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

In the Matter of the Accusation Against:	Case No. 2015-40
CHRISTOPHER ALJIAN 4638 West Saginaw Fresno, CA 93722 Field Representative License No. FR 27604	DEFAULT DECISION AND ORDER [Gov. Code, §11520]
Respondent.	

FINDINGS OF FACT

1. On or about February 9, 2015, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board ("Board"), filed Accusation Number 2015-40 against Christopher Aljian ("Respondent") before the Board, attached hereto as Exhibit A.

2. On or about March 10, 1997, the Board issued Field Representative License No. FR 27604 to Respondent. The license was in full force and effect at all times relevant to the charges brought in Accusation Number 2015-40, and expired on June 30, 2014. While the license has now expired, this lapse in licensure, pursuant to Business and Professions Code ("Code") section 118(b), does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

///

1 3. On or about February 21, 2015, Respondent was served by Certified and First Class
2 Mail copies of Accusation Number 2015-40, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to Code section 136, is required
5 to be reported and maintained with the Board. Respondent's address of record was and is:

6 4638 West Saginaw
7 Fresno, CA 93722

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
10 124.

11 5. On or about February 21, 2015, Respondent signed the Domestic Return Receipt for
12 the aforementioned documents acknowledging receipt.

13 6. The aforementioned Certified and First Class mail documents were never returned.

14 7. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
22 Number 2015-40.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 10. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at Board's offices regarding the allegations contained in Accusation Number 2015-40, finds
2 that the charges and allegations in Accusation Number 2015-40, are separately and severally,
3 found to be true and correct by clear and convincing evidence.

4 11. Taking official notice of its own internal records, pursuant to Code section 125.3, it is
5 hereby determined that the reasonable costs for Investigation and Enforcement is \$3,233.53 as of
6 September 17, 2015.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Christopher Aljian has subjected
9 his Field Representative License No. FR 27604 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board is authorized to revoke Respondent's Field Representative License based
12 upon the following violations alleged in the Accusation which are supported by the evidence
13 contained in the Default Decision Evidence Packet in this case:

14 a. Business and Professions Code section 8507(a), in that Respondent secured structural
15 pest control work, identified infestations or infections, performed inspections, and submitted bids
16 on his own behalf, without holding a company registration.

17 b. Business and Professions Code section 8550, in that Respondent engaged in the
18 business or practice of structural pest control on his own behalf without being properly licensed
19 as an operator and/or registered company by the Board.

20 c. Business and Professions Code section 8552, in that Respondent made
21 representations that pest control work performed had been performed by a properly licensed
22 operator and/or registered company when, in fact, it was not.

23 d. Business and Professions Code section 8610(a), in that Respondent engaged in the
24 practice of structural pest control without being registered with the Board.

25 e. Business and Professions Code section 8651, in that Respondent performed or
26 solicited pest control work, inspected for structural or household pest, and/or applied pesticide
27 without being properly licensed or registered with the Board.

28

1 f. Business and Professions Code section 8642, in that Respondent committed acts
2 constituting fraud by engaging in or offering to engage in the practice of structural pest control
3 work, including the application of pesticides, on his own behalf without being properly licensed
4 or registered with the Board.

5 g. Business and Professions Code section 8646.5, in that Respondent continued to apply
6 pesticides after receiving a Notice of Warning to Cease and Desist from the Board.

7 h. Business and Professions Code section 8567, in that Respondent failed to notify the
8 Board of his change in employment.

9 **ORDER**

10 **IT IS SO ORDERED** that Field Representative License No. FR 27604, heretofore issued
11 to Respondent Christopher Aljian, is revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
13 written motion requesting that the Decision be vacated and stating the grounds relied on within
14 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
15 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on April 9, 2016.

17 It is so ORDERED March 10, 2016

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21 FOR THE STRUCTURAL PEST CONTROL BOARD
22 DEPARTMENT OF CONSUMER AFFAIRS

23
24 Attachment:
25 Exhibit A: Accusation
26
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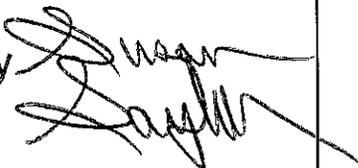
Exhibit A

Accusation

(CHRISTOPHER ALJIAN)

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
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Sacramento, CA 94244-2550
6 Telephone: (916) 324-6292
Facsimile: (916) 327-8643
7 Attorneys for Complainant

FILED

Date 9/15 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. 2015-40

12 **CHRISTOPHER ALJIAN**
13 **dba CALJIAN PEST CONTROL**
14 **4638 West Saginaw Way**
Fresno, CA 93722

ACCUSATION

15 **Field Representative License No. FR 27604**

16 Respondent.

17
18 Susan Saylor ("Complainant") alleges:

19 **PARTIES**

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

23 2. On or about March 10, 1997, the Board issued Field Representative License Number
24 FR 27604, in Branch 2, to Christopher Aljian. ("Respondent"). The license expired on June 30,
25 2014, and has not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
28 the Board may suspend or revoke a license when it finds that the holder, while a licensee or

1 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
2 of a suspension may assess a civil penalty.

