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FILED

Date 8/3/11

By *William H. Douglas*

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

11 In the Matter of the Accusation Against:

Case No. 2012-3

12 **ROBERT J. DE ROSA,**
13 **aka ROBERT JAMES DE ROSA**
14 **4989 Mountain Lakes Boulevard, Unit E**
15 **Redding, California 96003**
16 **Mailing Address:**
17 **P.O. Box 491978**
18 **Redding, CA 96049**
19 **Applicator License No. RA 49376**

ACCUSATION

Respondent.

19 Complainant alleges:

20 **PARTIES/LICENSE INFORMATION**

21 1. William H. Douglas ("Complainant") brings this Accusation solely in his official
22 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board
23 ("Board"), Department of Pesticide Regulation.

24 2. On or about October 22, 2008, the Board issued Applicator License Number
25 RA 49376 in Branches 2 (general pest) and 3 (termite) to Robert J. De Rosa, also known as
26 Robert James De Rosa ("Respondent"), employee of Jeff's Pest Control Service. Respondent's
27 applicator license will expire on October 22, 2011, unless renewed.

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STATUTORY PROVISIONS

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2 3. Business and Professions Code (“Code”) section 8620 provides, in pertinent part, that
3 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
4 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
5 of a suspension may assess a civil penalty.

6 4. Code section 8654 states:

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

22 5. Code section 8649 states:

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

27 6. Code section 8655 states:

28 A plea or verdict of guilty or a conviction following a plea of nolo
contendere made to a charge substantially related to the qualifications, functions, and
duties of a structural pest control operator, field representative, applicator, or
registered company is deemed to be a conviction within 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 aside the verdict of guilty, or dismissing the accusation,
information or indictment.

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1 7. Code section 490, subdivision (a), states:

2 In addition to any other action that a board is permitted to take against a
3 licensee, a board may suspend or revoke a license on the ground that the licensee has
4 been convicted of a crime, if the crime is substantially related to the qualifications,
5 functions, or duties of the business or profession for which the license was issued.

6 COST RECOVERY

7 8. Code section 125.3 states, in pertinent part, that a Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 CAUSE FOR DISCIPLINE

12 (Criminal Convictions)

13 9. Respondent is subject to disciplinary action pursuant to Code sections 8649 and 490,
14 subdivision (a), in that he was convicted of crimes which are substantially related to the
15 qualifications, functions, and duties of a pest control applicator, as follows:

16 a. On or about January 20, 2011, in the criminal proceeding titled *People v. Robert*
17 *James De Rosa* (Super. Ct. Shasta County, 2011, Case No. 10F6652), Respondent pled nolo
18 contendere to violating Penal Code section 12020, subdivision (a)(2) (unlawful possession of a
19 weapon, a felony). On February 22, 2011, the imposition of Respondent's sentence was
20 suspended and Respondent was placed on formal probation for 3 years on terms and conditions,
21 including that he participate in counseling as directed by the Probation Officer, specifically to
22 include drug and alcohol counseling and a mental health evaluation; that he pay restitution to
23 M. B., A. R., and P. K.; and that he have no contact in any manner with M. B., A. R., P. K., and
24 P. P. or their families. The circumstances of the crime are as follows: On or about June 5, 2010,
25 officers with the Redding Police Department ("PD") were dispatched to a private residence upon
26 receiving a report of shots fired in the area. After the officers arrived on scene, the reporting
27 party told the officers that she had heard two loud explosions earlier that day and that it sounded
28 like rifle shots coming from the interior of her neighbor's residence. Later, the officers made
contact with Respondent. Respondent admitted that he had been setting off dry ice bombs.

1 b. On or about January 20, 2011, in the criminal proceeding titled *People v. Robert*
2 *James De Rosa* (Super. Ct. Shasta County, 2011, Case No. 10F7730), Respondent pled nolo
3 contendere to violating Penal Code section 594, subdivision (b)(1) (vandalism, a misdemeanor).
4 The circumstances of the crime are as follows: On or about October 11, 2010, an officer with the
5 Redding PD responded to a private residence regarding a prior report of felony vandalism. Upon
6 arrival, the officer met with victim P. P., who stated that on October 3, 2010, she witnessed her
7 neighbor, Respondent, throw approximately five large rocks onto her abode tile roof. Later, P. P.
8 learned that at least five of her roof tiles were completely destroyed and that her roof would leak
9 once it began to rain. P. P. estimated the damage to her roof to be approximately \$800. P. P.
10 informed the officer that Respondent's residence actually belonged to his father, W. De Rosa, and
11 that W. De Rosa had asked P. P. to contact him directly if Respondent was causing problems in
12 the neighborhood due to his erratic behavior. Later, the officer spoke with W. De Rosa. W. De
13 Rosa stated that he believed Respondent was experiencing ill effects due to his prolonged use of
14 methamphetamine and that Respondent had been delusional as of late.

15 c. On or about January 20, 2011, in the criminal proceeding titled *People v. Robert*
16 *James De Rosa* (Super. Ct. Shasta County, 2011, Case No. 10M8982), Respondent pled nolo
17 contendere to violating Penal Code sections 647, subdivision (h) (loitering, prowling, or
18 wandering upon private property, a misdemeanor), and 647, subdivision (i) (peeking, a
19 misdemeanor). The circumstances of the crimes are as follows: On or about December 11, 2010,
20 an officer with the Redding PD was dispatched to a private residence regarding a call that
21 Respondent was screaming and looking into the windows of victim P. K. Upon arrival, the
22 officer found Respondent on the street in front of P. K.'s residence. Later, the officer made
23 contact with P. K., who reported that Respondent had been causing various disturbances in the
24 neighborhood and had accused her and other neighbors of kidnapping his girlfriend. P. K. stated
25 that Respondent came into her front yard and began looking into her living room window.
26 Respondent then went to the side of P. K.'s residence and started looking over her fence. P. K.
27 told the officer that she was frightened and believed Respondent was going to enter her home.

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OTHER MATTERS

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2 10. Code section 8620 provides, in pertinent part, that a respondent may request that a
3 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,
4 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
5 at the time of the hearing and must be noted in the proposed decision. The proposed decision
6 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

7 11. Pursuant to Code section 8654, if discipline is imposed on Applicator License
8 Number RA 49376, issued to Robert J. De Rosa, also known as Robert James De Rosa, Robert J.
9 De Rosa, also known as Robert James De Rosa, shall be prohibited from serving as an officer,
10 director, associate, partner, qualifying manager, or responsible managing employee for any
11 registered company during the time the discipline is imposed, and any registered company which
12 employs, elects, or associates Robert J. De Rosa, also known as Robert James De Rosa, shall be
13 subject to disciplinary action.

PRAYER

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

17 1. Revoking or suspending Applicator License Number RA 49376, issued to Robert J.
18 De Rosa, also known as Robert James De Rosa;

19 2. Prohibiting Robert J. De Rosa, also known as Robert James De Rosa, from serving as
20 an officer, director, associate, partner, qualifying manager or responsible managing employee of
21 any registered company during the period that discipline is imposed on Applicator License
22 Number RA 49376, issued to Robert J. De Rosa, also known as Robert James De Rosa;

23 3. Ordering Robert J. De Rosa, also known as Robert James De Rosa, to pay the
24 Structural Pest Control Board the reasonable costs of the investigation and enforcement of this
25 case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 8/3/11

William H. Douglas

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

SA2011100889