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FILED

Date 4/11/12 By

William H. Douglas

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

12 In the Matter of the First Amended Accusation  
and Statement of Issues Against:

13 **ISAAC MANUEL CRUZ**  
14 **17802 Hurley Street**  
15 **LaPuente, California 91744**  
**Applicator License No. RA 50408, Br. 2 and 3**

16 Respondent/Applicant.

Case No. 2011-72(e) (First Amended  
Accusation)

**FIRST AMENDED ACCUSATION AND  
STATEMENT OF ISSUES**

Case No. 2012-50 (Statement of  
Issues)

17  
18 William H. Douglas ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this First Amended Accusation and Statement of Issues solely in  
21 his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control  
22 Board, Department of Pesticide Regulation ("Board").

23 **Application Information**

24 2. On or about July 28, 2010, the Board received an Application for Field  
25 Representative's License in Branch 2, from Isaac Manuel Cruz ("Respondent"). On or about  
26 May 1, 2010, Respondent certified under penalty of perjury to the truthfulness of all statements,  
27 answers, and representations in the application. The Board denied the application on  
28 March 29, 2011.



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9. Code section 8651 states:

The performing or soliciting of structural pest control work, the inspecting for structural or household pests, or the applying of any pesticide, chemical, or allied substance for the purpose of eliminating, exterminating, controlling, or preventing structural pests in branches of pest control other than those for which the operator, field representative, or applicator is licensed or the company is registered is a ground for disciplinary action.

10. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

**COST RECOVERY**

11. Code section 125.3 provides, in pertinent part, that the 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.

**REGULATORY PROVISIONS**

12. California Code of Regulations, title 16, section 1999.5 states, in pertinent part:

It is the purpose of this regulation to protect the public from false, misleading, deceptive, or unfair representations or claims concerning structural pest control while enabling the public to receive truthful and legitimate information about those structural pest control products and services and the potential of these products and services to reduce impact to health or the environment.

(f) Examples of direct or indirect statements or representations which are unfair, deceptive, untrue or misleading include, but are not limited to, the following:

(10) any unfair, deceptive, untrue or misleading comparison of pest control services, methods, products, pesticides or devices.

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**OTHER MATTERS**

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2       17. 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       18. Pursuant to Code section 8654, if Respondent's application is denied, then  
8 Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying  
9 manager, or responsible managing employee of a registered company, and the employment,  
10 election or association of such person by a registered company is grounds for disciplinary action.

**PRAYER**

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

- 14       1. Denying the application of Isaac M. Cruz for a Field Representative's License;
- 15       2. Revoking or suspending Registered Applicator's License Number RA 50408, issued  
16 to Isaac M. Cruz;
- 17       3. Revoking or suspending any other license for which Isaac M. Cruz is furnishing the  
18 qualifying experience or appearance;
- 19       4. Prohibiting Isaac M. Cruz from serving as an officer, director, associate, partner,  
20 qualifying manager or responsible managing employee of any registered company during the  
21 period that discipline is imposed on Registered Applicator's License Number RA 50408, issued  
22 to Isaac M. Cruz;

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1        5.    Ordering Isaac M. Cruz to pay the Structural Pest Control Board the reasonable costs  
2 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
3 section 125.3; and,

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

5 DATED: 4/11/12

*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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