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

In the Matter of the Accusation Against:

Case No. 2010-50

LOUIS VERNON QUINN 4313 Rose Avenue Long Beach, CA 90807 Registered Applicator's License No. RA46506 OAH No. L-2010031773

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 November 30, 2010

It is so ORDERED November 1, 2010

FOR THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION

1 2	EDMUND G. BROWN JR. Attorney General of California GLORIA A. BARRIOS	İ				
	Supervising Deputy Attorney General MICHAEL BROWN					
3	Deputy Attorney General					
4	State Bar No. 231237 300 So. Spring Street, Suite 1702					
5	Los Angeles, CA 90013 Telephone: (213) 897-2095					
6	Facsimile: (213) 897-2804 Attorneys for Complainant					
7	BEFORE THE					
8	STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION					
9	STATE OF CALIFORNIA					
10	In the Matter of the Accusation Against: Case No. 2010-50					
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12	LOUIS VERNON QUINN 4313 Rose Avenue OAH No. L-2010031773					
13	Long Beach, CA 90807 Registered Applicator's License No. STIPULATED SURRENDER OF LICENSE AND ORDER					
14	RA46506					
15	Respondent.					
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17	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this					
. 18	proceeding that the following matters are true:					
19	<u>PARTIES</u>					
20	1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the Structural Pest					
21	Control Board. She brought this action solely in her official capacity and is represented in this					
22	matter by Edmund G. Brown Jr., Attorney General of the State of California, by Michael Brown,					
23	Deputy Attorney General.					
24	2. Louis Vernon Quinn (Respondent) is representing himself in this proceeding and has					
25	chosen not to exercise his right to be represented by counsel.					
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Stipulated Surrender of License (Case No. 2010-50)

3. On or about July 7, 2008, the Structural Pest Control Board issued Registered Applicator's License No. RA46506 to Louis Vernon Quinn (Respondent). The Registered Applicator License was in full force and effect at all times relevant to the charges brought in Accusation No. 2010-50 and will expire on October 13, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2010-50 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 February 9, 2010. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2010-50 is attached as exhibit 1 and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2010-50. Respondent also has carefully read, and understands the effects of this
 Stipulated Surrender of License and Order.
- 6. 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.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2010-50, agrees that cause exists for discipline and hereby surrenders his Registered Applicator's License No. RA46506 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Registered Applicator's License without further process.

CONTINGENCY

- 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 surrender, 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 Surrender 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.
- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and 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 Surrender of License and 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.
- 13. 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 Order:

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ORDER

IT IS HEREBY ORDERED that Registered Applicator's License No. RA46506, issued to Respondent Louis Vernon Quinn, is surrendered and accepted by the Structural Pest Control Board.

- 14. The surrender of Respondent's Registered Applicator's License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 15. Respondent shall lose all rights and privileges as a Registered Applicator in California as of the effective date of the Board's Decision and Order.
- 16. Respondent shall cause to be delivered to the Board both his wall license certificate and, if one was issued, pocket license on or before the effective date of the Decision and Order.
- 17. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2010-50 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 18. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$3,090.00 prior to issuance of a new or reinstated license.

ACCEPTANCE

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

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2	DATED: 9/8-10 Journ Vilumit					
3	LOUIS VERNON QUINN Respondent					
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5	ENDORSEMENT					
6	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted					
7	for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.					
8	Dated: September 1, 2010 Respectfully submitted,					
9	EDMUND G. BROWN JR. Attorney General of California					
10	GLORIA A. BARRIOS Supervising Deputy Attorney General					
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12	INI					
13	MICHAEL BROWN Deputy Attorney General					
14	Attorneys for Complainant					
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Exhibit 1

Accusation No. 2010-50

2	EDMUND G. BROWN JR. Attorney General of California GLORIA A. BARRIOS Supervising Deputy Attorney General MICHAEL BROWN Deputy Attorney General State Bar No. 231237 300 So. Spring Street, 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2095 Facsimile: (213) 897-2804 E-mail: MichaelB.Brown@doj.ca.gov Attorneys for Complainant BEFORE THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA			
11 12 13	In the Matter of the Accusation Against: LOUIS VERNON QUINN, II, a.k.a. LOUIS VERNON QUINN 4313 Rose Avenue Long Beach, CA 90807 Case No. 2010-50 A C C U S A T I O N			
14 15 16	Registered Applicator's License No. RA 46506 Branches 2 and 3 Respondent.			
18 19 20	Complainant alleges: PARTIES			
21 22	1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of			
23				
24	2 A Late 7 2008 the Poord issued Registered Applicator's License Number			
25	2. On or about July 7, 2008, the Board issued Registered Applicator's License Number			
26	the charges			
27	0.45 - 12. 2012			
28	brought herein and will expire on October 13, 2012.			
	Accusation			
	Accusation			

3. 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.

4. Code section 8624 states:

"If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office."

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.

STATUTORY PROVISIONS

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 provides, in pertinent part, that the Registrar 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 license is subject to disciplinary action under Code section 8649, in that on April 24, 2009, in the Superior Court, Los Angeles County, California, in the matter entitled *People vs. Louis Vernon Quinn, II*, 2009, Case No. 9BF01446, Respondent was convicted by the court following his plea of nolo contendere to violating Penal Code section 666 (petty theft with a prior conviction), misdemeanor. The circumstances of the crime are that on February 24, 2009, Respondent and his wife and two children entered a Walmart store in Lakewood, California, and took various items from the store without paying for them. Such conduct is substantially related to the qualifications, functions or duties of a licensed applicator.

FACTORS IN AGGRAVATION

9. By his own admission, on January 24, 2004, in the Superior Court, County of Los Angeles, Bellflower, California, in the matter entitled *People v. Louis Vernon Quinn, II*, 2003, Case No. 3LC03712, Respondent was convicted, following his plea of guilty of Penal Code section 484, subdivision (a) (theft), a misdemeanor. The circumstances of the crime are that on November 18, 2003, Respondent took a T-shirt from a J.C. Penneys store in Lakewood, California.

OTHER MATTERS

- 10. 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.
- 11. Pursuant to Code section 8654, if discipline is imposed on Registered Applicator's License Number RA 46506, issued to Respondent, then Louis Vernon Quinn 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 Registered Applicator's License Number RA 46506, issued to Louis Vernon Quinn, II, also known as Louis Vernon Quinn;
- 2. Ordering Louis Vernon Quinn, II, also known as Louis Vernon Quinn 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,
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: 2/2/10	Helle Oku
<i>f</i> 1.	KAHULLI (BK UIVLA

Registrar/Executive Officer Structural Pest Control Board Department of Pesticide Regulation State of California Complainant

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Accusation