1 2 3 4 5 6 7	EDMUND G. BROWN JR. Attorney General of California ALREDO TERRAZAS Senior Assistant Attorney General GREGORY J. SALUTE Supervising Deputy Attorney General State Bar No. 164015 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2520 Facsimile: (213) 897-2804 Attorneys for Complainant			
8	BEFORE THE STRUCTURAL PEST CONTROL BOARD			
10	DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA			
11				
12	In the Matter of the Petition to Revoke Probation Case No. 2011-4			
13	Against: PETITION TO REVOKE PROBATION			
14	MARTIN DURAN DURAN 635 Foxglove Place Oxnard, California 93036			
15	Field Representative License No. FR 12712, Br.1			
16	Respondent.			
17	7.65.75			
18	Kelli Okuma ("Complainant") alleges:			
19	PARTIES			
20	1. Complainant brings this Petition to Revoke Probation solely in her official capacity as			
21	the Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of			
22	Pesticide Regulation.			
23	2. On or about January 8, 1985, the Board issued Field Representative License Number			
24	FR 12712 in Branch 1 to Martin Duran Duran ("Respondent"). The license was in effect at all			
25	times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.			
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28				
	1 PETITION TO REVOKE PROBATION			

 PRIOR DISCIPLINE

3. In a disciplinary action entitled "In the Matter of the Accusation Against Martin Duran Duran," Case No. 2007-54, the Board issued a decision effective August 30, 2008, in which Respondent's Field Representative License was revoked and suspended for 15 days. However, the revocation was stayed and Respondent was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that Decision is attached as Exhibit A, and is incorporated herein by reference.

PETITION TO REVOKE PROBATION

4. At all times after the effective date of Respondent's probation, Condition 6 stated:

"Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board."

5. Respondent's probation is subject to revocation, in that he violated probation as set forth below:

FIRST CAUSE TO REVOKE PROBATION

(Failed to Obey All Laws)

- 6. At all times after the effective date of Respondent's probation, Condition 1 stated: "Respondent shall obey all laws and rules relating to the practice of structural pest control."
- 7. Respondent's probation is subject to revocation, in that he failed to comply with Condition 1, referenced above, by failing to notify the Board of his change of employment and mailing address, pursuant to Code section 8567, and California Code of Regulations, title 16, section 1911.

SECOND CAUSE TO REVOKE PROBATION

(Failed to File Quarterly Reports)

- 8. At all times after the effective date of Respondent's probation, Condition 2 stated: "Respondent shall file quarterly reports with the Board during the period of probation."
- 9. Respondent's probation is subject to revocation, in that he failed to comply with Condition 2, referenced above, by failing to file quarterly reports on November 30, 2008, and March 1, 2009, pursuant to California Code of Regulations, title 16, section 1937.12(a)(1).

THIRD CAUSE TO REVOKE PROBATION

(Failed to Complete Courses)

10. At all times after the effective date of Respondent's probation, Condition 10 stated:

"Respondent shall complete within twelve (12) months of the effective date of this decision eight (8) hours of technical continuing education and four (4) hours of rules and regulations which shall be in addition to any hours required for re-licensure. Said courses shall be preapproved by the Board."

11. Respondent's probation is subject to revocation, in that he failed to comply with Condition 10, referenced above, by failing to complete, within twelve (12) months of the effective date of the decision, eight (8) hours of technical continuing education and four (4) hours of rules and regulations which would be in addition to any hours required for re-licensure.

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:

Revoking the probation that was granted by the Structural Pest Control Board in Case
 No. 2007-54, and imposing the disciplinary order that was stayed thereby revoking Field
 Representative License No. FR 12712 issued to Martin Duran Duran;

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1	2. Revoking or suspending Field Representative License No. FR 12712, issued to			
2	Martin Duran Duran; and,			
3	3. Taking such other and further action as deemed necessary and proper.			
4	DATED: _	7/14/10	Gelli Okuna	
5		, ,	KELLI OKUMA Registrar/Executive Officer	
6			Structural Pest Control Board Department of Pesticide Regulation	
7			State of California Complainant	
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