

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**PLATINUM EXTERMINATORS; JOSE
ANTONIO RUIZ; LEAH ANN TRIBBLE**
847 S. Orange Ave.
West Covina, CA 91790
Company Registration Certificate No. PR
5127

And

JOSE ANTONIO RUIZ
847 South Orange Avenue
West Covina, CA 91790
Field Representative's License No. FR
45946, Branch 2
Operator's License No. OPR 12259, Branch
3

Respondents.

Case No. 2012-58

OAH No. 2013041099

DECISION AND ORDER

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

This Decision shall become effective on March 5, 2014.

It is so ORDERED February 3, 2014.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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Attorneys for Complainant
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8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-58

11 **PLATINUM EXTERMINATORS; JOSE**
12 **ANTONIO RUIZ; LEAH ANN TRIBBLE**
13 **847 S. Orange Ave.**
West Covina, CA 91790
14 **Company Registration Certificate No. PR**
5127

OAH No. 2013041099
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **And**

16 **JOSE ANTONIO RUIZ**
17 **847 South Orange Avenue**
West Covina, CA 91790
18 **Field Representative's License No. FR**
45946, Branch 2
19 **Operator's License No. OPR 12259, Branch**
3

20 Respondents.

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

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2 1. William H. Douglas (Complainant) former Interim Registrar/Executive Officer of the
3 Structural Pest Control Board, brought these actions solely in his official capacity. Susan Saylor
4 is the current Registrar/Executive Officer of the Structural Pest Control Board. She maintains
5 these actions solely in her official capacity and is represented in this matter by Kamala D. Harris,
6 Attorney General of the State of California, by Langston M. Edwards, Deputy Attorney General.

7 2. Platinum Exterminators; Jose Antonio Ruiz; Leah Ann Tribble (Respondents) is
8 representing itself in this proceeding and has chosen not to exercise its right to be represented by
9 counsel.

10 3. On or about September 1, 2006, the Board issued Company Registration Certificate
11 Number PR 5127 (registration) to Platinum Exterminators (Respondent or Respondents) in
12 Branch 3, with Jose Antonio Ruiz as Owner (Respondent Ruiz or Respondents) and Leah Ann
13 Tribble (Respondent Tribble or Respondents) as Qualifying Manager. On or about March 18,
14 2008, Company Registration Certificate Number PR 5127 was upgraded to include Branches 2
15 and 3 and reflected Respondent Tribble as Branch 2 Qualifying Manager. On or about April 2,
16 2009, Company Registration Certificate Number PR 5127 reflected the disassociation of
17 Respondent Tribble as Branch 2 and 3 Qualifying Manager. On or about July 2, 2009, Company
18 Registration Certificate Number PR 5127 reflected Respondent Tribble as Qualifying Manager.
19 On or about August 11, 2011, Company Registration Certificate Number PR 5127 reflected the
20 disassociation of Respondent Tribble as Qualifying Manager. On or about August 23, 2011, the
21 Structural Pest Control Board issued Operator's License No. OPR 12259 in Branch 3 to Jose
22 Antonio Ruiz. The Operator's License will expire on June 30, 2014, unless renewed. On or about
23 August 23, 2011, Company Registration Certificate Number PR 5127 reflected Jose Antonio Ruiz
24 as Branch 3 Qualifying Manager. On or about September 20, 2011, Company Registration
25 Certificate Number PR 5127 was downgraded to include Branch 3 only. On or about September
26 14, 2010, the Structural Pest Control Board issued Field Representative's License No. FR 45946
27 in Branch 2 to Jose Antonio Ruiz.

1 Respondent Ruiz's Field Representative's License, Branch 2 was in full force and effect at
2 all times relevant to the charges brought in Accusation No. 2012-58. The license was cancelled
3 on June 30, 2013.

4
5 **JURISDICTION**

6 4. Accusation No. 2012-58 was filed before the Structural Pest Control Board (Board),
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on June 20,
9 2012. Respondent timely filed its Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 2012-58 is attached as **Exhibit A** and incorporated herein
11 by reference.

12
13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, and understands the charges and allegations in
15 Accusation No. 2012-58. Respondent has also carefully read, and understands the effects of this
16 Stipulated Settlement and Disciplinary Order.

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

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

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1 CULPABILITY

2 9. Respondents admits the truth of each and every charge and allegation in Accusation
3 No. 2012-58.

