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FILED

Date 11/8/11 By William H. Douglas

7 Attorneys for Complainant

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9 BEFORE THE
10 STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2012-23

13 JOSEPH RUBEN WHITE
AKA JOSEPH REUBEN WHITE
14 2285 East Carson Street, Suite 304
Long Beach, CA 90807

ACCUSATION

16 Field Representative's License No. FR 38293

17 Respondent.

19 Complainant alleges:

20 PARTIES

21 1. William H. Douglas (Complainant) brings this Accusation solely in his official
22 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board,
23 Department of Pesticide Regulation.

24 2. On or about March 4, 2005, the Structural Pest Control Board (Board) issued Field
25 Representative's License No. FR 38293 in Branch 2 to Joseph Ruben White aka Joseph Reuben
26 White (Respondent), employee of Orkin Exterminating Company, Inc. The Field
27 Representative's License was in full force and effect at all times relevant to the charges brought
28 herein and will expire on June 30, 2013, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code, unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 8620 provides, in 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. Section 8520.2, subdivision (e), states:

"The duties, powers, purposes, responsibilities, and jurisdictions of the board under the jurisdiction of the Department of Consumer Affairs shall remain with the board under the jurisdiction of the Department of Pesticide Regulation."

6. 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."

7. Section 8642 states:

"The commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a registered company is a ground for disciplinary action."

8. 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."

9. 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

1 failed to renew his or her license while it was under suspension, or who has been a member,
2 officer, director, associate, qualifying manager, or responsible managing employee of any
3 partnership, corporation, firm, or association whose application for a company registration has
4 been denied for any of the reasons specified in Section 8568, or whose company registration has
5 been revoked as a result of disciplinary action, or whose company registration is under
6 suspension, and while acting as such member, officer, director, associate, qualifying manager, or
7 responsible managing employee had knowledge of or participated in any of the prohibited acts for
8 which the license or registration was denied, suspended or revoked, shall be prohibited from
9 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
10 employee of a registered company, and the employment, election or association of such person by
11 a registered company is a ground for disciplinary action."

12 || 10. Section 8655 states:

"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to 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

24 11. Section 125.3 provides, in part, that the Board may request the administrative law
25 judge to direct a licentiate found to have committed a violation or violations of the licensing act to
26 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

12. Respondent's license is subject to disciplinary action under section 8649, in that Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a licensed field representative, as follows:

12 b. The circumstances surrounding the conviction are that on or between December 2,
13 2009 and January 21, 2010, Respondent, while employed at Orkin Exterminating Company, Inc.,
14 embezzled money and personal property of a value exceeding Four Hundred Dollars (\$400.00).
15 Specifically, Respondent opened a bank account in the name of "Orkin Pest Services" in which he
16 deposited two customer checks made payable to his employer. Respondent's employment with
17 Orkin Exterminating Company, Inc. did not include depositing customer checks for his employer.

SECOND CAUSE FOR DISCIPLINE

(Fraudulent Acts)

20 13. Respondent's license is subject to disciplinary action under section 8642, in that
21 Respondent committed a grossly negligent or fraudulent act as a field representative.
22 Complainant refers to, and by this reference incorporates, the allegations set forth above in
23 paragraph 12, inclusive, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

27 1. Revoking or suspending Field Representative License No. FR 38293, issued to
28 Joseph Ruben White aka Joseph Reuben White;

1 2. Ordering Joseph Ruben White to pay the Board the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and

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

5 DATED: 11/8/11

William H. Douglas

WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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