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

In the Matter of the Accusation Against:

CARLOS M. RUEDA AKA CARLOS MORALES  
12930 Court Street, #4  
Garden Grove, CA 92841

Registered Applicator's License No. RA 48491

Respondent.

Case No. 2010-75

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about April 21, 2010, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2010-75 against Carlos M. Rueda aka Carlos Morales (Respondent) before the Structural Pest Control Board.
2. On or about February 11, 2008, the Structural Pest Control Board (Board) issued Registered Applicator's License No. RA 48491 to Respondent. The Registered Applicator's License was in full force and effect at all times relevant to the charges brought herein and will expire on February 11, 2011, unless renewed.

1           3.    On or about April 28, 2010, Juana Mejia, an employee of the Department of Justice,  
2 served by Certified and First Class Mail a copy of the Accusation No. 2010-75, Statement to  
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

5   12930 Court Street, #4  
6   Garden Grove, CA 92841.

7           A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

8           4.    Service of the Accusation was effective as a matter of law under the provisions of  
9 Government Code section 11505, subdivision (c).

10          5.    On or about May 24, 2010, the aforementioned documents sent via Certified Mail  
11 were returned by the U.S. Postal Service marked "Unclaimed." The aforementioned documents  
12 sent via First Class Mail were not returned by the U.S. Postal Service.

13          6.    Government Code section 11506 states, in pertinent part:

14                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
16 of the accusation not expressly admitted. Failure to file a notice of defense shall  
17 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
18 may nevertheless grant a hearing.

19          7.    Government Code section 11520 states, in pertinent part:

20                   (a) If the respondent either fails to file a notice of defense or to appear at the  
21 hearing, the agency may take action based upon the respondent's express admissions  
22 or upon other evidence and affidavits may be used as evidence without any notice to  
23 respondent.

24          8.    Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 evidence on file herein, finds that the allegations in Accusation No. 2010-75 are true.

27          9.    The total cost for investigation and enforcement in connection with the Accusation  
28 are One Thousand Eight Hundred and Forty-Five dollars (\$1,845.00) as of May 28, 2010.

#### **DETERMINATION OF ISSUES**

1           1.    Based on the foregoing findings of fact, Respondent Carlos M. Rueda aka Carlos  
2 Morales has subjected his Registered Applicator's License No. RA 48491 to discipline.

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- 2. A copy of the Accusation is attached.
- 3. The agency has jurisdiction to adjudicate this case by default.
- 4. The Structural Pest Control Board is authorized to revoke Respondent's Registered

Applicator's License based upon the following violations alleged in the Accusation. On or about February 11, 2010, Respondent was convicted of a crime, aggravated assault with a deadly weapon and instrument, golf club, as defined in Penal Code section 245(a)(1), which is substantially related to the qualifications, functions or duties of a structural pest control applicator. Respondent's Registration is subject to disciplinary action under Business and Professions Code sections 490 and 8649.

**ORDER**

IT IS SO ORDERED that Registered Applicator's License No. RA 48491, heretofore issued to Respondent Carlos M. Rueda aka Carlos Morales, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 22, 2010.

It is so ORDERED July 23, 2010

FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION

80465388.DOC  
DOJ docket number:SD2010800486

Exhibit A: Accusation No. 2010-75

Exhibit A  
Accusation No. 2010-75

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 NICOLE R. COOK  
Deputy Attorney General  
4 State Bar No. 263607  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

**FILED**

Date 4/21/10 By Kelli Okuma

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

11 In the Matter of the Accusation Against:

Case No. 2010-75

12  
13 **CARLOS M. RUEDA a.k.a. CARLOS**  
**MORALES**  
14 12930 Court Street, #4  
15 Garden Grove, CA 92841

**ACCUSATION**

16 Registered Applicator's License No. RA 48491  
17 Respondent.

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19  
20 Complainant alleges:

21 **PARTIES**

- 22 1. Kelli Okuma (Complainant) brings this Accusation solely in her official capacity as  
23 the Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.  
24 2. On or about February 11, 2008, the Structural Pest Control Board issued Registered  
25 Applicator's License Number RA 48491 to Carlos M. Rueda also known as Carlos Morales  
26 (Respondent). The Registered Applicator's License was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on February 11, 2011, unless renewed.  
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**JURISDICTION**

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

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. Section 8625 of the Code 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. Section 8649 of the Code 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.

