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

| | |
|---|---|
| In the Matter of the Accusation Against:<br><br>**WILLIAM ROBERT VILLARINO**<br>**1805 El Cerrito Place, Suite 107**<br>**Los Angeles, CA 90068**<br>**Field Representative's License No. FR 44780**<br>**Applicator License No. RA 46455**<br><br>Respondent. | Case No. 2012-9 |

## DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

This Decision shall become effective on January 8, 2012.

It is so ORDERED December 9, 2011.

FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

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

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| In the Matter of the Accusation Against:<br><br>**WILLIAM ROBERT VILLARINO**<br>**1805 El Cerrito Place, Suite 107**<br>**Los Angeles, CA 90068**<br>**Field Representative's License No. FR 44780**<br>**Applicator License No. RA 46455**<br><br>Respondent. | Case No. 2012-9<br><br>**STIPULATED SETTLEMENT AND DISCIPLINARY ORDER** |

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. William H. Douglas (Complainant) is the Interim Registrar/Executive Officer of the Structural Pest Control Board. He brought this action solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Gregory J. Salute, Supervising Deputy Attorney General.

2. Respondent William Robert Villarino (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about September 22, 2009, the Structural Pest Control Board issued Field Representative's License No. FR 44780 in Branch 2 to William Robert Villarino (Respondent).

The Field Representative's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-9 and will expire on June 30, 2012, unless renewed.

4. On or about December 6, 2006, the Structural Pest Control Board issued Applicator License No. RA 46455 in Branch 2 and 3 to William Robert Villarino (Respondent). On or about September 22, 2009, Applicator License No. RA 46455 was downgraded to a Branch 3, due to the issuance of a Branch 2 Field Representative License. The Applicator License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-9 and will expire on October 6, 2012, unless renewed.

## JURISDICTION

5. Accusation No. 2012-9 was filed before the Structural Pest Control Board (Board) , Department of Pesticide Regulation, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 17, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.

A copy of Accusation No. 2012-9 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-9. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-9.

10. Respondent agrees that his Field Representative's License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CIRCUMSTANCES IN MITIGATION

11. Respondent William Robert Villarino has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Field Representative's License No. FR 44780 and Applicator License No. RA 46455 issued to Respondent William Robert Villarino (Respondent) are revoked. However, the revocation is stayed and Respondent's licenses are placed on probation for three (3) years on the following terms and conditions:

**Actual Suspension.** Field Representative's License No. FR 44780 and Applicator License No. RA 46455 issued to Respondent William Robert Villarino are each suspended for a period of ten (10) days.

1. **Obey All Laws.** Respondent shall obey all laws and rules relating to the practice of structural pest control.

2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation.** Should Respondent leave California to reside outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in Case no. 2012-9 and the terms, conditions and restriction imposed on Respondent by said decision.

Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause his/her employer to report to the Board in writing acknowledging the employer has read the decision in case No. 2012-9.

5. **Completion of Probation.** Upon successful completion of probation, Respondent's license/certificate will be fully restored.

6. **Violation of Probation.** Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

7. **Random Inspections.** Respondent shall reimburse the Board for four (4) random inspections per year by Board specialists during the period of probation not to exceed $125 per inspection.

8. **Biological Testing** - Respondent shall submit to and pay for any random biological fluid or hair sample, breath alcohol or any other mode of testing required by the Board. Respondent shall have the test performed by a Board-approved laboratory within twelve (12) hours upon request by the Board, or sooner if so requested by the Board and this shall ensure that the test results are sent immediately to the Board. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitutes a violation of probation. If a test results in a determination that the urine admission was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If an "out of range result" is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory or diagnostic test to determine if any underlying physical condition has contributed to the diluted result and to cease practice. Any such examination or laboratory and testing costs shall be paid by respondent. An "out of range result" is one in which, based on scientific principles, indicates the Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined that Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease working as a licensee. Respondent shall not resume working as a licensee until notified by the board.

