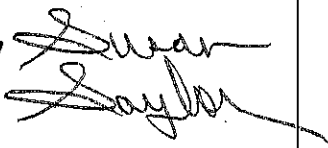


1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
Deputy Attorney General
4 State Bar No. 282502
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2539
6 Facsimile: (213) 897-2809
Attorneys for Complainant

FILED

Date 6/19/13 By 

7
8 **BEFORE THE BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-50

13 **JORGE ALBERTO SANDOVAL**
14 **1250 E. 88th Street**
Los Angeles, CA 90002

A C C U S A T I O N

15 **Field Representative License No. FR 44498,**
16 **Branch 2**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

24 **License History**

25 2. On or about June 26, 2009, the Structural Pest Control Board issued Field
26 Representative License Number FR 44498, Branch 2, to Jorge Alberto Sandoval
27 ("Respondent") reflecting employment with Terminix International Company L.P. at a business
28 address of 5901 East Slauson Avenue, City of Commerce, CA 90040. On or about September 1,

1
2 2009, Field Representative License Number FR 44498 left the employ of Terminix International
3 Company L.P. On or about September 1, 2009, Field Representative License Number FR 44498
4 reflected employment with Western Exterminator Company at a business address of 305 North
5 Crescent Way, Anaheim, CA 92801. The Field Representative License was in full force and
6 effect at all times relevant to the charges brought here and will expire on June 30, 2014, unless
7 renewed.

8 JURISDICTION

9 3. This Accusation is brought before the Structural Pest Control Board ("Board"),
10 Department of Pesticide Regulation, under the authority of the following laws. All section
11 references are to the Business and Professions Code ("Code") unless otherwise indicated.

12 4. Section 118, subdivision (b) of the Code provides that the expiration of a license shall
13 not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
14 within which the license may be renewed, restored, reissued or reinstated.

15 5. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or
16 revoke a license when it finds that the holder, while a licensee or applicant, has committed any
17 acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a
18 civil penalty.

19 6. Section 8625 of the Code states:

20 "The lapsing or suspension of a license or company registration by operation of law
21 or by order or decision of the board or a court of law, or the voluntary surrender of a
22 license or company registration shall not deprive the board of jurisdiction to proceed
23 with any investigation of or action or disciplinary proceeding against such licensee or
24 company, or to render a decision suspending or revoking such license or registration."

25 STATUTORY PROVISIONS

26 7. Section 490 of the Code states, in pertinent part, that the Board may suspend or
27 revoke a license when it finds that the licensee has been convicted of a crime substantially related
28

1 to the qualifications, functions, or duties of the business or profession for which the license was
2 issued.

3 8. Section 493 of the Code states:

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

14 As used in this section, "license" includes "certificate," "permit," "authority," and
15 "registration."

16 9. Section 8649 of the Code states:

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

21 10. Section 8650 of the Code states:

22 "Acting in the capacity of a license or registered company under any of the licenses or
23 registrations issued hereunder except:

24 "(a) In the name of the licensee or registered company as set forth upon the license or
25 registration, or

26 "(b) At the address and location or place or places of business as licensed or registered
27 or as later changed as provided in this chapter is a ground for disciplinary action."

28 11. Section 8654 of the Code states, in pertinent part:

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

13 12. Section 8655 of the Code states:

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

26 REGULATORY PROVISIONS

27 13. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:
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1 "For the purposes of denial, suspension or revocation of a license or company registration
2 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
3 considered to be substantially related to the qualifications, functions or duties of a licensee
4 or registered company under Chapter 14 of Division 3 of the code if to a substantial degree
5 it evidences present or potential unfitness of such licensee or registered company to
6 perform the functions authorized by the license or company registration in a manner
7 consistent with the public health, safety, or welfare."

8 COST RECOVERY

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

13 FIRST CAUSE FOR DISCIPLINARY ACTION

14 (Conviction of a Substantially Related Crime)

15 15. Respondent has subjected his field representative license to disciplinary action
16 under Sections 490 and 8649 of the Code as he was convicted of a crime substantially related to
17 the qualifications, functions, or duties of an operator.

18 a. On October 9, 2012, after pleading nolo contendere, Respondent was convicted of
19 violating Penal Code Section 288(a) [lewd act upon a child], a felony, in the criminal proceeding
20 entitled *The People of the State of California v. Jorge Alberto Sandoval* (Super. Ct. Los Angeles
21 County, 2012, No. VA123722). Respondent was sentenced to three years in state prison, with fees
22 and fines. The court also ordered him to register as a sex offender upon his release on parole.

23 b. The circumstances surrounding the convictions are that between March 1, 2009 and
24 October 31, 2009, Respondent willfully, unlawfully, and lewdly committed a lewd and lascivious
25 act upon and with the body and certain parts and members thereof of A.B., a child under the age
26 of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and
27 sexual desires of Respondent and the said child.

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1 PRAYER

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

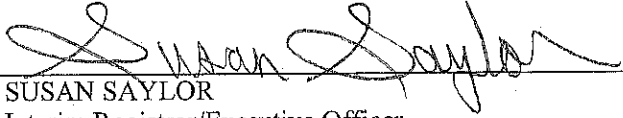
4 1. Revoking or suspending Field Representative License Number FR 44498, Branch 2,
5 issued to Jorge Alberto Sandoval;

6 2. Prohibiting Jorge Alberto Sandoval from serving as an officer, director, associate,
7 partner, qualifying manager, or responsible managing employee of a registered company;

8 3. Ordering Jorge Alberto Sandoval to pay the Board the reasonable costs of the
9 investigation and enforcement of this case, pursuant to section 125.3 of the Code; and

10 4. Taking such other and further action as deemed necessary and proper.
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14 DATED: 6/19/13


SUSAN SAYLOR
Interim Registrar/Executive Officer
Structural Pest Control Board
State of California
Complainant

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