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

**STATUTORY PROVISIONS**

8. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.



(4) Violations relating to the misuse of pesticides.

12. California Code of Regulations, title 16, section 1937.2 states, in part:

.....  
(b) When considering the suspension or revocation of a structural pest control license or company registration on the grounds that the licensee or registered company has been convicted of a crime, the board, in evaluating the rehabilitation of such person or company and his or her or its present eligibility for a license or company registration will consider the following:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee or registered company has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee or registered company.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any of rehabilitation submitted by the licensee or registered company.

.....

**COST RECOVERY**

13. Section 125.3 of the Code 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.

**CAUSE FOR DISCIPLINE**

**(February 11, 2010 Conviction for Aggravated Assault on August 17, 2009)**

14. Respondent is subject to disciplinary action under sections 490 and 8649 of the Code in that on or about February 11, 2010, in a criminal proceeding entitled *People of the State of California v. Carlos Morales Rueda* in the Orange County Superior Court case number 09WF1755, Respondent was convicted on his plea of guilty of violation of Penal Code section 245(a)(1), (aggravated assault with a deadly weapon and instrument, a golf club), a felony, a



1 crime that is substantially related to the qualifications, functions, and duties of a structural pest  
2 control field representative.

3 a. The circumstances which led to the conviction are that on or about August 17,  
4 2009, an officer from the Orange County Sheriff's Department responded to a radio dispatch  
5 concerning a "road rage" incident in the City of Stanton. The officer located the victim at the  
6 scene, who indicated that he was driving on Acacia Street when a vehicle behind him began  
7 honking at him as if he was driving too slowly. The driver of that vehicle was later identified as  
8 Respondent. Respondent then pulled his vehicle alongside the victim's vehicle and started  
9 cursing at the victim and the victim's passenger. The victim then "flipped off" Respondent.  
10 Respondent then sped past the victim, approached the intersection and pulled his vehicle in a  
11 perpendicular position blocking the victim's vehicle so that it could not pass through.  
12 Respondent then exited the vehicle with a golf club, and broke the victim's windshield with the  
13 club sending glass fragments inside the interior of the victim's vehicle. The victim believed that  
14 glass had flown into his eyes. As Respondent smashed the windshield, the victim feared that the  
15 golf club would break through the window and strike him. Fearing for his life, the victim then  
16 quickly exited his vehicle, which was not geared in the "park" position. The victim's vehicle then  
17 lunged forward and struck the Respondent's vehicle. Respondent got back into his vehicle and  
18 drove off.

19 b. The officer performed a records check of the vehicle driven by Respondent and  
20 then went to the registered owner's location. Because Respondent was not at the residence, the  
21 officer asked Respondent's wife to telephone him and request that he come home. Respondent  
22 appeared a short time later and indicated that he knew why the officers were looking for him.  
23 Respondent admitted that after he smashed the windshield, he became scared and dropped the  
24 vehicle off at a friend's house. Respondent admitted that the incident started when he honked his  
25 horn at the vehicle. Respondent also stated that he got so angry that he "blacked-out"  
26 momentarily, that he drove after the victim's vehicle, cut-off the vehicle and then stopped in front  
27 of it. Respondent admitted that he hit the windshield with the golf club while the victim and the  
28 victim's passenger were in the vehicle. He also stated that he had an anger problem and often hits

1 things when he gets mad. Respondent stated he punches walls and breaks things when he is  
2 angry.

3 c. On February 11, 2010, Respondent was sentenced to 3 years of formal  
4 probation, ordered to serve 180 days in custody, and required to pay all fines, fees and restitution,  
5 among other terms and conditions.

6 PRAYER

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

9 1. Revoking or suspending Registered Applicator's License Number RA 48491, issued  
10 to Carlos M. Rueda also known as Carlos Morales.

11 2. Ordering Carlos M. Rueda to pay the Structural Pest Control Board the reasonable  
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
13 Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15  
16  
17 DATED: 4/21/10

*Kelli Okuma*  
KELLI OKUMA  
Executive Officer  
Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
Complainant

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