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FILED

Date *6/16/11* By *William H. Douglas*

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

In the Matter of the Petition to Revoke
Probation Against,
JUSTIN WILLIAM JONES
17043 Lakepointe Drive
Riverside, CA 92505

Applicator License No. RA 49661

Respondent.

Case No. 2008-72

PETITION TO REVOKE PROBATION

Complainant alleges:

PARTIES

1. William H. Douglas (Complainant) brings this Petition to Revoke Probation solely in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

2. On or about February 10, 2009, the Structural Pest Control Board issued Applicator License Number RA 49661 to Justin William Jones (Respondent). The Applicator License was in effect at all times relevant to the charges brought herein and will expire on February 10, 2012, unless renewed.

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1 3. In a disciplinary action entitled *In the Matter of Statement of Issues Against Justin*
2 *William Jones*, Case No. 2008-72, the Structural Pest Control Board issued a decision, effective
3 December 24, 2008, in which Respondent's Applicator License was revoked. However, the
4 revocation was stayed and Respondent's Applicator License was placed on probation for a period
5 of four (4) years with certain terms and conditions. A copy of that decision is attached as Exhibit
6 A and is incorporated by reference.

7 **JURISDICTION**

8 4. This Petition to Revoke Probation is brought before the Structural Pest Control Board
9 (Board), Department of Pesticide Regulation, under the authority of the following laws. All
10 section references are to the Business and Professions Code unless otherwise indicated.

11 5. Section 8625 of the Code states:

12 "The lapsing or suspension of a license or company registration by operation of law or by
13 order or decision of the board or a court of law, or the voluntary surrender of a license or
14 company registration shall not deprive the board of jurisdiction to proceed with any investigation
15 of or action or disciplinary proceeding against such licensee or company, or to render a decision
16 suspending or revoking such license or registration."

17 **STATUTORY PROVISIONS**

18 6. Section 8641 of the Code states:

19 "Failure to comply with the provisions of this chapter, or any rule or regulation adopted by
20 the board, or the furnishing of a report of inspection without the making of a bona fide inspection
21 of the premises for wood-destroying pests or organisms, or furnishing a notice of work completed
22 prior to the completion of the work specified in the contract, is a ground for disciplinary action."

23 7. Pursuant to section 8654 of the Code, if discipline is imposed on Applicator License
24 Number RA 49661 issued to Respondent, he shall be prohibited from serving as an officer,
25 director, associate, partner, qualifying manager, or responsible managing employee for any
26 registered company during the time the discipline is imposed, and any registered company which
27 employs, elects, or associates Respondent shall be subject to disciplinary action.

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1 REGULATORY PROVISIONS

2 8. California Code of Regulations, title 16, section 1937.12 states, in pertinent part:

3 “(a) Whenever a proposed decision places a licensee or registered company on probation as
4 a condition of staying a revocation or staying all or any portion of a suspension, the order
5 granting such probation shall include at least the following conditions:

6 “(1) That the licensee or registered company shall file quarterly reports with the board
7 during the period of probation;”

8 “. . . .”

9 CAUSE TO REVOKE PROBATION

10 (Quarterly Reports)

11 9. At all times after the effective date of Respondent’s probation, Condition 2 stated:

12 "Respondent shall file quarterly reports with the Board during the period of probation."

13 10. Respondent’s probation is subject to revocation because he failed to comply with
14 Probation Condition 2, referenced above, in that Respondent has not provided quarterly reports to
15 the Board that were due on March 24, 2009, June 24, 2009, September 24, 2009, December 24,
16 2009, March 24, 2010, June 24, 2010, September 24, 2010, December 24, 2010, and March 24,
17 2011.

18 PRAYER

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

21 1. Revoking the probation that was granted by the Structural Pest Control Board in Case
22 No. 2008-72 and imposing the disciplinary order that was stayed thereby revoking Applicator
23 License No. RA 49661 issued to Justin William Jones;

24 2. Revoking or suspending Applicator License No. RA 49661, issued to Justin William
25 Jones; and

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

DATED: 6/16/11

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

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