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Date _____ By _____

5/23/12

William H. Douglas

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2012-57

JOSE G. RAMIREZ
a.k.a., **JOSE RAMIREZ**
a.k.a., **JOSE GUADALUPE RAMIREZ**
6027 Otis Avenue
Huntington Park, CA 90255

ACCUSATION

**Field Representative's License No. FR
42769, Br. 1**

Respondent.

Complainant alleges:

PARTIES

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

2. On or about February 1, 2008, the Structural Pest Control Board (Board) issued Field Representative's License No. FR 42769, in Branch 1 (fumigation) to Jose G. Ramirez also known as, Jose Ramirez, and Jose Guadalupe Ramirez, employee of Go-Direct Fumigation, Inc. (Respondent). The Field Representative's License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

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1 of or action or disciplinary proceeding against such licensee or company, or to render a decision
2 suspending or revoking such license or registration."

3 7. Section 8637 states that "[m]isrepresentation of a material fact by the applicant in
4 obtaining a license or company registration is a ground for disciplinary action."

5 8. Section 8649 states:

6 "Conviction of a crime substantially related to the qualifications, functions, and duties of a
7 structural pest control operator, field representative, applicator, or registered company is a ground
8 for disciplinary action. The certified record of conviction shall be conclusive evidence thereof."

9 9. Section 8654 states:

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16 been revoked as a result of disciplinary action, or whose company registration is under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

23 10. Section 8655 states:

24 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
25 charge substantially related to the qualifications, functions, and duties of a structural pest control
26 operator, field representative, applicator, or registered company is deemed to be a conviction
27 within the meaning of this article or Section 8568 of this chapter. The board may order the license
28 or registration suspended or revoked, or may decline to issue a license, when the time for appeal

1 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
2 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
3 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company
4 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
5 or dismissing the accusation, information or indictment."

6 REGULATORY PROVISIONS

7 11. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

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

15 COST RECOVERY

16 12. Section 125.3 states, in pertinent part, that a Board may request the administrative law
17 judge to direct a licentiate found to have committed a violation or violations of the licensing act to
18 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

19 FIRST CAUSE FOR DISCIPLINE

20 (Convictions of Substantially Related Crimes)

21 13. Respondent is subject to disciplinary action under sections 8649 and 490, in
22 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent has
23 been convicted of crimes substantially related to the qualifications, functions or duties of a
24 licensed field representative, as follows:

25 a. On or about September 25, 2011, after pleading nolo contendere, Respondent was
26 convicted of one felony count of violating Penal Code section 211 [robbery: second degree] in the
27 criminal proceeding entitled *The People of the State of California v. Jose Guadalupe Ramirez*
28 (Super. Ct. Los Angeles County, 2011, No. BA380871). The Court sentenced Respondent to

1 serve 2 days in Los Angeles County Jail and placed him on 36 months formal probation, with
2 terms and conditions. The circumstances surrounding the conviction are that on or about
3 February 5, 2011, Respondent unlawfully, and by means of force and fear took personal property
4 from the person, possession, and immediate presence of J.V.

5 b. On or about September 25, 2007, after pleading nolo contendere, Respondent was
6 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a)
7 [driving while under the influence of alcohol or drugs] and one misdemeanor count of Vehicle
8 Code section 2800.1, subdivision (a) [evading a peace officer] in the criminal proceeding entitled
9 *The People of the State of California v. Jose Ramirez* (Super. Ct. Los Angeles County, 2007, No.
10 7DY06147). The Court sentenced Respondent to serve 96 hours in the Los Angeles County jail,
11 placed him on 48 months probation, with terms and conditions as to Count 1, and as to Count 3,
12 the Court denied probation and sentenced him to serve 15 days in Los Angeles County Jail. The
13 circumstances surrounding the conviction are that on or about September 21, 2007, Respondent
14 drove a vehicle while under the influence of alcohol or drugs and evaded a peace officer.

15 c. On or about June 20, 2007, after pleading nolo contendere, Respondent was convicted
16 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving
17 while having 0.08% and more, by weight, of alcohol in his blood] in the criminal proceeding
18 entitled *The People of the State of California v. Jose Guadalupe Ramirez* (Super. Ct. Los Angeles
19 County, 2007, No. 7DY02680). The Court placed Respondent on 36 months probation, with
20 terms and conditions. The circumstances surrounding the conviction are that on or about April 7,
21 2007, Respondent drove a vehicle while having 0.23% of alcohol in his blood.

22 d. On or about February 22, 2001, Respondent was convicted of one misdemeanor count
23 of violating Vehicle Code section 14601.1, subdivision (a) [driving while driver's license is
24 suspended and revoked] in the criminal proceeding entitled *The People of the State of California*
25 *v. Jose Ramirez* (Super. Ct. Monterey County, 2001, No. K069596). The circumstances
26 surrounding the conviction are that on or about January 21, 2001, Respondent drove a vehicle
27 while his driving privileges were suspended and revoked.

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

1. Revoking Field Representative's License No. FR 42769, issued to Respondent;
2. Prohibiting Respondent 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's License No. FR 42769, issued to Respondent;
3. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 5/23/12


WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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