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

In the Matter of the Accusation Against:  
  
**JIMMY DEAN ROUSE JR.**  
**1584 Sheridan Road**  
**San Bernardino, CA 92407**  
  
**Field Representative License No. FR38393,**  
**Branch 3**  
  
Respondent.

Case No. 2009-54

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about April 17, 2009, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2009-54 against Jimmy Dean Rouse Jr. (Respondent) before the Structural Pest Control Board.
2. On or about March 25, 2005, the Structural Pest Control Board (Board) issued Field Representative License No. FR38393, Branch 3 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2010, unless renewed.

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2 3. On or about May 13, 2009, Carolina Lopez-Castillo, an employee of the Department  
3 of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2009-54,  
4 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code  
5 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which  
6 was and is:

7 **1584 Sheridan Road**  
8 **San Bernardino, CA 92407.**

9 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

10 4. Service of the Accusation was effective as a matter of law under the provisions of  
11 Government Code section 11505, subdivision (c).

12 5. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
15 of the accusation not expressly admitted. Failure to file a notice of defense shall  
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
17 may nevertheless grant a hearing.

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon him  
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
20 2009-54.

21 7. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the  
23 hearing, the agency may take action based upon the respondent's express admissions  
24 or upon other evidence and affidavits may be used as evidence without any notice to  
25 respondent.

26 8. Pursuant to its authority under Government Code section 11520, the Board finds  
27 Respondent is in default. The Board will take action without further hearing and, based on the  
28 evidence on file herein, finds that the allegations in Accusation No. 2009-54 are true.

9. The total cost for investigation and enforcement in connection with the Accusation  
are \$1,100.75 as of November 10, 2009.

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**DETERMINATION OF ISSUES**

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2       1.     Based on the foregoing findings of fact, Respondent Jimmy Dean Rouse Jr. has  
3 subjected his Field Representative License No. FR38393, Branch 3 to discipline.

4       2.     A copy of the Accusation is attached.

5       3.     The agency has jurisdiction to adjudicate this case by default.

6       4.     The Structural Pest Control Board is authorized to revoke Respondent's Field  
7 Representative License based upon the following violations alleged in the Accusation:

**CAUSE FOR DISCIPLINE**

**(Criminal Conviction)**

9  
10       a.     Respondent is subject to disciplinary action under section Code sections 8620 and  
11 8649, in that on or about September 16, 2008, before the Superior Court of California, County of  
12 San Bernardino, in the case entitled, People of the State of California v. Jimmy Dean Rouse, Jr.  
13 (Super. Ct. San Bernardino County, 2008, Case No. FSB803247), Respondent was convicted on  
14 his plea of guilty of violating Vehicle Code section 23153, subdivision (a) (unlawfully, while  
15 under the influence of an alcoholic beverage or drug or under their combined influence, drive a  
16 vehicle and in so driving, concurrently did an act forbidden by law and neglected a duty imposed  
17 by law which proximately caused bodily injury to CKS), and violating Vehicle Code section  
18 23153, subdivision (b) (drive a vehicle with a .08% or higher blood alcohol content causing  
19 injury), both felonies. The circumstances of the crime are that on or about August 5, 2008,  
20 Respondent was driving under the influence of alcohol and caused his motor vehicle to collide  
21 and damage the vehicle driven by CKS, and therefor causing CKS bodily injuries.

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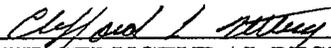
ORDER

IT IS SO ORDERED that Field Representative License No. FR38393, Branch 3, heretofore issued to Respondent Jimmy Dean Rouse Jr., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 29, 2010.

It is so ORDERED December 30, 2009

  
FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION

60493469.DOC  
DOJ Matter ID: LA2009900747

Attachment:

Exhibit A: Accusation No.2009-54

Exhibit A  
Accusation No. 2009-54

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 ALVARO MEJIA, State Bar No. 216956  
Deputy Attorney General  
4 300 So. Spring Street, Suite.1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-0083  
Facsimile: (213) 897-2804

**FILED**

Date 4/17/09 By Kelli Okuma

6 Attorneys for Complainant  
7

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:

Case No. 2009-54

12 **JIMMY DEAN ROUSE, JR.**  
13 1584 Sheridan Road  
San Bernardino, California 92407

**ACCUSATION**

14 Field Representative License No. FR 38393,  
Branch 3

Respondent.

16  
17 Kelli Okuma ("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 **License History**

23 2. On or about March 29, 2005, the Board issued Field Representative  
24 License Number FR 38393 ("license"), Branch 3, to Jimmy Dean Rouse, Jr. ("Respondent").  
25 The license will expire on June 30, 2010, unless renewed.

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**JURISDICTION**

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2           3.       Section 8620 of the Business and Professions Code (Code) provides, in  
3 pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while  
4 a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary  
5 action or in lieu of a suspension may assess a civil penalty.

6           4.       Code section 8624 states:

7                    “If the board suspends or revokes an operator's license and one or more branch  
8 offices are registered under the name of the operator, the suspension or revocation may be  
9 applied to each branch office.”

