

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 ALVARO MEJIA  
Deputy Attorney General  
4 State Bar No. 216956  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-0083  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

**FILED**

Date *5/19/11* By *William H. Douglas*

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

12 In the Matter of the Statement of Issues  
Against:

Case No. 2011-61

13 **CLINTON RAYMOND MARTIN**  
14 **139 N. Palm Avenue**  
15 **Rialto, CA 92377**

**STATEMENT OF ISSUES**

16 Respondent.

17  
18 William H. Douglas ("Complainant") alleges:

19 **PARTIES**

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

23 **APPLICATION INFORMATION**

24 **Application for Structural Pest Control Operator Examination**

25 2. On or about December 1, 2008, the Board received an Application for Structural Pest  
26 Control Operator Examination in Branches 1 and 2 from Clinton Raymond Martin  
27 ("Respondent"). On or about November 10, 2008, Respondent certified under penalty of perjury  
28 to the truthfulness of all statements, answers, and representations in the application.

1           3.    On or about January 9, 2009, and February 9, 2009, the Board received an  
2 Application for Structural Pest Control Operator Re-Examination for Branches 2 and 3.

3                   **Application for Operator's License**

4           4.    On or about April 16, 2009, the Board received an Application for Operator's License  
5 in Branch 3 from Respondent. On or about March 3, 2009, Respondent certified under penalty of  
6 perjury to the truthfulness of all statements, answers, and representations in the application.

7                                   **LICENSE HISTORY**

8                   **Company Registration Certificate No. PR 1864**

9           5.    On or about July 11, 1990, the Board issued Company Registration Certificate  
10 Number PR 1864 ("registration") to Martin Exterminators in Branch 2, with Respondent Clinton  
11 Martin as the owner and Qualifying Manager.

12           6.    On or about January 9, 2004, the registration was suspended pursuant to Business and  
13 Professions Code ("Code") section 8695 for failing to maintain general liability insurance.

14           7.    On or about January 12, 2004, the registration was reinstated.

15           8.    Effective November 14, 2004, the registration was suspended for 30 days, the  
16 suspension was stayed and Respondent was placed on three (3) years probation. Respondent was  
17 also required to do the following: 1) file quarterly reports with the Board; 2) complete Board  
18 approved courses on Pesticides and Pest Identification & Biology within 18 months; 3) pay for  
19 quarterly inspections; 4) make restitution to the homeowner in the amount of \$4,030.03 within 30  
20 days; and 5) reimburse the Board for investigative costs in the amount of \$4,533.38. The  
21 Decision in Case No. 2004-2 is attached hereto as **Exhibit A**, and incorporated herein by  
22 reference.

23           9.    On or about July 12, 2005, the registration was suspended pursuant to Code section  
24 8697 for failing to maintain a surety bond.

25           10.   On or about November 7, 2005, the registration was reinstated.

26           11.   Effective November 17, 2005, the registration was revoked, the revocation was stayed  
27 and Respondent was placed on probation for three (3) years. Respondent was required to do the  
28 following: 1) file quarterly reports with the Board; 2) pay for quarterly inspections; 3) make

1 restitution to the homeowners in the amount of \$24,843.00; reimburse the Board for investigative  
2 costs in the amount of \$5,400.00; and pay a \$4,000.00 civil penalty or have his registration  
3 suspended for 20 days. The Decision in Case No. 2005-7 is attached hereto as **Exhibit B**, and  
4 incorporated herein by reference.

5 12. On or about June 14, 2007, the registration was suspended for failure to maintain  
6 general liability insurance pursuant to Code section 8695.

7 13. On or about June 25, 2007, the registration was reinstated.

8 14. On or about August 15, 2007, the registration was suspended for failure to maintain  
9 general liability insurance pursuant to Code section 8695.

10 15. On or about August 21, 2007, the registration was reinstated.

11 16. On or about September 21, 2007, the registration was suspended for failure to  
12 maintain general liability insurance pursuant to Code section 8695.

13 17. On or about April 25, 2008, the registration was reinstated.

14 18. On or about October 23, 2008, the registration was suspended for no qualifying  
15 manager.

16 19. On or about May 26, 2009, the registration was canceled.

17 20. Respondent Clinton Martin did not complete payment of cost recovery in Case No.  
18 2005-7, and has an outstanding balance of \$2,700.00.

19 **Operator's License No. OPR 8572**

20 21. On or about July 11, 1990, the Board issued Operator's License Number OPR 8572  
21 ("license") to Respondent Clinton Martin, in Branch 2, as the owner and Qualifying Manager of  
22 Martin Exterminators.

