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FILED

Date 6/16/15 By *Susan Saylor*

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

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 2014-6

13 **ISAAC G. ACOSTA**
298 Juniper Way
14 Oceanside, CA 92057

PETITION TO REVOKE PROBATION

15 **Applicator's License No. RA 54685**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about July 22, 2013, the Structural Pest Control Board issued Applicator's
24 License Number RA 54685 to Isaac G. Acosta (Respondent). The Applicator's License was in
25 effect at all times relevant to the charges brought herein and will expire on June 30, 2017, unless
26 renewed.

27 3. In a disciplinary action entitled "*In the Matter of the Application of Isaac Gabriel*
28 *Acosta*," case number 2014-6, the Structural Pest Control Board issued an Order, effective July

22, 2013, in which an Applicator's License was issued to Respondent. The Applicator's License was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that Stipulation for a Probationary License and Order is attached as Exhibit A and is incorporated by reference.

JURISDICTIONAL, STATUTORY & REGULATORY PROVISIONS

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

5. 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.

6. Section 8625 of the Code provides, in pertinent part, that 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.

7. Probation Term and Condition Number 8 of the Order states:

Should Applicant violate probation in any respect, the Board, after giving Applicant notice and an opportunity to be heard, may revoke the probationary license.

8. 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 on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The registrar shall register the change in his or her records.

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

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

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

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

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

15 (1) That the licensee or registered company shall file quarterly reports with the
16 board during the period of probation;

17

18 **FIRST CAUSE FOR REVOCATION OF LICENSE**

19 **(Obey All Laws)**

20 7. At all times after the effective date of Respondent's probation, Condition 1 stated:
21 "Respondent shall obey all federal, state and local laws, along with all laws and regulations relating
22 to the practice of structural pest control."

23 11. Respondent's probation is subject to revocation because he failed to comply with
24 Probation Condition 1, referenced above. Respondent violated laws and regulations relating to the
25 practice of structural pest control. The facts and circumstances regarding this violation are as
26 follows:

27 a. On or about July 24, 2013, a Disciplinary Action Analyst with the Board mailed
28 Respondent a copy of the Stipulation for a Probationary License and Order via Certified Mail.
Among other things, Respondent was directed to comply with all terms of probation. The
Domestic Return Receipt was signed on July 27, 2013 indicating delivery was complete.

b. Respondent's probation monitor met with Respondent on September 4, 2013
and conducted a probation intake interview where the terms of probation were discussed.
Respondent read and initialed each term.

1 c. Respondent's probation monitor conducted a random inspection at
2 Respondent's employment on April 2, 2014. Respondent was told by the human resources
3 manager that Respondent had not been employed by their company since November 15, 2013.

4 d. In a letter to Respondent dated January 9, 2015, Respondent was told that if he
5 changes employers, he is required to file a Notice of Transfer of Employment form, which was
6 enclosed with the letter. Respondent was further directed to inactivate his license if he is no longer
7 employed by a registered pest control company. Respondent left his employment without
8 notifying the Board of his disassociation and/or change of address in violation of California Code
9 of Regulations, title 16, section 1911, and section 8567 of the Code.

10 **SECOND CAUSE TO REVOKE PROBATION**

11 **(Quarterly Reports)**

12 12. At all times after the effective date of Respondent's probation, Condition 3 stated
13 "Applicant shall file quarterly reports with the Board during the period of probation."

14 13. Respondent's probation is subject to revocation because he failed to comply with
15 Probation Condition 3, referenced above. The facts and circumstances regarding this violation are
16 as follows:

17 a. On or about July 24, 2013, a Disciplinary Action Analyst with the Board mailed
18 Respondent a copy of the Stipulation for a Probationary License and Order via Certified Mail.
19 Among other things, Respondent was specifically directed to file quarterly reports every three
20 months. The first quarterly report was due no later than one week after October 22, 2013.
21 Respondent was warned that failure to comply with all the terms of his probation may result in the
22 revocation of his probation. The Domestic Return Receipt was signed on July 27, 2013 indicating
23 delivery was complete.

24 b. Respondent's probation monitor met with Respondent on September 4, 2013
25 and conducted a probation intake interview where the terms of probation were discussed.
26 Respondent read and initialed each term. Respondent filed quarterly reports on October 23, 2013
27 and January 27, 2014.

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1 c. Respondent's probation monitor conducted a random inspection at
2 Respondent's employment on April 2, 2014. Respondent was told by the human resources
3 manager that Respondent had not been employed by their company since November 15, 2013.

4 d. The probation monitor made contact with Respondent by telephone on April 7,
5 2014. Respondent stated that he was no longer working in pest control. To date, Respondent has
6 not filed quarterly reports.

7 **OTHER MATTERS**

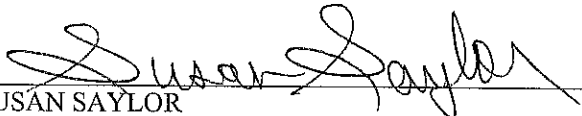
8 14. Pursuant to section 8654 of the Code, if discipline is imposed on Registered
9 Applicator License Number RA 54685 issued to Respondent, Isaac G. Acosta shall be prohibited
10 from serving as an officer, director, associate, partner, qualifying manager, or responsible
11 managing employee for any registered company during the time the discipline is imposed, and any
12 registered company which employs, elects, or associates Isaac G. Acosta shall be subject to
13 disciplinary action.

14 **PRAYER**

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

- 17 1. Revoking the probation that was granted by the Structural Pest Control Board in Case
18 No. 2014-6 and revoking Applicator's License No. RA 54685 issued to Isaac G. Acosta;
19 2. Revoking or suspending Applicator's License No. RA 54685, issued to Isaac G.
20 Acosta;
21 3. Taking such other and further action as deemed necessary and proper.

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23 DATED: 6/16/15

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

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