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FILED

Date 11/8/11 By William H. Douglas

7 *Attorneys for Complainant*

8
9 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 **JOSHUA DANIEL BAPTISTA**
2315 Meredith Lane, Suite M
14 Santa Maria, CA 93455
15 **Field Representative's License No. FR 38822**
16 Respondent.

Case No. 2012-22

ACCUSATION

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18 Complainant alleges:

19 **PARTIES**

- 20 1. William H. Douglas (Complainant) brings this Accusation solely in his official
21 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board,
22 Department of Pesticide Regulation.
23 2. On or about June 20, 2005, the Structural Pest Control Board (Board) issued Field
24 Representative's License No. FR 38822 in Branch 3 to Joshua Daniel Baptista (Respondent). The
25 Field Representative's License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on June 30, 2013, unless renewed.

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1 9. Section 8654 states:

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8 been revoked as a result of disciplinary action, or whose company registration is under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

15 10. Section 8655 states:

16 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to
17 charge substantially related to the qualifications, functions, and duties of a structural pest control
18 operator, field representative, applicator, or registered company is deemed to be a conviction
19 within the meaning of this article or Section 8568 of this chapter. The board may order the
20 license or registration suspended or revoked, or may decline to issue a license, when the time for
21 appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order
22 granting probation is made suspending the imposition of sentence, irrespective of a subsequent
23 order under the provisions of Section 1203.4 of the Penal Code allowing the individual or
24 registered company to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside
25 the verdict of guilty, or dismissing the accusation, information or indictment."

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1 COST RECOVERY

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

5 CAUSE FOR DISCIPLINE

6 (Criminal Conviction)

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

10 a. On or about March 17, 2011, after pleading nolo contendere, Respondent was
11 convicted of one misdemeanor count of violating Penal Code section 314.1 [indecent exposure],
12 in the criminal proceeding entitled *The People of the State of California v. Joshua Daniel*
13 *Baptista* (Super. Ct. Santa Barbara County, 2011, No. 1345655). The Court placed Respondent on
14 supervised probation for a period of 3 years with certain terms and conditions and fined. In
15 addition, Respondent was ordered to register as a sex offender (Penal Code section 290).

16 b. The circumstances surrounding the conviction are that on or about November 30,
17 2009, Respondent willfully exposed his private parts to a female victim while she waited at a bus
18 stop.

19 PRAYER

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

22 1. Revoking or suspending Field Representative's License No. FR 38822, issued to
23 Joshua Daniel Baptista;

24 2. Ordering Joshua Daniel Baptista to pay the Board the reasonable costs of the
25 investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3; and

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

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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