23 22. On or about August 6, 1990, the license was upgraded to include Branch 3.

24 23. On or about January 9, 2004, the license was suspended pursuant to Code section  
25 8695 for failing to maintain general liability insurance.

26 24. On or about January 12, 2004, the license was reinstated.

27 25. Effective November 14, 2004, the license was suspended for 30 days, the suspension  
28 was stayed, Respondent was placed on three (3) years probation, Respondent was required to file

1 quarterly reports with the Board, complete Board approved course on Pesticides and Pest  
2 Identification & Biology within 18 months in Branches 2 and 3; pay for quarterly inspections,  
3 make restitution to the homeowner in the amount of \$4,030.03 within 30 days, and reimburse the  
4 Board for investigative costs in the amount of \$4,533.38. The Decision in Case No. 2004-2 is  
5 attached hereto as **Exhibit A**, and reincorporated herein by reference.

6 26. Effective November 17, 2005, the Respondent's operator license was revoked, the  
7 revocation was stayed and suspended for 20 days (unless Respondent paid a \$4,000 civil penalty  
8 in lieu of the suspension), and Respondent was placed on three (3) years probation on terms and  
9 conditions. Respondent Clinton Martin was required to file quarterly reports with the Board,  
10 complete four (4) approved hours of continued education in rules and regulations related to  
11 Branch 3 and eight (8) approved hours of continued education in technical training in Branch 3  
12 within ninety (90) days, pay for quarterly inspections, make restitution to homeowners in the  
13 amount of \$24,843.00, prohibited from serving as an officer, director, associate, partner or  
14 qualifying manager, and reimburse the Board for investigative costs in the amount of \$5,400.00.  
15 The Decision in Case No. 2005-7 is attached hereto as **Exhibit B**, and reincorporated herein by  
16 reference.

17 27. On or about June 14, 2007, the license was suspended for failure to maintain general  
18 liability insurance pursuant to Code section 8695.

19 28. On or about June 25, 2007, the license was reinstated.

20 29. On or about August 15, 2007, the license was suspended for failure to maintain  
21 general liability insurance pursuant to Code section 8695.

22 30. On or about August 21, 2007, the license was reinstated.

23 31. On or about September 21, 2007, the license was suspended for failure to maintain  
24 general liability insurance pursuant to Code section 8695.

25 32. On or about April 25, 2008, the license was reinstated.

26 33. On or about June 30, 2008, the license expired and has not been renewed.

27 34. Respondent Clinton Martin did not complete payment of cost recovery in Case No.  
28 2005-7, and has an outstanding balance of \$2,700.00.



1 Question Number 11: Do you have any pending disciplinary action  
2 against you in regards to a structural pest control professional or  
vocational license?

3 Answer: Respondent answered "NO," failing to disclose disciplinary  
4 action filed against him on or about October 10, 2005 (Case No. 2005-  
07), wherein Company Registration Certificate No. PR 1864 and

5 Operator's License No. OPR 8572 were suspended, revoked, and placed  
6 on probation, as more particularly set forth in Exhibit B attached hereto.

7 Question Number 13: Have you, or any company with which you have  
8 been affiliated, had a professional or vocational license denied,  
suspended, or revoked by this or any other state?

9 Answer: Respondent answered "NO," failing to disclose the following:

10 i. On or about November 14, 2004, the Board filed Case No.  
11 2004-2, against Respondent, resulting in the suspension and  
12 placement of probation of Company Registration Certificate  
No. PR 1864, and Operator's License No. OPR 8572, as more  
particularly set forth in Exhibit A attached hereto

13 ii. On or about November 17, 2005, the Board filed Case No.  
14 2005-7, against Respondent, resulting in the suspension and  
placement of probation of Company Registration Certificate  
No. PR 1864, and Operator's License No. OPR 8572.

15 iii. On or about October 5, 1999, Company Registration No.  
16 PR 1864 was suspended for failing to maintain a surety bond,  
pursuant to Code section 8697.

17 iv. On or about January 9, 2004, Company Registration No.  
18 PR 1864 and Operator's License No. OPR 8572 was  
suspended for failing to maintain general liability insurance  
pursuant to Code section 8695.

19 v. On or about July 12, 2005, Company Registration  
20 Certificate No. PR 1864 was suspended for failing to  
maintain a surety bond pursuant to Code section 8697.

21 vi. On or about June 14, 2007, August 15, 2007, and  
22 September 21, 2007, Company Registration Certificate No.  
23 PR 1864 and Operator's License No. OPR 8572 were  
suspended for failing to maintain general liability insurance  
pursuant to Code section 8695.

