

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Reinstatement
of:

OAH No. 2017060228

ANTHONY VENEGAS,

Petitioner.

DECISION

A quorum of the Structural Pest Control Board (Board) heard this matter on July 11, 2017, in Claremont, California. Administrative Law Judge Howard W. Cohen of the Office of Administrative Hearings presided.

Tim McDonough, Deputy Attorney General, represented the Attorney General under Government Code section 11522. Petitioner Anthony Venegas appeared on his own behalf.

Evidence was received, the record was closed, and the matter was submitted for decision on July 11, 2017, following which the Board met in executive session and decided the matter on the day of hearing.

FACTUAL FINDINGS

1. The Board issued Field Representative license number FR 39846, Branch 2, to petitioner on March 28, 2006. The Board accepted petitioner's license surrender effective November 12, 2011.¹

¹ The Board issued Applicator's license, number RA 44689, Branches 2 and 3, to respondent on October 20, 2005; the license was downgraded to include only Branch 3 when FR 39846 was issued to petitioner, and was canceled on October 20, 2008. A Field Representative license, number 34716, Branch 2, issued to petitioner on May 23, 2002, was cancelled on June 30, 2004. An Applicator's license, number RA 16331, issued to petitioner on October 20, 2000, was cancelled when FR 34716 was issued to petitioner.

2. On November 6, 2016, petitioner filed a Petition for Reinstatement of License with the Board.

3. On October 13, 2011, the Board issued a Decision and Order, effective November 12, 2011, adopting a Stipulated Settlement Surrender of License and Order signed by petitioner in Case No. 2010-4. In the Stipulated Settlement, petitioner admitted the truth of all charges and allegations in the Accusation filed in Case No. 2010-4, admitted that cause existed for license discipline, and agreed to pay the Board costs of investigation and enforcement in the amount of \$8,641 if his license were ever reinstated. The Accusation alleged a single cause for discipline based on petitioner's August 28, 2008, conviction for violating Penal Code section 422 (criminal threats; willfully and unlawfully threaten to commit a crime that would result in death or great bodily injury to a peace officer, with the specific intent that the statement be taken as a threat), a felony.

4. Petitioner took responsibility and expressed regret for his past actions. In compliance with his criminal probation, he successfully completed a 52-week domestic violence program and a six-month anger management course. The conviction was nine years ago. Since then, petitioner has taken monthly parenting classes with his church, covering such subjects as alcohol and drug abuse, anger, and depression. He appears to have turned his life around. There is no evidence of any problematic behavior since his conviction. Petitioner has remained with his wife, the victim of the abuse leading to his conviction, for 10 years; they have a three-year-old son and are due to have a second child in August 2017. Petitioner worked as a licensee for 11 years before he surrendered his license, and never had any complaints about his conduct as a licensee. Since surrendering his license, petitioner has not taken any continuing education courses, but he has been reviewing online websites concerning chemicals currently used in the field. He testified that he has "hit rock bottom" in searching for meaningful employment. He has seen the chaos his convictions caused and never again wants to subject his family to that.

LEGAL CONCLUSIONS

1. Petitioner has the burden of demonstrating that he has the necessary and current qualifications and skills to safely engage in the practice of structural pest control within the scope of current law and accepted standards of practice. (Gov. Code, § 11522.) If petitioner's license is reinstated, the Board may require him to pay costs associated with its investigation and enforcement of the prior disciplinary matter. (Bus. & Prof. Code, § 125.3.)

2. All evidence in support of the Petition for Reinstatement of License has been considered. Cause exists under Government Code section 11522 to grant the petition. Because of the seriousness of the actions underlying the revocation, and because petitioner did not produce documentation in support of his petition sufficient to warrant otherwise, the Board will issue a probationary license with appropriate conditions. The Order that follows, including probationary terms and conditions, is sufficient for the protection of the public.

ORDER

Petitioner Anthony Venegas's Petition for Reinstatement is granted. Field Representative license number FR 39846, Branch 2, shall be issued to petitioner. The license shall immediately be revoked, however, the order of revocation shall be stayed, and petitioner's license shall be placed on probation for three years on the following terms and conditions:

1. Obey All Laws

Petitioner shall obey all laws and rules relating to the practice of structural pest control.

2. Quarterly Reports

Petitioner shall file quarterly reports with the Board during the period of probation.

3. Tolling of Probation

Should petitioner leave California to reside outside this State, he must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the State shall not apply to reduction of the probationary period.

4. Notice to Employers

Petitioner shall notify all present and prospective employers of the decision in this case and the terms, conditions and restrictions imposed by this decision. Within 30 days of the effective date of this decision, and within 15 days of undertaking new employment, petitioner shall cause his employer to report to the Board in writing acknowledging the employer has read the decision in this matter.

5. Service as Officer or Director

Petitioner is prohibited from serving as an officer, director, associate, partner, qualifying manager, or branch office manager of any registered company during the period of probation.

6. Ownership

Petitioner shall not have any legal or beneficial interest in any company currently or hereinafter registered by the Board.

7. Costs

Petitioner shall reimburse the Board for its costs of investigation and enforcement in case number 2010-4 in the amount of \$8,641. Petitioner may make payments based on a plan approved by the Board.

8. Take and Pass Licensure Examination

Before he can work as a field representative under Field Representative license number 39846, Branch 2, petitioner shall take and pass the Field Representative's examination currently required of new applicants for a Field Representative's license. The examination shall be taken on regularly scheduled dates. Petitioner shall pay the established examination fee.

9. Violation of Probation

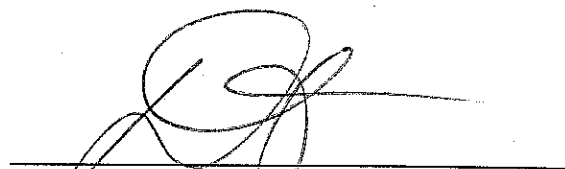
Should petitioner violate probation in any respect, the Board, after giving petitioner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation is filed against petitioner during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

10. Completion of Probation

Upon successful completion of probation, petitioner's license will be fully restored.

This Decision shall be effective September 8, 2017.

DATED: August 9, 2017



Dave Tamayo, President
Structural Pest Control Board
State of California