

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

In the Matter of the Statement of Issues  
Against:

**ABRAHAM NATHAN RUIZ**

Applicator License Applicant,

Respondent.

Case No. 2013-23

OAH No. 2013020801

**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 September 16, 2013.

IT IS SO ORDERED August 17, 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**  
10 **DEPARTMENT OF PESTICIDE REGULATION**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

13 **ABRAHAM NATHAN RUIZ**

14 **Applicator License Applicant,**

15 Respondent.

Case No. 2013-23

OAH No. 2013020801

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Susan Saylor (Complainant) is the Interim Registrar/Executive Officer of the  
21 Structural Pest Control Board. She brought this action solely in her official capacity and is  
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
23 Amanda Dodds, Senior Legal Analyst.

24 2. Abraham Nathan Ruiz (Respondent) is representing himself in this proceeding and  
25 has chosen not to exercise his right to be represented by counsel.

26 3. On or about April 27, 2012, Respondent filed an application dated April 26, 2012,  
27 with the Structural Pest Control Board to obtain an Applicator License. The Structural Pest  
28 Control Board denied the application on July 18, 2012.

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**JURISDICTION**

4. Statement of Issues No. 2013-23 was filed before the Structural Pest Control Board (Board), Department of Pesticide Regulation, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on November 15, 2012. A copy of Statement of Issues No. 2013-23 is attached as Exhibit A and incorporated herein by reference.

**ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2013-23. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

**CULPABILITY**

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2013-23.

9. Respondent agrees that his Applicator License application is subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

**CONTINGENCY**

10. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and

1 settlement, without notice to or participation by Respondent. By signing the stipulation,  
2 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
3 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
4 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
5 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
6 the parties, and the Board shall not be disqualified from further action by having considered this  
7 matter.

8 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
9 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
10 effect as the originals.

11 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
14 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
16 writing executed by an authorized representative of each of the parties.

17 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
18 the Board may, without further notice or formal proceeding, issue and enter the following  
19 Disciplinary Order:

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that the application of Respondent Abraham Nathan Ruiz for  
22 licensure is hereby granted. Upon successful completion of all licensing requirements, an  
23 Applicator License will be issued and immediately revoked. The revocation will be stayed and  
24 the Respondent placed on three (3) years probation on the following terms and conditions.

25 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws, along with  
26 all laws and regulations relating to the practice of structural pest control.

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

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

4           4.    **Notice to Employers.** Respondent shall notify all present and prospective employers  
5 of the decision in case no. 2013-23 and the terms, conditions and restriction imposed on  
6 Respondent by said decision.

7           Within 30 days of the effective date of this decision, and within 15 days of Respondent  
8 undertaking new employment, Respondent shall cause his/her employer to report to the Board in  
9 writing acknowledging the employer has read the decision in case No. 2013-23.

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

16          6.    **Completion of Probation.** Upon successful completion of probation, Respondent's  
17 license/certificate will be fully restored.

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

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

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1           9.   **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
2 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,  
3 qualifying manager or branch office manager of any registered company during the period that  
4 discipline is imposed on his Applicator License.

5           10. **No Interest In Any Registered Company.** Respondent shall not have any legal or  
6 beneficial interest in any company currently or hereinafter registered by the Board.

7           11. **Additional License.** Any additional license issued to Respondent shall be placed on  
8 probation under the same terms and conditions during the period discipline is imposed on the  
9 Applicator License.

10          12. **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
11 random, biological fluid testing or a drug screening program which the Board approves. The  
12 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
13 for keeping the Board informed of his current telephone number at all times. Respondent shall  
14 also ensure that messages may be left at the telephone number when he is not available and  
15 ensure that reports are submitted directly by the testing agency to the Board, as directed. Any  
16 confirmed positive finding shall be reported immediately to the Board by the program and the  
17 respondent shall be considered in violation of probation.

18   **ACCEPTANCE**

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

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24 DATED: 6-21-13

  
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ABRAHAM NATHAN RUIZ  
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: 6/21/13

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General



AMANDA DODDS  
Senior Legal Analyst  
*Attorneys for Complainant*

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