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FILED

Date 7/9/15 By Susan Saylor

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:
12 **DAVID MICHAEL RUIZ**
13 **11257 Coloma Rd., Unit A-5**
Gold River, CA 95670
14 **Field Representative License No. FR 14675**
15 Respondent.

Case No. 2016-1
ACCUSATION

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 January 12, 1987, the Board issued Field Representative License Number
23 FR 14675 to David Michael Ruiz ("Respondent"), in Branches 1 and 3. On or about November
24 3, 1987, the license was upgraded to include Branch 2. On or about February 1, 1993, the license
25 was downgraded to include Branch 2 only. The license was in full force and effect at all times
26 relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

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1 depends on the number of branches of pest control in which licenses are held. The
2 subject matter covered by each activity shall be designated as "technical" or "general"
3 by the Board when the activity is approved. Hour values shall be assigned by the
4 Board to each approved educational activity, in accordance with the provisions of
5 section 1950.5.

6 (d) Field representatives licensed in one branch of pest control shall have
7 completed 16 continuing education hours, field representatives licensed in two
8 branches of pest control shall have completed 20 continuing education hours, field
9 representatives licensed in three branches of pest control shall have completed 24
10 continuing education hours during each three year renewal period. In each case, a
11 minimum of four continuing education hours in a technical subject directly related to
12 each branch of pest control held by the licensee must be gained for each branch of
13 pest control licensed and a minimum of eight hours must be gained from Board
14 approved courses on the Structural Pest Control Act, the Rules and Regulations, or
15 structural pest control related agencies' rules and regulations.

16 COST RECOVERY

17 8. Code section 125.3 states, in pertinent part, that a Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 BACKGROUND INFORMATION

22 9. In or about June 2013, Respondent submitted a License Renewal Application
23 (Field Representative) to the Board. On or about June 21, 2013, Respondent certified under
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application, including the successful completion of 16 hours of continuing education during the
26 renewal period of July 1, 2010, through June 30, 2013.

27 10. On or about January 3, 2014, March 21, 2014, August 1, 2014, August 18, 2014,
28 January 6, 2015, and January 26, 2015 the Board sent Respondent written requests for copies of
his continuing education certificates to verify the 16 hours of continuing education set forth on his
renewal application dated June 21, 2013. Respondent was advised on each occasion that if he
failed to submit verification of his continuing education within fourteen (14) days, his field
representative's license would be subject to disciplinary action. In addition, a Representative
from the Board attempted to contact Respondent via telephone on August 18, 2014, January 6,
2015, and January 26, 2015.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Verify Completion of Continuing Education)**

3 11. Respondent is subject to discipline under Code section 8641, for failure to comply
4 with California Code of Regulation, title 16, section 1950, by failing to submit verification that he
5 had completed 16 hours of continuing education. Respondent failed to submit copies of the
6 continuing education certificates as requested by the Board on January 3, 2014, March 21, 2014,
7 and August 1, 2014.

8 **OTHER MATTERS**

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

14 13. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
15 License Number FR 14675, issued to David Michael Ruiz, then David Michael Ruiz shall be
16 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
17 responsible managing employee for any registered company during the time the discipline is
18 imposed, and any registered company which employs, elects, or associates him shall be subject to
19 disciplinary action.

20 **PRAYER**

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

23 1. Revoking or suspending Field Representative's License Number FR 14675, issued
24 to David Michael Ruiz;

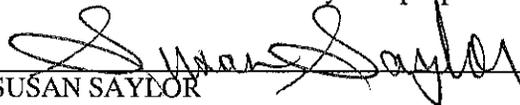
25 2. Prohibiting David Michael Ruiz from serving as an officer, director, associate,
26 partner, qualifying manager or responsible managing employee of any registered company during
27 the period that discipline is imposed on Field Representative's License Number FR 14675, issued
28 to David Michael Ruiz;

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3. Ordering David Michael Ruiz 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,

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

DATED: 7/9/15


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

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