9. **Abstain From Use of Alcohol, Controlled Substances and Dangerous Drugs-** Respondent shall abstain completely from the possession, injection, or consumption of any route,

including inhalation, of all psychotropic (mood altering) drugs, including alcohol, and including controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drug as defined by Business and Professions Code Section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed by a physician and surgeon, dentist, or nurse practitioner for a bona fide illness or condition.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Field Representative's License, and Applicator License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 10/5/11

WILLIAM ROBERT VILLARINO
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.

Dated: 10-6-11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

GREGORY J. SALUTE
Supervising Deputy Attorney General
*Attorneys for Complainant*

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# Exhibit A

Accusation No. 2012-9

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FILED

Date 8/11/11 By William H. Douglas

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

| | |
|---|---|
| In the Matter of the Accusation Against:<br><br>**WILLIAM ROBERT VILLARINO**<br>**1805 El Cerrito Place, Suite 107**<br>**Los Angeles, CA 90068**<br>**Field Representative's License No. FR 44780**<br>**Branch 2**<br>**Applicator License No. RA 46455**<br>**Branch 3**<br><br>Respondent. | Case No. 2012-9<br><br>**ACCUSATION** |

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 ("Board"), Department of Pesticide Regulation.

**Field Representative's License Number FR 44780**

2. On or about September 22, 2009, the Board issued Field Representative's License Number FR 44780 in Branch 3 to William Robert Villarino ("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, 2012, unless renewed.

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**Applicator's License Number RA 46455**

3. On or about December 6, 2006, the Board issued Applicator License Number RA 46455 in Branches 2 and 3 to William Robert Villarino (Respondent). On or about September 22, 2009, the license was downgraded to a Branch 2 due to the issuance of the field representative's license. The applicator license was in full force and effect at all times relevant to the charges brought herein and will expire on October 6, 2012, unless renewed.

## STATUTORY PROVISIONS

4. Section 8620 of the Business and Professions Code ("Code") 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. Code 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. Code 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.

## COST RECOVERY

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

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## CAUSE FOR DISCIPLINE

**(Criminal Conviction)**

8. Respondent's field representative license and applicator license are subject to disciplinary action under Code section 8649, in that on January 18, 2011, in the Superior Court, County of San Bernardino, California, in the matter entitled *People vs. William Robert Villarino*, 2010, Case No. FSB1004644, Respondent was convicted by the Court following his plea of guilty to a violation of Health and Safety Code section 11366 (keep place to sell/etc controlled substances), a felony. Respondent was sentenced to 3 years of formal probation, ordered to serve 120 days in jail, ordered to submit to controlled substance testing, and ordered to participate in a counseling program as ordered by the probation officer. The circumstances of the crime are that on September 25, 2010, while attending the National Orange Show in San Bernardino, California, Respondent attempted to sell DEA agents controlled substances. Respondent offered a "sample" to one of the agents and was subsequently arrested. Such conduct is substantially related to the qualifications, functions, and duties of a licensed field representative and applicator.

## OTHER MATTERS

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

10. Pursuant to Code section 8654, if discipline is imposed on Field Representative's License FR 44780, issued to Respondent, then William Robert Villarino shall be prohibited from serving as an officer, director, associate, partner or responsible managing employee of a licensee, and any licensee which employs, elects, or associates him shall be subject to disciplinary action.

11. Pursuant to Code section 8654, if discipline is imposed on Applicator's License RA 46455, issued to Respondent, then William Robert Villarino shall be prohibited from serving as an officer, director, associate, partner or responsible managing employee of a licensee, and any licensee which employs, elects, or associates him shall be subject to disciplinary action.