3 4. Code section 8625 states:

4 The lapsing or suspension of a license or company registration by operation of law or
5 by order or decision of the board or a court of law, or the voluntary surrender of a license or
6 company registration shall not deprive the board of jurisdiction to proceed with any
7 investigation of or action or disciplinary proceeding against such licensee or company, or to
8 render a decision suspending or revoking such license or registration.

9 5. Code section 8641 states:

10 Failure to comply with the provisions of this chapter, or any rule or regulation
11 adopted by the board, or the furnishing of a report of inspection without the making of a
12 bona fide inspection of the premises for wood-destroying pests or organisms, or furnishing
13 a notice of work completed prior to the completion of the work specified in the contract, is
14 a ground for disciplinary action.

15 6. Code section 8507(a) states:

16 A structural pest control field representative is any individual who is licensed by the
17 board to secure structural pest control work, identify infestations or infections, make
18 inspections, submit bids for or otherwise contract, on behalf of a registered company. A
19 pest control field representative shall not contract for pest control work or perform pest
20 control work on his or her own behalf.

21 7. Code section 8610(a) states:

22 Every company that engages in the practice of structural pest control as a sole
23 proprietorship, partnership, corporation, or other organization or any combination thereof,
24 shall be registered with the Structural Pest Control Board. Each application for a company
25 registration shall include the name of the company's owner if it is a sole proprietorship, the
26 name of the partners, if it is partnership, or the names of its officers and shareholders with
27 10 percent or more ownership interest, if it a corporation, and the address of the company's
28 principal office in this states.

8. Code section 8550 states, in pertinent part:

(a) It is unlawful for any individual to engage or offer to engage in the business or
practice of structural pest control, as defined in Section 8505, unless he or she is licensed
under this chapter. Each registered company shall designate an individual or individuals
who hold an operator's license to act as its qualifying manager or mangers. The qualifying
manager or managers must be licensed in each branch of pest control in which the company
engages in business. The designated qualifying manager or managers shall supervise the
daily business of the company and shall be available to supervise and assist all employees
of the company, in accordance with regulations which the board may establish.

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(e) It is unlawful for any firm, sole proprietorship, partnership, corporation, association, or other organization or combination thereof to engage or offer to engage in the practice of structural pest control unless registered in accordance with Article 6 (commencing with Section 8610).

9. Code section 8552 states, in pertinent part:

It is unlawful for any person to advertise or represent in any manner that any pest control work, in whole or in part, has been done upon any structure, unless the work has been performed by a company registered under this chapter.

10. Code section 8506.1 states, in pertinent part:

A "registered company" is any sole proprietorship, partnership, corporation, or other organization or any combination thereof that is registered with the Structural Pest Control Board to engage in the practice of structural pest control.

A registered company may secure structural pest control work submit bids, or otherwise contract for pest control work. A registered company may employ licensed field representatives and licensed operator to identify infestations or infections, make inspections, and represent the company in the securing of pest control work.

11. Code section 8507(a) states:

"Structural pest control field representative" is any individual who is licensed by the board to secure structural pest control work, identify infestations or infections, make inspections, apply pesticides, submit bids for or otherwise contract, on behalf of a registered company.

A pest control field representative shall not contract for pest control work or perform pest control work on his or her own behalf.

12. Code section 8642 states:

The commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a registered company is a ground for disciplinary action.

13. Code section 8651 states:

The performing or soliciting of structural pest control work, the inspecting for structural or household pests, or the applying of any pesticide, chemical, or allied substance for the purpose of eliminating, exterminating, controlling, or preventing structural pests in branches of pest control other than those for which the operator, field representative, or applicator is licensed or the company is registered is a ground for disciplinary action.

14. Code section 8646.5 states:

A notice of noncompliance shall be issued to a licensee or registered company whenever an authorized representative of the board finds that a pesticide application, fumigation or extermination procedure being performed by the licensee or registered company is not in compliance with applicable laws, rules, or regulations. Upon

1 receiving such notice, the licensee or registered company shall discontinue such pest
2 control work until the procedure is brought into compliance. Failure to discontinue
after receiving a notice of noncompliance is a ground for disciplinary action.

3 15. Code section 8567 states:

4 Should a field representative or applicator change his or her employment, or
5 should an operator enter the employ of a registered company, or being already
6 employed by a registered company change his or her employment, or being employed
7 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 in writing, on a form
8 prescribed by the board and issued by the registrar in accordance with rules and
regulations adopted by the board. Whereupon the registrar shall register the change in
his or her records.

