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**FILED**

Date 4/15/11

By William Douglas

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

11 In the Matter of the Accusation Against:

Case No. 2011-52

12 **JOSE CERVANTES**  
13 **12710 Magnolia Avenue**  
14 **Riverside, CA 92503**

**ACCUSATION**

15 **Field Representative License No. FR 40628**  
16 **Branch 2**

Respondent.

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18  
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about August 18, 2006, the Structural Pest Control Board issued Field  
25 Representative License Number FR 40628 in Branch 2 to Jose Cervantes (Respondent). The  
26 Field Representative License was in full force and effect at all times relevant to the charges  
27 brought herein and will expire on June 30, 2012, unless renewed.  
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1 **FACTS**

2 13. On or about May 15, 2009, Respondent submitted a License Renewal Application  
3 to the Board. Respondent certified under penalty of perjury on the form that he had completed  
4 the continuing education hours required to renew his license in accordance with regulations.

5 14. On or about December 8, 2009, February 8, 2010, May 11, 2010, and October 5,  
6 2010, the Board sent Respondent written requests instructing him to submit copies of his  
7 continuing education certificates for the renewal period to the Board within fourteen (14) days.  
8 Respondent was advised that if he failed to comply with the requests, his license would be subject  
9 to disciplinary action. Respondent was unable to provide the Board with any continuing  
10 education certificates for the renewal period of July 1, 2006 through June 30, 2009.  
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12 **FIRST CAUSE FOR DISCIPLINE**  
13 **(Failure to Verify Completion of Continuing Education)**

14 15. Respondent is subject to discipline under section 8641 of the Code on the grounds  
15 that Respondent failed to comply with California Code of Regulation, Title 16, section 1950(a),  
16 by failing to submit verification of completing continuing education courses by producing  
17 certificates of completion for the renewal period of July 1, 2006 through June 30, 2009, as  
18 requested by the Board on December 8, 2009, February 8, 2010, May 11, 2010, and October 5,  
19 2010.  
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21 **SECOND CAUSE FOR DISCIPLINE**  
22 **(Misrepresentation in Renewing License)**

23 16. Respondent is subject to discipline under section 8637 of the Code for  
24 misrepresentation of a material fact on his May 15, 2009 License Renewal Application by stating  
25 that he had completed the required continuing education hours to renew his license, when in fact  
26 he had not done so.

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**OTHER MATTERS**

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

7 18. Pursuant to Code section 8654, if discipline is imposed on Field Representative's  
8 License Number FR 40628, issued to Respondent, then Respondent shall be prohibited from  
9 serving as an officer, director, associate, partner, qualifying manager, or responsible managing  
10 employee for any registered company during the time the discipline is imposed, and any  
11 registered company which employs, elects, or associates Respondent shall be subject to  
12 disciplinary action.  
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**PRAYER**

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

- 18 1. Revoking or suspending Field Representative License Number FR 40628, issued to  
19 Jose Cervantes  
20 2. Ordering Jose Cervantes to pay the Structural Pest Control Board the reasonable costs  
21 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
22 section 125.3;

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

DATED: 4/15/11

*William Douglas*  
WILLIAM DOUGLAS  
Interim Executive Officer  
Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
*Complainant*

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