24 Question Number 14: Have you ever been convicted of any violation of  
25 any provision of the Structural Pest Control Act?

26 Answer: Respondent answered "NO," failing to disclose disciplinary  
27 action filed against him on or about October 10, 2005 (Case No. 2005-  
07), wherein Company Registration Certificate No. PR 1864 and  
28 Operator's License No. PR 1864 were suspended and placed on  
probation; and on or about November 14, 2004 (Case No. 2004-2),

1 wherein Company Registration Certificate No. PR 1864 and Operator's  
2 License No. OPR 8572 was suspended and placed on probation, as more  
particularly set forth in Exhibit A and Exhibit B attached hereto.

3 **Application for Operator's License**

4 Question Number 7: Have you ever had a professional or vocational  
5 license refused, suspended or revoked by this or any other State?

6 Answer: Respondent answered "NO," failing to disclose the following:

7 i. On or about November 14, 2004, the Board filed Case No.  
8 2004-2, against Respondent, resulting in the suspension and  
9 placement of probation of Company Registration Certificate  
10 No. PR 1864, and Operator's License No. OPR 8572, as more  
11 particularly set forth in Exhibit A attached hereto.

12 ii. On or about November 17, 2005, the Board filed Case No.  
13 2005-7, against Respondent, resulting in the suspension and  
14 placement of probation of Company Registration Certificate  
15 No. PR 1864, and Operator's License No. OPR 8572, as more  
16 particularly set forth in Exhibit B attached hereto.

17 iii. On or about October 5, 1999, Company Registration No.  
18 PR 1864 was suspended for failing to maintain a surety bond,  
19 pursuant to Code section 8697.

20 iv. On or about January 9, 2004, Company Registration No.  
21 PR 1864 and Operator's License No. OPR 8572 were  
22 suspended for failing to maintain general liability insurance  
23 pursuant to Code section 8695.

24 v. On or about July 12, 2005, Company Registration  
25 Certificate No. PR 1864 was suspended for failing to  
26 maintain a surety bond pursuant to Code section 8697.

27 vi. On or about June 14, 2007, August 15, 2007, and  
28 September 21, 2007, Company Registration Certificate No.  
PR 1864 and Operator's License No. OPR 8572 were  
suspended for failing to maintain general liability insurance  
pursuant to Code section 8695.

Question Number 10: Have you ever been found guilty of any violation  
or any provision of the Structural Pest Control Board?

Answer: Respondent answered "NO," failing to disclose disciplinary  
action filed against him on or about October 10, 2005 (Case No. 2005-  
07), wherein Company Registration Certificate No. PR 1864 and  
Operator's License No. OPR 8572 were suspended and placed on  
probation; and on or about November 14, 2004 (Case No. 2004-2),  
wherein Company Registration Certificate No. PR 1864 and Operator's  
License No. OPR 8572 were suspended and placed on probation, as more  
particularly set forth in Exhibit A and Exhibit B attached hereto.

///



1 2	April 23, 2002	Respondent paid a fine in the amount of \$50 levied by the Orange County Agricultural Commissioner for violating Code section 8505.17.
3 4	October 3, 2002	Respondent paid a fine in the amount of \$50 levied by the Orange County Agricultural Commissioner for violating Code section 8505.17.
5 6	February 23, 2004	Respondent paid a fine in the amount of \$350 levied by the Board for violating code section 8516(b)(6)(7) and California Code of Regulations, title 16, section 1937.14.
7 8	May 27, 2004	Respondent paid a fine in the amount of \$100 levied by the Los Angeles County Agricultural Commissioner for violating Code section 8505.17.

10  
11 **Operator's License No. OPR 8572**

12 13	Date	Activity
14 15	February 23, 2004	Respondent paid a fine in the amount of \$350 levied by the Board for violating code section 8516(b)(6)(7) and California Code of Regulations, title 16, section 1937.14.

16  
17 **OTHER MATTERS**

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

22 **PRAYER**

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

- 25 1. Denying the application of Clinton Raymond Martin for an operator's license;
- 26 2. Prohibiting Clinton Raymond Martin from serving as an officer, director,  
27 associate, partner, qualifying manager, or responsible managing employee of any licensee;
- 28 3. Revoking or suspending any other license for which Clinton Raymond Martin is

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

furnishing the qualifying experience or appearance; and,

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

DATED: 5/19/11

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

DOJ Matter ID: LA2009603696  
60628423.doc