

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

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

In the Matter of the Amended Accusation Against:

Case No. 2010-64

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

**DEFAULT DECISION AND
ORDER**

Registered Applicator License No. RA 48652, Br. 2 & 3

Respondent. [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 25, 2010, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board (Board), filed Amended Accusation No. 2010-64 against Josue Limon-Quiroz (Respondent) before the Board.

2. On or about April 2, 2008, the Board issued Registered Applicator License No. RA 48652 in Branches 2 (general pest) and 3 (termite) to Respondent, as an employee of M Tech Exterminator Company. Respondent's registered applicator's license expired on April 2, 2011, and was not renewed.

3. On or about August 31, 2010, Thurman Peden, an employee of the Department of Justice, served by Certified Mail and First Class Mail a copy of the Statement to Respondent; Amended Accusation in Case No. 2010-64; Request for Discovery; Notice of Defense; and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

21315 Roscoe Boulevard, #244
Canoga Park, CA 91304

1 At such time, a courtesy copy of the Amended Accusation was also sent by Ms. Peden by
2 First Class Mail to Respondent's mailing address where Respondent is currently incarcerated
3 with the California Department of Corrections:

4 Jose Limon Quiroz – CDC Inmate No. G654662
5 Avenal State Prison
6 Housing Unit 450-1-32 low
7 P.O. BOX 9
8 Avenal, CA 93204

9 A copy of the Amended Accusation and documents in connection with service thereof are
10 attached as exhibit A, and incorporated herein by reference.

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

13 5. Business and Professions Code (hereinafter Code) section 118 states, in pertinent
14 part:

15 (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
16 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
17 order of a court of law, or its surrender without the written consent of the board, shall not, during
18 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
19 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
20 provided by law or to enter an order suspending or revoking the license or otherwise taking
21 disciplinary action against the license on any such ground.

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

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

28 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
of the Amended Accusation, and therefore waived his right to a hearing on the merits of
Accusation No. 2010-64.

///

///

1 8. California Government Code section 11520 states, in pertinent part:

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

6 9. Pursuant to its authority under Government Code section 11520, the Board finds
7 Respondent is in default. The Board will take action without further hearing and, based on the
8 evidence on file herein, finds that the allegations in Amended Accusation No. 2010-64 are true.

9 10. The total investigation and enforcement costs incurred by the Board in connection
10 with the Amended Accusation are \$3,661.00 as of April 20, 2011.

11 DETERMINATION OF ISSUES

12 1. Based on the foregoing findings of fact, Respondent Josue Limon-Quiroz has
13 subjected his Registered Applicator License No. RA 48652 to discipline.

14 2. A copy of the Amended Accusation is attached.

15 3. The agency has jurisdiction to adjudicate this case by default.

16 4. The Board is authorized to revoke Respondent's Registered Applicator based upon the
17 following violations alleged in the Accusation:

18 a. Pursuant to Business and Professions Code section 8649, in that Respondent
19 was convicted on two counts of the following crime, which is substantially related to the
20 qualifications, functions, or duties of the profession of a registered applicator:

21 On or about March 11, 2009, in the criminal proceeding titled *People v. Josue*
22 *Limon Quiroz* (Super. Ct. Los Angeles County, 2009, Case No. NA079865), Respondent was
23 convicted on his pleas of nolo contendere of two counts of violating Penal Code section 288,
24 subdivision (a) (lewd acts upon a child, a felony), a crime substantially related to the
25 qualifications, functions, and duties of a registered applicator. Respondent was sentenced to serve
26 a total of 10 years in state prison and was ordered to register as a sex offender. The circumstances
27 of the crime are as follows: On or between April 25, 2007 and October 7, 2008, Respondent
28 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

1 intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of both
2 himself and the child.

3 ORDER

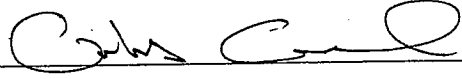
4 IT IS SO ORDERED that Registered Applicator License No. RA 48652, heretofore issued
5 to Respondent Josue Limon-Quiroz, is revoked.

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This Decision shall become effective on June 24, 2011.

It is so ORDERED May 25, 2011



FOR THE STRUCTURAL PEST CONTROL BOARD

default decision_LIC.rtf

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804
Attorneys for Complainant

FILED

Date 8/25/10 By Susan Saylor

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

11 In the Matter of the Amended Accusation Against:

Case No. 2010-64

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

AMENDED
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.

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:

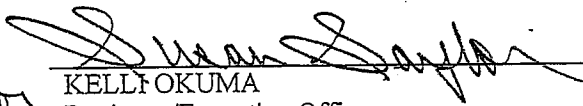
1. Revoking or suspending Registered Applicator's License Number RA 48652, issued to Josue Limon-Quiroz;

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 48652, 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: 8/25/10

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

LA2009602861