4 10. Respondents agree that its Company Registration Certificate and Operator's License
5 are subject to discipline and agree to be bound by the Board's probationary terms as set forth in
6 the Disciplinary Order below.

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8 CONTINGENCY

9 11. This stipulation shall be subject to approval by the Structural Pest Control Board.
10 Respondents understand and agree that counsel for Complainant and the staff of the Structural
11 Pest Control Board may communicate directly with the Board regarding this stipulation and
12 settlement, without notice to or participation by Respondents or their counsel. By signing the
13 stipulation, Respondents understand and agree that they may not withdraw their agreement or
14 seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board
15 fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
17 action between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
21 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

22 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
25 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
26 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
27 writing executed by an authorized representative of each of the parties.
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1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

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5 **DISCIPLINARY ORDER**

6 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 5127 issued to
7 Respondent Platinum Exterminators; Jose Antonio Ruiz; Leah Ann Tribble and Operator's
8 License No. OPR 12259 issued to Jose Antonio Ruiz are revoked. However, the revocation is
9 stayed and Respondents are placed on probation for three (3) years on the following terms and
10 conditions.

11 1. **Obey All Laws.** Respondent shall obey all Federal, State and Local laws and all laws
12 and rules relating to the practice of structural pest control.

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

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

18 4. **Notice to Employers.** Respondents shall notify all present and prospective
19 employers of the decision in case No. 2012-58. and the terms, conditions and restriction imposed
20 on Respondents by said decision.

21 Within 30 days of the effective date of this decision, and within 15 days of Respondents
22 undertaking new employment, Respondents shall cause his employer to report to the Board in
23 writing acknowledging the employer has read the decision in case No. 2012-58

24 5. **Notice to Employees.** Respondents shall, upon or before the effective date of this
25 decision, post or circulate a notice to all employees involved in structural pest control operations
26 which accurately recite the terms and conditions of probation. Respondents shall be responsible
27 for said notice being immediately available to said employees. "Employees" as used in this
28 provision includes all full-time, part-time, temporary and relief employees and independent

1 contractors employed or hired at any time during probation.

2 **6. Completion of Probation.** Upon successful completion of probation, Respondents'
3 Company Registration Certificate No. PR 5127 and Operator's License No. OPR 12259 will be
4 fully restored.

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

10 **8. Random Inspections.** Respondents shall reimburse the Board for one (1) random
11 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
12 inspection.

13 **9. Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
14 **Manager.** Respondent Jose Antonio Ruiz is prohibited from serving as an officer, director,
15 associate, partner, qualifying manager or branch office manager of any registered company, other
16 than Platinum Exterminators during the period that discipline is imposed on Company
17 Registration Certificate No. PR 5127 and Operator's License No. OPR 12259.

18 **10. No Interest In Any Registered Company.** Respondent Jose Antonio Ruiz shall not
19 have any legal or beneficial interest in any company currently or hereinafter registered by the
20 Board other than Platinum Exterminators during the period that discipline is imposed on
21 Company Registration Certificate No. PR 5127 and Operator's License No. OPR 12259.

22 **11. Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions
23 Code, Respondents shall pay to the Board investigation and enforcement costs in the amount of
24 \$2,527.19, according to a payment schedule that has been approved by the Board. Investigation
25 and enforcement costs must be paid in full prior no later than six (6) months prior to the end of
26 probation. Probation shall not be terminated until all costs are paid in full.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Company Registration Certificate and Operator's 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: 11/17/2013

Jose Antonio Ruiz

PLATINUM EXTERMINATORS; JOSE ANTONIO RUIZ; LEAH ANN TRIBBLE
Respondents

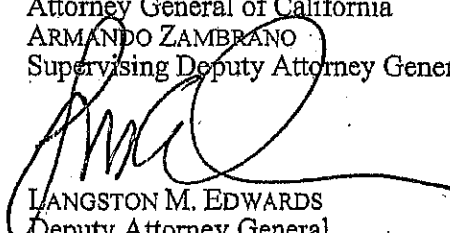
ENDORSEMENT

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

Dated: 11/18/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

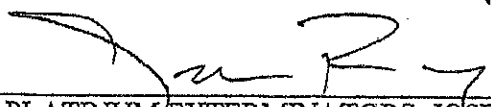
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DATED: Nov. 17, 2013


PLATINUM/EXTERMINATORS; JOSE ANTONIO RUIZ; LEAH ANN TRIBBLE
Respondents

ENDORSEMENT

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

LANGSTON M. EDWARDS
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Attorneys for Complainant

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