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FILED

Date 2/8/12 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 Accusation Against:
13 **BLAKE E. CARR**
1737 South Bardo Street
14 Visalia, CA 93277
and
15 1309 North Comstock Street
Visalia, CA 93277
16
17 **Applicator License No. RA 51914, Br. 2 and 3**
18 Respondent.

Case No. 2012-35
ACCUSATION

19
20 William H. Douglas ("Complainant") alleges:

21 **PARTIES**

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

25 2. On or about April 6, 2011, the Board issued Applicator License Number RA 51914 to
26 Blake E. Carr ("Respondent"). The license was in full force and effect at all times relevant to the
27 charges brought herein and will expire on April 6, 2014, unless renewed.

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1 **JURISDICTION**

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 8625 states:

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

13 **STATUTORY PROVISIONS**

14 5. Code section 8649 states:

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

19 **COST RECOVERY**

20 6. Code section 125.3 provides, in pertinent part, that the Registrar may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Conviction of a Crime)**

26 7. Respondent is subject to discipline under Code section 8649, in that on or about
27 May 17, 2011, in the case of *People v. Blake Evan Carr*, (Super. Ct. Tulare County, 2011, Case
28 No. TCM249905), Respondent was convicted by the Court on his plea of no contest of violating
Penal Code section 484(a) (petty theft, to wit: \$20 cash). The crime is substantially related to the
qualifications, functions or duties of the profession of an applicator.

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1 OTHER MATTERS

2 8. 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 9. Pursuant to Code section 8654, if discipline is imposed on Applicator's License
8 Number RA 51914, issued to Respondent, then Respondent shall be prohibited from serving as an
9 officer, director, associate, partner or responsible managing employee of a licensee, and any
10 licensee which employs, elects, or associates Respondent shall be subject to disciplinary action.

11 PRAYER

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. Revoking or suspending Applicator's License Number RA 51914, issued to Blake E.
15 Carr;
- 16 2. Revoking or suspending any other license issued to Blake E. Carr;
- 17 3. Prohibiting Blake E. Carr from serving as an officer, director, associate, partner,
18 qualifying manager or responsible managing employee of any registered company during the
19 period that discipline is imposed on Applicator's License Number RA 51914, issued to Blake E.
20 Carr;

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4. Ordering Blake E. Carr to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 2/8/12

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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