## 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 Number FR 44780, issued to William Robert Villarino;

2. Revoking or suspending Applicator License Number RA 46455, issued to William Robert Villarino;

3. Ordering William Robert Villarino 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,

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

DATED: 8/11/11

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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FILED
Date 11/17/11 By William H. Douglas

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

| | |
|---|---|
| In the Matter of the Statement of Issues Against:<br><br>**CESAR RAYMUNDO LARA**<br>**330 E. 220th Street**<br>**Carson, California 90745**<br><br>Respondent. | Case No. 2012-25<br><br>**STATEMENT OF ISSUES** |

William H. Douglas ("Complainant") alleges:

## PARTIES

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

## APPLICATION INFORMATION

2. On or about November 18, 2010, the Board received an Application for Operator's License to upgrade Operator's License No. OPR 11879 to include Branch 3 from Cesar Raymundo Lara ("Respondent"). On or about November 16, 2010, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on January 31, 2011.

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## LICENSE INFORMATION

**Operator's License No. 11879**

3. On or about July 2, 2009, the Board issued Operator's License Number OPR 11879 in Branch 2 to Respondent an employee of Rapid Pest Solutions, Inc. On or about July 6, 2009, Respondent left the employ of Rapid Pest Solutions, Inc. On or about July 8, 2009, Respondent became the Qualifying Manager of Bug Stop Services, Inc. On or about September 16, 2009, Respondent became the Qualifying Manager for Pro Central Termite Control in Branch 2. On or about August 30, 2010, Respondent became the President of Bug Stop Services, Inc. The license will expire on June 30, 2012, unless renewed.

**Field Representative's License No. FR 38391**

4. On or about March 29, 2005, the Board issued Field Representative's License Number FR 38391 in Branch 2 to Respondent as an employee of Dewey Pest Control. On or about June 10, 2008, the license was upgraded to include Branch 3. On or about February 18, 2009, the license was upgraded to include Branch 1, and Respondent became employed with Master Fume, Inc. On or about March 5, 2009, Respondent became employed with Rapid Pest Solutions, Inc. The license will expire on June 30, 2013, unless renewed.

## STATUTORY PROVISIONS

5. Business and Professions Code ("Code") section 8568 provides, in pertinent part, that the Board may deny a license or registration if the applicant has committed any act or omissions constituting grounds for discipline under Code section 480.

6. Code section 480 states, in pertinent part:

> (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
>
> (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
>
> (3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

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

## BACKGROUND INFORMATION

8. On or about July 2, 2009, the Board issued Operator's License Number OPR 11879 in Branch 2 to Respondent. On or about July 8, 2009, Respondent became the Qualifying Manager of Bug Stop Services, Inc. On or about August 8, 2011, the Board filed Accusation No. 2012-6, alleging that Respondent, while the Qualifying Manager for Bug Stop Services, Inc. violated Code section 8651, as more particularly set forth below in paragraph 9.

## FIRST CAUSE FOR DENIAL OF APPLICATION

**(Committed Acts Which If Done By A Licentiate Would be Grounds For Discipline)**

9. Respondent's application is subject to denial under Code sections 8568 and 480(a)(3), in that between May 2010 and August 2010, while acting as the Qualifying Manager for Bug Stop Services, Inc., Respondent committed acts which if done by a licentiate, would be grounds for suspension or revocation under Code sections 8651 (deviation from operations authorized by license or registration), as more particularly set forth in Accusation No. 2012-6, attached hereto as **Exhibit A**.

## SECOND CAUSE FOR DENIAL OF APPLICATION

**(Dishonesty, Fraud or Deceit)**

10. Respondent's application is subject to denial under Code sections 8568 and 480(a)(2), in that while acting as the Qualifying Manager for Bug Stop Services, Inc., Respondent committed acts involving dishonesty, fraud or deceit with the intent to substantially benefit himself, or substantially injure another, as more particularly set forth in Accusation No. 2012-6, attached hereto as **Exhibit A**.

## OTHER MATTERS

11. Pursuant to Code section 8654, if Respondent's application is denied, then Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is grounds for disciplinary action.

## 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. Denying the application of Cesar Raymundo Lara;

2. Prohibiting Cesar Raymundo Lara from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any licensee;

3. Revoking or suspending any other license for which Cesar Raymundo Lara is furnishing the qualifying experience or appearance; and,

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

DATED: 11/17/11

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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