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FILED

Date 3/2/10 By *Kelli Okuma*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-64

12 **JOSUE LIMON-QUIROZ**
13 **21315 Roscoe Blvd., #244**
Canoga Park, CA 91304

ACCUSATION

14 **Registered Applicator's License No. RA 48652**

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as
20 the Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of
21 Consumer Affairs.

22 2. On or about April 2, 2008, the Board issued Registered Applicator's License Number
23 RA 48652 in Branches 2 (general pest) and 3 (termite) to Josue Limon-Quiroz (Respondent),
24 employee of M Tech Exterminator Company. Respondent's registered applicator's license will
25 expire on April 2, 2011, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
28 the Board may suspend or revoke a license when it finds that the holder, while a licensee or

1 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
2 of a suspension may assess a civil penalty.

3 4. Code section 8654 states:

4 Any individual who has been denied a license for any of the reasons
5 specified in Section 8568, or who has had his or her license revoked, or whose license
6 is under suspension, or who has failed to renew his or her license while it was under
7 suspension, or who has been a member, officer, director, associate, qualifying
8 manager, or responsible managing employee of any partnership, corporation, firm, or
9 association whose application for a company registration has been denied for any of
10 the reasons specified in Section 8568, or whose company registration has been
11 revoked as a result of disciplinary action, or whose company registration is under
12 suspension, and while acting as such member, officer, director, associate, qualifying
13 manager, or responsible managing employee had knowledge of or participated in any
14 of the prohibited acts for which the license or registration was denied, suspended or
15 revoked, shall be prohibited from serving as an officer, director, associate, partner,
16 qualifying manager, or responsible managing employee of a registered company, and
17 the employment, election or association of such person by a registered company is a
18 ground for disciplinary action.

19 5. Code section 8649 states:

20 Conviction of a crime substantially related to the qualifications, functions,
21 and duties of a structural pest control operator, field representative, applicator, or
22 registered company is a ground for disciplinary action. The certified record of
23 conviction shall be conclusive evidence thereof.

24 6. Code section 8655 states:

25 A plea or verdict of guilty or a conviction following a plea of nolo
26 contendere made to a charge substantially related to the qualifications, functions, and
27 duties of a structural pest control operator, field representative, applicator, or
28 registered company is deemed to be a conviction withing the meaning of this article
or Section 8568 of this chapter. The board may order the license or registration
suspended or revoked, or may decline to issue a license, when the time for appeal has
elapsed, or the judgment of conviction has been affirmed on appeal or when an order
granting probation is made suspending the imposition of sentence, irrespective of a
subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
the individual or registered company to withdraw a plea of guilty and to enter a plea
of not guilty, or setting side the verdict of guilty, or dismissing the accusation,
information or indictment.

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 is subject to disciplinary action pursuant to Code section 8649 in that on or about March 11, 2009, in the criminal proceeding titled *People v. Josue Limon Quiroz* (Super. Ct. Los Angeles County, 2009, Case No. NA079865), Respondent was convicted on his plea of nolo contendere of two counts of violating Penal Code section 288, subdivision (a) (lewd acts upon a child, a felony), a crime substantially related to the qualifications, functions, and duties of a registered applicator. Respondent was sentenced to serve a total of 10 years in state prison and was ordered to register as a sex offender. The circumstances of the crime are as follows: On or between August 1, 2008, and October 7, 2008, Respondent willfully and unlawfully committed lewd and lascivious acts upon and with the body and certain parts and members thereof of Alexandra L., a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of both himself and the child.

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 be 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 Registered Applicator's License Number RA 48652, issued to Respondent Josue Limon-Quiroz, Josue Limon-Quiroz shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Josue Limon-Quiroz shall be subject to disciplinary action.

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PRAYER

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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 45948, issued to Josue Limon-Quiroz;

2. Prohibiting Josue Limon-Quiroz from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Registered Applicator's License Number RA 45948, issued to Josue Limon-Quiroz;

3. Ordering Josue Limon-Quiroz 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;

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

DATED: 3/2/10


KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

LA2009602861