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FILED

Date 8/9/11

By *William H. Douglas*

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

11 In the Matter of the Accusation Against:

Case No. 2012-8

12 **ERNIE ROMERO**
13 **aka ERNESTO JESUS ROMERO**
14 3005 Main Street, Suite 204
Santa Monica, CA 90405

A C C U S A T I O N

15 **Field Representative's License No. FR 43047**

16 Respondent.

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18 William H. Douglas ("Complainant") alleges:

19 **PARTIES**

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

23 2. On or about April 30, 2008, the Board issued Field Representative's License Number
24 FR 43047 to Ernie Romero, also known as Ernesto Jesus Romero ("Respondent"). The license
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 June 30, 2013, unless renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
3 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
4 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
5 of a suspension may assess a civil penalty.

6 4. Code section 8625 states:

7 The lapsing or suspension of a license or company registration by
8 operation of law or by order or decision of the board or a court of law, or the
9 voluntary surrender of a license or company registration shall not deprive the board of
10 jurisdiction to proceed with any investigation of or action or disciplinary proceeding
11 against such licensee or company, or to render a decision suspending or revoking
12 such license or registration.

13 **STATUTORY PROVISIONS**

14 5. Code section 8649 states:

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

19 **COST RECOVERY**

20 6. Code section 125.3 provides, in pertinent part, that the Registrar may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Conviction of a Crime)**

26 7. Respondent is subject to discipline under Code section 8649, in that on or about
27 September 15, 2010, in the case of *People v. Ernie Jesus Romero*, (Super. Ct. Los Angeles County,
28 Case No. 0SR04106), Respondent was convicted by the Court on his plea of nolo contendere of
violating Penal Code section 602(k) (trespass)¹, a crime that is substantially related to the
qualifications, functions or duties of a field representative. The circumstances of the crime were

¹ The original charge of Penal Code section 484(a) (theft) was reduced to Penal Code section 602(k) (trespass).

1 that on or about September 13, 2010, Respondent entered the Vallarta Market with a plastic bag
2 marked with a "Vallarta Market" logo, then placed items in the bag and left the market without
3 paying for them.

4 **OTHER MATTERS**

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

10 9. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
11 License Number 43047, issued to Respondent, then Respondent shall be prohibited from serving
12 as an officer, director, associate, partner or responsible managing employee of a licensee, and any
13 licensee which employs, elects, or associates Respondent shall be subject to disciplinary action.

14 **PRAYER**

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

17 1. Revoking or suspending Field Representative's License Number FR 43047, issued to
18 Ernie Romero, also known as Ernesto Jesus Romero;

19 2. Revoking or suspending any other license issued to Ernie Romero, also known as
20 Ernesto Jesus Romero;

21 3. Prohibiting Ernie Romero, also known as Ernesto Jesus Romero from serving as an
22 officer, director, associate, partner, qualifying manager or responsible managing employee of any
23 registered company during the period that discipline is imposed on Field Representative's License
24 Number FR 43047, issued to Ernie Romero, also known as Ernesto Jesus Romero;

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4. Ordering Ernie Romero, also known as Ernesto Jesus Romero 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; and,

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

DATED: 8/9/11

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

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