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**FILED**

Date 2/9/12 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 Petition to Revoke  
12 Probation Against,

Case No. 2011-24

13 **CESAR RUIZ ALVARADO**  
14 **15314 Devonshire Street, Suite C**  
15 **Mission Hills, CA 91345**  
16 **Applicator License No. RA 51605,**  
17 **Branch 2 and Branch 3**

PETITION TO REVOKE PROBATION

Respondent.

18 Complainant alleges:

19 PARTIES

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

23 2. On or about December 21, 2010, the Structural Pest Control Board issued Applicator  
24 License Number RA 51605 in Branch 2 and 3 to Cesar Ruiz Alvarado (Respondent), as an  
25 employee of Ecola Services Inc. The Applicator License was in effect at all times relevant to the  
26 charges brought herein and will expire on December 21, 2013, unless renewed.

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JURISDICTION

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

4. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

STATUTORY PROVISIONS

5. Section 8625 of the Code states:

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

6. Section 8567 of the Code states:

Should a field representative or applicator change his or her employment, or

“Should an operator enter the employ of a registered company, or being already employed by a registered company change his or her employment, or being employed by a registered company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar in writing, on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. Whereupon the registrar shall register the change in his or her records.”

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1           7. California Code of Regulations, title 16, section 1911, states:

2           "Each operator, field representative and applicator shall file his or her address of record  
3 with the board and shall notify the board of any change in address within ten (10) days of such  
4 change. The address of record of a field representative, an operator or an applicator shall be the  
5 address of the registered company by which he or she is employed or with which he or she is  
6 associated or his or her residence address if he or she is not employed and associated.

7           Each licensee shall also file his or her address for mailing purposes with the board and shall  
8 notify the board of any change in address within ten (10) days of such change."

9           8. California Code of Regulations, title 16, section 1937.12 states:

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

13           (1) That the licensee or registered company shall file quarterly reports with the board  
14 during the period of probation.”

15           9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licensee found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19                               PETITION TO REVOKE PROBATION

20           10. Grounds exist to revoke the probation and reimpose the order of revocation of  
21 Respondent’s Applicator License Number RA 51605, in that Respondent failed to comply with  
22 his probation terms and conditions as follows:

#### 23                               FIRST CAUSE TO REVOKE PROBATION

24           (Failure to Obey all Laws and Rules Relating to the Practice of Structural Pest Control)

25           11. Condition 1 of the terms and conditions of probation provides that Respondent shall  
26 obey all laws and rules relating to the practice of structural pest control.

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1 12. Respondent's probation is subject to revocation because he failed to comply with  
2 Probation Condition 1, referenced above. The facts and circumstances regarding this violation  
3 are that Respondent failed to obey all laws and rules relating to the practice of structural pest  
4 control in that he failed to comply with Business and Professions Code Section 8567 and  
5 California Code of Regulations, title 16, section 1911 in that Respondent failed to notify the  
6 Board, on a form prescribed by the Board, of his change of employment and address of record.  
7 Further, Respondent failed to comply with California Code of Regulations, title 16, section  
8 1937.12, subdivision (a)(1), in that Respondent failed to file quarterly reports as indicated in  
9 paragraph 11 below which is incorporated herein.

10 SECOND CAUSE TO REVOKE PROBATION

11 (Failure to File Quarterly Reports)

12 13. Condition 3 of the terms and conditions of probation provides that Respondent shall  
13 file quarterly reports with the Board during the period of probation. Respondent's probation is  
14 subject to revocation because he failed to comply with Probation Condition 3, and Probation  
15 Condition 2, referenced above, as he failed to file Quarterly Reports for the period of December  
16 2010 to January 2012.

17 OTHER MATTERS

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

23 PRAYER

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

26 1. Revoking or suspending Applicator License No. RA 51605, issued to Cesar Ruiz  
27 Alvarado;

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2. Revoking probation of Applicator License No. RA 51605 issued to Cesar Ruiz Alvarado;

3. Ordering Respondent Alvarado to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3 of the Code;

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

DATED: 2/9/12

*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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