1 KAMALA D. HARRIS Attorney General of California 2 JAMES M. LEDAKIS Supervising Deputy Attorney General 3 State Bar No. 132645 AMANDA DODDS 4 Senior Legal Analyst 600 West Broadway, Suite 1800 5 San Diego, CA 92101 P.O. Box 85266 6 San Diego, CA 92186-5266 Telephone: (619) 645-2141 7 Facsimile: (619) 645-2061 Attorneys for Complainant 8 BEFORE THE 9 STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS 10 STATE OF CALIFORNIA 11 Case No. 2013-23 In the Matter of the Petition to Revoke 12 **Probation Against:** 13 ABRAHAM NATHAN RUIZ PETITION TO REVOKE PROBATION 4458 Kansas Street #9 14 San Diego, CA 92116 15 Applicator License No. RA 54922 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 September 16, 2013, the Structural Pest Control Board issued Applicator 24 License Number RA 54922 to Abraham Nathan Ruiz (Respondent). The Applicator License was 25 in full force and effect at all times relevant to the charges brought herein and will expire on June 26 30, 2017, unless renewed. 27 In a disciplinary action entitled "In the Matter of the Statement of Issues Against 28 Abraham Nathan Ruiz," Case No. 2013-23, the Structural Pest Control Board issued a Decision

and Order effective September 16, 2013, in which Respondent's Applicator License was revoked. However, the revocation was stayed and Respondent's Applicator License was placed on probation for three (3) years with certain terms and conditions. A copy of that Decision 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. Probation Term and Condition Number 7 of the Order states:

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

- 7. 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.
  - 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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9. California Code of Regulations, title 16, section 1911 states:

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

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

- 10. California Code of Regulations, title 16, section 1937.12 states:
- (a) Whenever a proposed decision places a licensee or registered company on probation as a condition of staying a revocation or staying all or any portion of a suspension, the order granting such probation shall include at least the following conditions:
- (1) That the licensee or registered company shall file quarterly reports with the board during the period of probation;

# FIRST CAUSE FOR REVOCATION OF LICENSE

# (Obey All Laws)

- 11. At all times after the effective date of Respondent's probation, Condition 1 stated: "Respondent shall obey all federal, state and local laws, along with all laws and regulations relating to the practice of structural pest control."
- 12. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 1, referenced above. The circumstances are that Respondent failed to file a change of address within ten days of such change. Respondent left two former employers without notifying the Board of his disassociation and/or change of address with either employer in violation of California Code of Regulations, title 16, section 1911, and section 8567 of the Code.

### SECOND CAUSE TO REVOKE PROBATION

#### (Quarterly Reports)

- 13. At all times after the effective date of Respondent's probation, Condition 2 stated: "Respondent shall file quarterly reports with the Board during the period of probation."
- 14. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 2, referenced above. The facts and circumstances are that in a letter dated

August 17, 2013, a Disciplinary Action Analyst from the Board notified Respondent that as part

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