

BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation  
Against:

**MARTIN C. AGUINAGA**  
2121 N. Moreno Court  
Visalia, CA 93291

**Applicator License No. RA 50864**

Respondent.

Case No. 2011-72(g)

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

The Decision shall become effective on December 1, 2013.

IT IS SO ORDERED November 1, 2013.

  
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FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

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

11 In the Matter of the First Amended Accusation  
12 Against:

13 **MARTIN C. AGUINAGA**  
2121 N. Moreno Ct.  
14 Visalia, CA 93291

15 **Applicator License No. RA 50864**

16 Respondent.

Case No. 2011-72(g)

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

**(MARTIN C. AGUINAGA ONLY)**

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. William H. Douglas (Complainant) was the former Interim Registrar/Executive  
23 Officer of the Structural Pest Control Board. He brought these actions solely in his official  
24 capacity. Susan Saylor is the current Interim Registrar/Executive Officer of the Structural Pest  
25 Control Board. She maintains these actions solely in her official capacity and is represented in  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Phillip L. Arthur,  
27 Deputy Attorney General.

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1 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or formal proceeding, issue and enter the following  
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Applicator License No. RA 50864, issued to Respondent  
6 Martin C. Aguinaga, is revoked. However, the revocation is stayed and Respondent is placed on  
7 probation for three (3) years on the following terms and conditions:

8 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and all laws  
9 and rules relating to the practice of structural pest control.

10 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during  
11 the period of probation.

12 3. **Tolling of Probation.** Should Respondent leave California to reside outside this  
13 state, Respondent must notify the Board in writing of the dates of departure and return. Periods  
14 of residency or practice outside the state shall not apply to reduction of the probationary period.

15 4. **Notice to Employers.** Respondent shall notify all present and prospective employers  
16 of the decision in case no. 2011-72(g) and the terms, conditions and restrictions imposed on  
17 Respondent by said decision.

18 Within 30 days of the effective date of this decision, and within 15 days of Respondent  
19 undertaking new employment, Respondent shall cause his employer to report to the Board in  
20 writing acknowledging the employer has read the decision in case no. 2011-72(g).

21 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this  
22 decision, post or circulate a notice to all employees involved in structural pest control operations  
23 which accurately recite the terms and conditions of probation. Respondent shall be responsible  
24 for said notice being immediately available to said employees. "Employees" as used in this  
25 provision includes all full-time, part-time, temporary and relief employees and independent  
26 contractors employed or hired at any time during probation.

27 6. **Completion of Probation.** Upon successful completion of probation, Respondent's  
28 license will be fully restored.

1 7. **Violation of Probation.** Should Respondent violate probation in any respect, the  
2 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and  
3 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against  
4 Respondent during probation, the Board shall have continuing jurisdiction until the matter is final,  
5 and the period of probation shall be extended until the matter is final.

6 8. **Random Inspections.** Respondent shall reimburse the Board for one (1) random  
7 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per  
8 inspection.

9 9. **Future Applications.** Should Respondent apply for a license during the period of  
10 probation, and should the Board issue said license, the issuance of said license shall be under the  
11 same terms and conditions and probationary term as set forth herein.

12 10. **Cost Recovery.** Respondent shall reimburse the Board for its costs of investigation  
13 and enforcement in these matters in the pro rata amount of \$1,747.00. Said amount may be paid  
14 in monthly installments as agreed by the Board, and shall be paid in full no later than six (6)  
15 months before the end of probation. Probation shall not be terminated until the costs are paid in  
16 full.

17 ACCEPTANCE

18 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
19 stipulation and the effect it will have on my Applicator License. I enter into this Stipulated  
20 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
21 bound by the Decision and Order of the Structural Pest Control Board.

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23 DATED: 7.22.13

24 Martin C. Aguinaga  
MARTIN C. AGUINAGA, RA 50864  
Respondent

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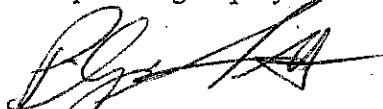
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.

Dated: 7/25/13

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General



PHILLIP L. ARTHUR  
Deputy Attorney General  
*Attorneys for Complainant*

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