

1 KAMALA D. HARRIS
2 Attorney General of California
3 GREGORY J. SALUTE
4 Supervising Deputy Attorney General
5 M. TRAVIS PEERY
6 Deputy Attorney General
7 State Bar No. 261887
8 300 So. Spring Street, Suite 1702
9 Los Angeles, CA 90013
10 Telephone: (213) 897-0962
11 Facsimile: (213) 897-2804

12 *Attorneys for Complainant*

FILED

Date 1/15/14 By *Susan Saylor*

13 **BEFORE THE**
14 **STRUCTURAL PEST CONTROL BOARD**
15 **DEPARTMENT OF CONSUMER AFFAIRS**
16 **STATE OF CALIFORNIA**

17 In the Matter of the Accusation Against:

Case No. 2014-34

18 **ROBERT PEREZ SORIA**
19 4335 Van Nuys Blvd., #327
20 Sherman Oaks, CA 91403

ACCUSATION

21 Field Representative License No. FR 41322

22 Respondent.

23 Complainant alleges:

24 **PARTIES**

25 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as
26 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
27 Affairs.

28 2. On or about February 9, 2007, the Structural Pest Control Board (Board) issued Field
Representative License No. FR 41322 to Robert Perez Soria (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, 2015, 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 pertinent 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 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."

6. 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."

7. 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 failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of 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

///

1 employee of a registered company, and the employment, election or association of such person by
2 a registered company is a ground for disciplinary action."

3 8. Section 8655 states:

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

14 **REGULATORY PROVISIONS**

15 9. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

16 "For the purposes of denial, suspension or revocation of a license or company registration
17 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
18 considered to be substantially related to the qualifications, functions or duties of a licensee or
19 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
20 evidences present or potential unfitness of such licensee or registered company to perform the
21 functions authorized by the license or company registration in a manner consistent with the public
22 health, safety, or welfare."

23 **COST RECOVERY**

24 10. Section 125.3 states, in pertinent part, that a Board may request the administrative law
25 judge to direct a licensee 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.

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 11. Respondent is subject to disciplinary action under sections 8649, in conjunction with
4 California Code of Regulations, title 16, section 1937.1, in that Respondent has been convicted of
5 crimes substantially related to the qualifications, functions or duties of a licensed field
6 representative, as follows:

7 a. On or about April 11, 2013, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Penal Code section 30605, subdivision (a)
9 [illegal possession of assault weapon] in the criminal proceeding entitled *The People of the State*
10 *of California v. Robert Perez Soria* (Super. Ct. Los Angeles County, 2013, No. SA081196.) The
11 Court sentenced Respondent to serve two days in Los Angeles County Jail and placed him on 2
12 years probation, with terms and conditions.

13 b. The circumstances surrounding the conviction are that on or about June 28, 2012,
14 Respondent was involved in an argument with an elderly man at a Jack in the Box in Culver City,
15 CA. Respondent pushed a hamburger in the elderly man's face causing him to fall to the ground.
16 The victim was transported to the hospital where he died. The Culver City Police Department
17 contacted Respondent at his residence and placed him under arrested for violating Penal Code
18 section 192, subdivision (b) [involuntary manslaughter]. During a search of Respondent's
19 bedroom, the officer found a Smith and Wesson model assault rifle, a 30 round 9mm extended
20 round magazine, three 30 round 556 mag rifle magazine, a black Tango Down 556 30 round
21 magazine, a black extended baton, a silver extended baton, and a homemade rifle capacity
22 silencer. Respondent admitted to purchasing the assault rifle and the extended magazines in
23 Idaho.

24 **DISCIPLINARY CONSIDERATIONS**

25 12. In order to determine the degree of discipline, if any to be imposed on Respondent,
26 Complainant alleges as follows:

27 a. On or about February 7, 2005, after pleading nolo contendere, Respondent was
28 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)

1 [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal
2 proceeding entitled *The People of the State of California v. Roberto Soria* (Super. Ct. Los
3 Angeles County, 2005, No. 5VN00476.) The Court sentenced Respondent to serve 96 hours in
4 Los Angeles County Jail and placed him on 60 months probation, with terms and conditions.

5 b. The circumstances surrounding the conviction are that on or about January 30, 2005,
6 Respondent drove while having 0.08% or more, by weight, of alcohol in his blood.

7 c. On or about February 7, 2005, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Vehicle Code section 23103, subdivision (a)
9 [wet reckless] in the criminal proceeding entitled *The People of the State of California v. Roberto*
10 *Perez Soria* (Super. Ct. Los Angeles County, 2005, No. 5VN00484.) The Court sentenced
11 Respondent to serve one day in Los Angeles County Jail and placed him on 60 months probation,
12 with terms and conditions.

13 OTHER MATTERS

14 13. Section 8620, provides, in pertinent part, that a Respondent may request that a civil
15 penalty of not more than \$5,000 be assess in lieu of an actual suspension of 1 to 19 days, or not
16 more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made at the
17 time of hearing and must be noted in the proposed decision. The proposed decision shall not
18 provide that a civil penalty shall be imposed in lieu of a suspension.

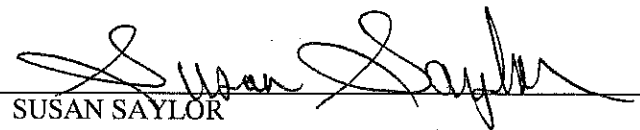
19 14. Pursuant to section 8654 of the Code, if discipline is imposed on Field
20 Representative's License No. FR 41322 issued to Respondent, Respondent shall be prohibited
21 from serving as an officer, director, associate, partner, qualifying manager, or responsible
22 managing employee for any registered company during the time the discipline is imposed, and any
23 registered company which employs, elects, or associates (name of individual respondent) shall be
24 subject to disciplinary action.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board issue a decision:
28

1. Revoking or suspending Field Representative License No. FR 41322, issued to Robert Perez Soria;
2. Ordering Robert Perez Soria to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 1/15/14


SUSAN SAYLOR

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

LA2013510663
51415610.doc