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FILED

Date 4/23/15 By *Susan Saylor*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-50

13 **MIGUEL ANGEL VILLAGRANA**
838 West 13th Street
Upland, CA 91786

ACCUSATION

14 Field Representative's License No. FR 42445,
15 Branch 2

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about October 23, 2007, the Structural Pest Control Board (Board) issued Field
23 Representative's License No. FR 42445, Branch 2 to Miguel Angel Villagrana (Respondent). The
24 Field Representative's License was in full force and effect at all times relevant to the charges
25 brought herein and will expire on June 30, 2016, unless renewed.

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1 been revoked as a result of disciplinary action, or whose company registration is under
2 suspension, and while acting as such member, officer, director, associate, qualifying manager, or
3 responsible managing employee had knowledge of or participated in any of the prohibited acts for
4 which the license or registration was denied, suspended or revoked, shall be prohibited from
5 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
6 employee of a registered company, and the employment, election or association of such person by
7 a registered company is a ground for disciplinary action.”

8 9. Section 8655 states:

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

19 STATUTORY PROVISIONS

20 10. Section 490 states, in pertinent part:

21 “(a) In addition to any other action that a board is permitted to take against a licensee, a
22 board may suspend or revoke a license on the ground that the licensee has been convicted of a
23 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
24 or profession for which the license was issued.

25 (b) Notwithstanding any other provision of law, a board may exercise any authority to
26 discipline a licensee for conviction of a crime that is independent of the authority granted under
27 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
28 of the business or profession for which the licensee's license was issued.

1 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a
2 conviction following a plea of nolo contendere. Any action that a board is permitted to take
3 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
4 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
5 made suspending the imposition of sentence, irrespective of a subsequent order under the
6 provisions of Section 1203.4 of the Penal Code.”

7 11. Section 493 states:

8 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
9 the department pursuant to law to deny an application for a license or to suspend or revoke a
10 license or otherwise take disciplinary action against a person who holds a license, upon the
11 ground that the applicant or the licensee has been convicted of a crime substantially related to the
12 qualifications, functions, and duties of the licensee in question, the record of conviction of the
13 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
14 and the board may inquire into the circumstances surrounding the commission of the crime in
15 order to fix the degree of discipline or to determine if the conviction is substantially related to the
16 qualifications, functions, and duties of the licensee in question. As used in this section, "license"
17 includes "certificate," "permit," "authority," and "registration.”

18 **REGULATORY PROVISIONS**

19 12. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

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

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1 COST RECOVERY

2 13. Section 125.3 states, in pertinent part, that a 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 FIRST CAUSE FOR DISCIPLINE

6 (Conviction of a Substantially Related Crime)

7 14. Respondent is subject to disciplinary action pursuant to sections 490 and 8649 in
8 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent was
9 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed
10 field representative, as follows:

11 a. On or about April 30, 2014, after pleading guilty, Respondent was convicted of one
12 felony count of violating Penal Code section 459, [burglary: first degree] in the criminal
13 proceeding entitled *The People of the State of California v. Miguel Angle Villagrana* (Super Ct.
14 San Bernardino County, 2014, No. FWV1303694). The Court sentenced Respondent to serve 180
15 days in San Bernardino County Jail and placed him on 36 months formal probation, with terms
16 and conditions.

17 b. The circumstances surrounding the conviction are that on or about July 30, 2013,
18 victim, B.Y. was contacted during an investigation of a burglary at his apartment. B.Y. indicated
19 that between July 16, 2013 and July 23, 2013, Respondent stole approximately \$4,600.00 that he
20 had in a drawer. B.Y. indicated that he lives alone and no one else had access to his apartment.
21 He further stated that on or about July 19, 2013, he was in the shower, when "Miguel," an
22 employee of Terminix entered his apartment with a key, and advised B.Y. that he was there to
23 check his apartment for ants. Miguel asked B.Y. to leave the apartment for approximately 15
24 minutes. B.Y. dressed and left for work while Miguel remained inside of the apartment "to check
25 for ants." The investigation also revealed that Miguel was not scheduled to work on B.Y.'s
26 apartment that day.

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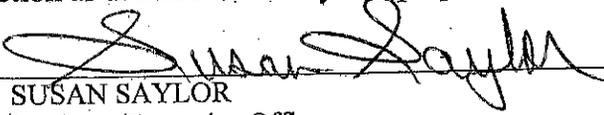
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PRAYER

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's License No. FR 42445, Branch 2 issued to Miguel Angel Villagrana;
2. Ordering Miguel Angel Villagrana to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Prohibiting Miguel Angel Villagrana from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company during the period that discipline is imposed on Field Representative License No. FR 42445, issued to Miguel Angel Villagrana; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 4/23/15


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

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