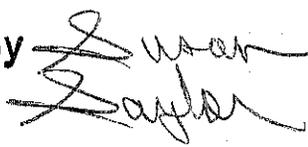


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FILED

Date 9/26/13 By 

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2014-17

12 **ARNULFO A. RODRIGUEZ**
4335 Van Nuys Boulevard, Unit #327
13 Sherman Oaks, CA 91403

ACCUSATION

14 and

15 16830 Wyandotte Street
Van Nuys, CA 91406

16 Applicator License No. RA 52180

17 Respondent.
18

19
20 Complainant alleges:

21 **PARTIES**

- 22 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as
23 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
24 Affairs.
- 25 2. On or about June 13, 2011, the Structural Pest Control Board issued Applicator
26 License No. RA 52180, in Branch 2 (general pest) and Branch 3 (termite) to Arnulfo A.
27 Rodriguez (Respondent). The Applicator License was in full force and effect at all times relevant
28 to the charges brought herein and will expire on June 13, 2014, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 **STATUTORY PROVISIONS**

5 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
6 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
7 action during the period within which the license may be renewed, restored, reissued or
8 reinstated.

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

13 6. Section 8625 states:

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

19 7. Section 8649 states:

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

23 8. Section 8654 states:

24 "Any individual who has been denied a license for any of the reasons specified in Section
25 8568, or who has had his or her license revoked, or whose license is under suspension, or who has
26 failed to renew his or her license while it was under suspension, or who has been a member,
27 officer, director, associate, qualifying manager, or responsible managing employee of any
28 partnership, corporation, firm, or association whose application for a company registration has

1 been denied for any of the reasons specified in Section 8568, or whose company registration has
2 been revoked as a result of disciplinary action, or whose company registration is under
3 suspension, and while acting as such member, officer, director, associate, qualifying manager, or
4 responsible managing employee had knowledge of or participated in any of the prohibited acts for
5 which the license or registration was denied, suspended or revoked, shall be prohibited from
6 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
7 employee of a registered company, and the employment, election or association of such person by
8 a registered company is a ground for disciplinary action."

9 9. Section 8655 states:

10 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
11 charge substantially related to the qualifications, functions, and duties of a structural pest control
12 operator, field representative, applicator, or registered company is deemed to be a conviction
13 within the meaning of this article or Section 8568 of this chapter. The board may order the license
14 or registration suspended or revoked, or may decline to issue a license, when the time for appeal
15 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
16 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
17 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company
18 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
19 or dismissing the accusation, information or indictment."

20 REGULATORY PROVISIONS

21 10. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

22 "For the purposes of denial, suspension or revocation of a license or company registration
23 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
24 considered to be substantially related to the qualifications, functions or duties of a licensee or
25 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
26 evidences present or potential unfitness of such licensee or registered company to perform the
27 functions authorized by the license or company registration in a manner consistent with the public
28 health, safety, or welfare."

1 **COST RECOVERY**

2 11. Section 125.3 states, in pertinent part, that a Board may request the administrative law
3 judge to direct a licentiate found to have committed a violation or violations of the licensing act to
4 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Conviction of Substantially Related Crime)**

7 12. Respondent is subject to disciplinary action under sections 8649, in conjunction with
8 California Code of Regulations, title 16, section 1937.1, in that Respondent has been convicted of
9 crimes substantially related to the qualifications, functions or duties of a licensed applicator, as
10 follows:

11 a. On or about December 20, 2011, after pleading nolo contendere, Respondent was
12 convicted of one misdemeanor count of violating Penal Code section 602.5, subdivision (a)
13 [unauthorized entry of a dwelling house] in the criminal proceeding entitled *The People of the*
14 *State of California v. Antonio Rodriguez* (Super. Ct. Los Angeles County, 2011, No. 1NW04151.)
15 The Court sentenced Respondent to serve 30 days in Los Angeles County Jail and placed him on
16 24 months probation, with terms and conditions.

17 b. The circumstances surrounding the conviction are that on or about December 17,
18 2011, Respondent entered the home of another without permission, stated "I bet you wish you
19 locked your door," and was then detained by the homeowner until police arrived.

20 **DISCIPLINE CONSIDERATIONS**

21 13. To determine the degree of discipline, Complainant alleges that:

22 a. On or about January 22, 2007, after pleading nolo contendere, Respondent was
23 convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [petty
24 theft] in the criminal proceeding entitled *The People of the State of California v. Arnulfo Antonio*
25 *Rodriguez* (Super. Ct. Los Angeles County, 2007, No. 6NW04873.) The Court sentenced
26 Respondent to serve 1 day in Los Angeles County jail and placed him on 36 months probation,
27 with terms and conditions.

28 ///

1 OTHER MATTERS

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

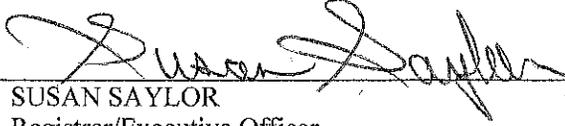
7 15. Pursuant to section 8654, if discipline is imposed on Registered Applicator's License
8 No. RA52180 issued to Respondent, Respondent shall be prohibited from serving as an officer,
9 director, associate, partner, qualifying manager, or responsible managing employee for any
10 registered company during the time the discipline is imposed, and any registered company which
11 employs, elects, or associates Respondent shall be subject to disciplinary action.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board issue a decision:

- 15 1. Revoking or suspending Applicator License No. RA 52180, issued to Arnulfo A.
16 Rodriguez;
- 17 2. Ordering Arnulfo A. Rodriguez to pay the Board the reasonable costs of the
18 investigation and enforcement of this case, pursuant to section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 9/26/13

22 
23 SUSAN SAYLOR
24 Registrar/Executive Officer
25 Structural Pest Control Board
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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