register the person until a DPR-issued license or certificate is provided.

Unless the county has independent evidence that the person has already performed pest control for hire in the county, it should not take action against the person as being both “unlicensed and unregistered.”

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**The applicator performs pest control for hire without registration and/or licensing**

In a different scenario, the inspector observes an applicator performing non-structural pest control and determines that the application is “for hire,” but the applicator cannot produce a DPR-issued license or certificate. In this case, it is appropriate to charge the applicator with being “unlicensed” and with being “unregistered” if it was confirmed by checking with DPR and the CAC’s office that the applicator is, indeed, neither licensed or registered, e.g., the elements of both FAC sections 11701 and 11732 can be proven.

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**One or both?**

In the above scenario, if the person is licensed by DPR, but not registered by the county, obviously only FAC section 11732 can be charged.

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## References

- FAC section 11701
  - FAC section 11732
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