10          5.       Code section 8625 states:

11                    The lapsing or suspension of a license or company  
12 registration by operation of law or by order or decision of the board  
13 or a court of law, or the voluntary surrender of a license or  
14 company registration shall not deprive the board of jurisdiction to  
15 proceed with any investigation of or action or disciplinary  
16 proceeding against such licensee or company, or to render a  
17 decision suspending or revoking such license or registration.

18          6.       Section 8654 of the Code states:

19                    Any individual who has been denied a license for any of the  
20 reasons specified in Section 8568, or who has had his or her license  
21 revoked, or whose license is under suspension, or who has failed to  
22 renew his or her license while it was under suspension, or who has  
23 been a member, officer, director, associate, qualifying manager, or  
24 responsible managing employee of any partnership, corporation,  
25 firm, or association whose application for a company registration  
26 has been denied for any of the reasons specified in Section 8568, or  
27 whose company registration has been revoked as a result of  
28 disciplinary action, or whose company registration is under  
suspension, and while acting as such member, officer, director,  
associate, qualifying manager, or responsible managing employee  
had knowledge of or participated in any of the prohibited acts for  
which the license or registration was denied, suspended or revoked,  
shall be prohibited from serving as an officer, director, associate,  
partner, qualifying manager, or responsible managing employee of  
a registered company, and the employment, election or association  
of such person by a registered company is a ground for disciplinary  
action.

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1 7. Section 8655 of the Code states:

2 A plea or verdict of guilty or a conviction following a plea  
3 of nolo contendere made to a charge substantially related to the  
4 qualifications, functions, and duties of a structural pest control  
5 operator, field representative, applicator, or registered company is  
6 deemed to be a conviction within the meaning of this article or  
7 Section 8568 of this chapter. The board may order the license or  
8 registration suspended or revoked, or may decline to issue a  
9 license, when the appeal or when an order granting probation is  
10 made suspending the imposition of sentence, irrespective of a  
11 subsequent order under the provisions of Section 1203.4 of the  
12 Penal Code allowing the individual or registered company to  
13 withdraw a plea of guilty and to enter a plea of not guilty, or setting  
14 aside the verdict of guilty, or dismissing the accusation,  
15 information, or indictment.

16 **STATUTORY PROVISIONS**

17 8. Code section 8649 states:

18 Conviction of a crime substantially related to the  
19 qualifications, functions, and duties of a structural pest control  
20 operator, field representative, applicator, or registered company is a  
21 ground for disciplinary action. The certified record of conviction  
22 shall be conclusive evidence thereof.

23 **COST RECOVERY**

24 9. Code section 125.3 states, in pertinent part, that a Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations  
26 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.  
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1 CAUSE FOR DISCIPLINE

2 (Criminal Conviction)

3 10. Respondent is subject to disciplinary action under section Code sections  
4 8620 and 8649, in that on or about September 16, 2008, before the Superior Court of California,  
5 County of San Bernardino, in the case entitled, *People of the State of California v. Jimmy Dean*  
6 *Rouse, Jr.* (Super. Ct. San Bernardino County, 2008, Case No. FSB803247), Respondent was  
7 convicted on his plea of guilty of violating Vehicle Code section 23153, subdivision (a)  
8 (unlawfully, while under the influence of an alcoholic beverage or drug or under their combined  
9 influence, drive a vehicle and in so driving, concurrently did an act forbidden by law and  
10 neglected a duty imposed by law which proximately caused bodily injury to CKS), and violating  
11 Vehicle Code section 23153, subdivision (b) (drive a vehicle with a .08% or higher blood alcohol  
12 content causing injury), both felonies. The circumstances of the crime are that on or about  
13 August 5, 2008, Respondent was driving under the influence of alcohol and caused his motor  
14 vehicle to collide and damage the vehicle driven by CKS, and therefor causing CKS bodily  
15 injuries.

16 OTHER MATTERS

17 11. Pursuant to Code section 8654, if Respondent's license is revoked, then  
18 Respondent shall be prohibited from serving as an officer, director, associate, partner, or  
19 qualifying individual of any license, and any licensee which employs, elects or associates  
20 Respondent in any capacity other than as a non-supervising bona fide employee shall be subject  
21 to disciplinary action.

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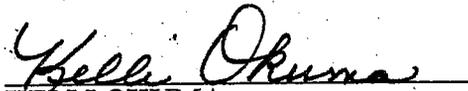
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PRAYER

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:

1. Revoking or suspending Field Representative License Number FR 38393 issued to Jimmy Dean Rouse, Jr.;
2. Prohibiting Jimmy Dean Rouse, Jr. from serving as an officer, director, associate, partner, or qualifying individual of any licensee;
3. Ordering Jimmy Dean Rouse, Jr. to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: 4/17/09

  
KELLI OKUMA  
Registrar/Executive Officer  
Structural Pest Control Board  
Department of Consumer Affairs  
State of California  
Complainant

DOJ Matter ID: LA2009900747  
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