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

11 In the Matter of the Accusation Against:

Case No. 2015-21

12 **ISRAEL SERRANO, JR.**  
15757 Lemon Street  
13 Whittier, CA 90604

**A C C U S A T I O N**

14 **Applicator License No. RA 54199**

15 Respondent.

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17  
18 Complainant alleges:

19 **PARTIES**

20 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as  
21 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer  
22 Affairs (Board).

23 2. On or about April 3, 2013, the Board issued Applicator License No. RA 54199 in  
24 Branch 2 and 3 to Israel Serrano, Jr. (Respondent), as an employee of Orange County Pest  
25 Control, Inc. The Applicator License was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on April 3, 2016, unless renewed.

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**FILED**

Date 10/21/14 By 

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1 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
2 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
3 and the board may inquire into the circumstances surrounding the commission of the crime in  
4 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
5 qualifications, functions, and duties of the licensee in question."

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

9 8. Section 8625 states:

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

15 9. Section 8649 states:

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

19 10. Section 8654 states:

20 "Any individual who has been denied a license for any of the reasons specified in Section  
21 8568, or who has had his or her license revoked, or whose license is under suspension, or who has  
22 failed to renew his or her license while it was under suspension, or who has been a member,  
23 officer, director, associate, qualifying manager, or responsible managing employee of any  
24 partnership, corporation, firm, or association whose application for a company registration has  
25 been revoked as a result of disciplinary action, or whose company registration is under  
26 suspension, and while acting as such a member, officer, director, associate, qualifying manager, or  
27 responsible managing employee had knowledge of or participated in any of the prohibited acts for  
28 which the license or registration was denied, suspended or revoked, shall be prohibited from

1 serving as an officer, director, associate, partner, qualifying manager, or responsible managing  
2 employee of a registered company, and the employment, election or association of such person by  
3 a registered company is ground for disciplinary action.”

4 11. Section 8655 states:

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

#### 15 **REGULATORY PROVISIONS**

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

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

#### 24 **COST RECOVERY**

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

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of Substantially Related Crimes)**

3 14. Respondent is subject to disciplinary action under sections 8649 and 490, in  
4 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent has  
5 been convicted of crimes substantially related to the qualifications, functions or duties of a  
6 licensed applicator, as follows:

7 a. On or about February 13, 2014, after pleading nolo contendere, Respondent was  
8 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand  
9 theft] in the criminal proceeding entitled *The People of the State of California v. Israel Serrano,*  
10 *Jr.* (Super. Ct. Los Angeles County, 2014, No. 4DY01161). The Court sentenced Respondent to  
11 serve eight (8) days in Los Angeles County Jail and placed him on 36 months probation, with  
12 terms and conditions. The circumstances underlying the conviction are that on or about  
13 February 9, 2014, during a family disturbance investigation at 15757 Lemon Drive, in Whittier,  
14 by the Los Angeles County Sheriff's Department, the victim was contacted. The victim indicated  
15 that she and Respondent had been married for 27 years. On that date, Respondent arrived at the  
16 residence angry and started yelling. He went into the victim's bedroom, grabbed approximately 20  
17 Victoria Secret bras and 50 pairs of underwear from her drawer, got into his vehicle, and left the  
18 residence. The victim estimated the items taken were valued at approximately \$1,200.00. Based  
19 on the statements provided by the victim, the suspect's actions, coupled with the officer's training  
20 and experience, the officer formed the opinion that Respondent had violated Penal Code section  
21 487, subdivision (a) [grand theft].

22 b. On or about October 2, 2013, after pleading nolo contendere, Respondent was  
23 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b),  
24 [driving while having 0.08% or more, by weight of alcohol, in his blood] in the criminal  
25 proceeding entitled *The People of the State of California v. Israel Serrano, Jr.* (Super. Ct. Los  
26 Angeles County, 2013, No. 3EA06378). The Court placed Respondent on 36 months probation,  
27 with terms and conditions. The circumstances underlying the conviction are that on or about

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1 July 17, 2013, Respondent drove his vehicle while having 0.08% or more, by weight of alcohol,  
2 in his blood.

3 **OTHER MATTERS**

4 15. Section 8620 provides, in pertinent part, that a respondent may request that a civil  
5 penalty of not more than \$5,000.00 be assessed in lieu of an actual suspension of 1 to 19 days, or  
6 not more than \$10,000.00 for an actual suspension of 20 to 45 days. Such request must be made at  
7 the time of hearing and must be noted in the proposed decision. The proposed decision shall not  
8 provide that a civil penalty be imposed in lieu of a suspension.

9 16. Pursuant to section 8654, if discipline is imposed on Applicator License  
10 No. RA 54199 Respondent shall be prohibited from serving as an officer, director, associate,  
11 partner, qualifying manager, or responsible managing employee for any registered company  
12 during the time the discipline is imposed, and any registered company which employs, elects, or  
13 associates Respondent shall be subject to disciplinary actions.

14 **PRAYER**

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

17 1. Revoking or suspending Applicator License No. RA 54199, issued to Israel Serrano,  
18 Jr.;

19 2. Prohibiting Respondent from serving as an officer, director, associate, partner,  
20 qualifying manager, or responsible managing employee for any registered company during the  
21 time the discipline is imposed pursuant to Business and Professions Code section 8654;

22 3. Ordering Israel Serrano, Jr. to pay the Board reasonable costs of the investigation and  
23 enforcement of this case, pursuant to section 125.3; and

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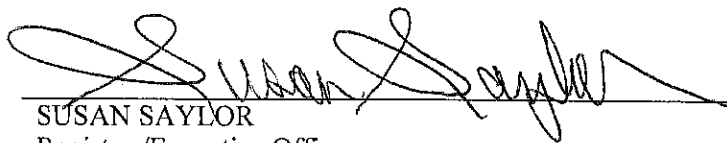
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4. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

10/21/14



SUSAN SAYLOR  
Registrar/Executive Officer  
Structural Pest Control Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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