9 16. Title 16, California Code of Regulations, section 1911 requires every operator, field
10 representative, and applicator to notify the Board within 10 days of any change in address of the
11 registered company in which he or she is employed or if he or she is no longer employed or
12 associated with a registered company.

13 COST RECOVERY/RESTITUTION

14 17. Code section 125.3 provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 18. Government Code section 11519(d) provides, in pertinent part, that the Board may
19 require restitution of damages suffered as a condition of probation in the event probation is
20 ordered.

21 BACKGROUND INFORMATION

22 19. On or about July 10, 2013, the Board received a complaint from FO, who is an
23 employee of Morgan Brothers Inc., doing business as San Joaquin Pest Control and the
24 Qualifying Manager for Morgan Brothers Inc., doing business as Liberty Pest Control¹. FO stated
25 in the complaint that Respondent was engaging in and advertising to perform Branch 3 pest
26 control work without the appropriate company registration and license.

27
28 ¹ Respondent was terminated from Liberty Pest Control on November 21, 2012.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unlicensed Activity)**

3 24. Respondent's field representative's license is subject to discipline under Code
4 section 8641, in that between February 2014 and May 2014, Respondent violated:

5 a. **Section 8550:** Respondent engaged in the business or practice of structural pest
6 control on his own behalf without being properly licensed as an operator and/or registered
7 company by the Board, as more particularly set forth above in paragraphs 18 through 22.

8 b. **Section 8552:** Respondent made representations that pest control work performed
9 had been performed by a properly licensed operator and/or registered company when, in fact, it
10 was not, as more particularly set forth above in paragraphs 18 and 22.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Acting in the Capacity of a Registered Company)**

13 25. Respondent's field representative's license is subject to discipline under Code
14 section 8641, in that between February 2014, and May 2014, Respondent failed to comply with
15 Code section 8610(a), by engaging in the practice of structural pest control without being
16 registered with the Board.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Performing Pest Control Work without a Valid Company Registration)**

19 26. Respondent's field representative's license is subject to discipline under Code
20 section 8651, in that between February 2014, and May 2014, using the business name Caljian
21 Pest Control, Respondent performed or solicited pest control work, inspected for structural or
22 household pests, and/or applied pesticide without being properly licensed or registered with the
23 Board.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Fraudulent Act)**

26 27. Respondent's field representative's license is subject to discipline under Code
27 section 8642, in that between February 2014, and May 2014, Respondent committed acts
28 constituting fraud by engaging in or offering to engage in the practice of structural pest control

1 work, including the application of pesticides, on his own behalf without being properly licensed
2 or registered with the Board, as more particularly set forth above in paragraphs 18 and 22.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Cease and Desist Order)**

5 28. Respondent's field representative's license is subject to discipline under Code
6 section 8646.5 in that between February 2014 and May 2014, Respondent continued to apply
7 pesticides at two locations (5718 E. Kings Canyon, Fresno, California, and 2742 W. Shaw Ave.,
8 Fresno, California), after receiving a Notice of Warning to Cease and Desist from the Board on or
9 about July 16, 2013.

10 **SEVENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Notify Board of Change of Employment)**

12 29. Respondent's field representative's license is subject to discipline under Code
13 section 8641 and Title 16, Regulation 1911, in that he failed to comply with Code section 8567,
14 by failing to notify the Board of his change in employment, in that he was terminated from
15 Liberty Pest Control on November 21, 2012.

16 **OTHER MATTERS**

17 30. Notice is hereby given that section 8620 of the Code provides, in pertinent part,
18 that a Respondent may request that a civil penalty of not more than \$5,000 be assessed in lieu of
19 an actual suspension of 1 to 19 days, or not more than \$10,000 for an actual suspension of 20 to
20 45 days. Such request must be made at the time of the hearing and must be noted in the proposed
21 decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a
22 suspension.

23 31. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
24 License Number FR 27604, issued to Christopher Aljian, then Christopher Aljian shall be
25 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
26 responsible managing employee for any registered company during the time the discipline is
27 imposed, and any registered company which employs, elects, or associates him, shall be subject
28 to disciplinary action.

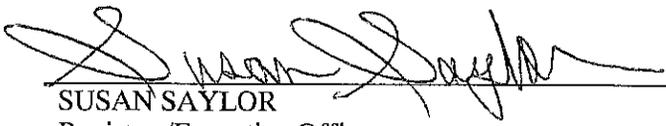
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PRAYER

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

1. Revoking or suspending Field Representative's License Number FR 27604, issued to Christopher Aljian;
2. Revoking or suspending any other license for which Christopher Aljian is furnishing the qualifying experience or appearance;
3. Ordering restitution of all damages according to proof suffered by any persons as a condition of probation in the event probation is ordered;
4. Prohibiting Christopher Aljian from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Field Representative's License Number FR 27604, issued to Christopher Aljian;
5. Ordering Christopher Aljian to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
6. Taking such other and further action as deemed necessary and proper.

DATED: 2/9/15



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

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