

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ
Deputy Attorney General
4 State Bar No. 141773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
Attorneys for Complainant

FILED

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By *William H. Douglas*

7
8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF PESTICIDE REGULATION**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-32

11 **5 STAR FUMIGATION, INC.; STEVE J.**
12 **LOZADA, PRESIDENT**
13 **5640 Shull Street, Unit B**
Bell Gardens, CA 90201

A C C U S A T I O N

14 **Post Office Box 4922**
15 **Downey, CA 90241**

16 **Probationary Company Registration**
Certificate No. PR 6157,

17 **STEVE J. LOZADA, FIELD**
18 **REPRESENTATIVE, BRANCH 1**
19 **5640 Shull Street, Unit B**
20 **Bell Gardens, CA 90201**
4927 Firestone Blvd.
South Gate, CA 90280
Field Representative License No. FR 43646,

21 **LA EXTERMINATOR CORP. dba GOLD**
22 **STAR PEST CONTROL, BRANCHES 2**
23 **AND 3; KI BUM NAM, BRANCH 2**
QUALIFYING MANAGER; ZANE SZOB
24 **KIM, BRANCH 3 QUALIFYING**
25 **MANAGER**
215 West Pomona Boulevard, Unit 310
Monterey Park, CA 91754
Company Registration No. PR 5773

26 **ZANE SZOB KIM**
27 **215 West Pomona Boulevard, Unit 310**
Monterey Park, CA 91754
28 **Operator License No. OPR 11889,**

1 **KI BUM NAM aka KEVIN NAM**
215 West Pomona Boulevard, Unit 310
Monterey Park, CA 91754
2 Field Representative License No. FR 44519
Operator's License No. OPR 11789,

3
4 **AMADOR G. HERNANDEZ**
2518 South Tiara Avenue
Ontario, CA 91761
5 Field Representative License No. FR 33755,

6 **DEDICATED TERMITE**
EXTERMINATORS; ERNESTO
7 **GUERRA, OWNER AND QUALIFYING**
MANAGER
8 4728 North Peck Road, Unit B
El Monte, CA 91732
9 Company Registration No. PR 2492,

10 **ERNESTO GUERRA**
4728 North Peck Road, Unit B
11 El Monte, CA 91732
Operator's License No. OPR 9088,

12 and

13
14 **MATTHEW A. WALDEN**
7322 Walnut Avenue
Buena Park, CA 90620-1760
15 Field Representative License No. FR 34106,

16 Respondents.

17
18 Complainant alleges:

19 PARTIES

20 1. William H. Douglas (Complainant) brings this Accusation solely in his official
21 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board (Board),
22 Department of Pesticide Regulation.

23 2. On or about May 5, 2009, the Board issued Company Registration Certificate
24 Number PR 5832, Branch 1, to 5 Star Fumigation, with Andrea Gutierrez as Owner and
25 Raymundo Esteban Gill (Gill) as Qualifying Manager. On May 6, 2010, the registration
26 certificate was suspended. On September 13, 2010, the registration certificate reflected the
27 disassociation of Gill as Qualifying Manager. On October 20, 2010, the registration certificate
28 was cancelled from the Board's files.

1 3. On or about October 20, 2010, the Board issued Probationary Company Registration
2 Certificate Number PR 6157, Branch 1, with a three-year probationary period, to 5 Star
3 Fumigation, Inc. (Respondent 5 Star), with Steve J. Lozada (Respondent Lozada) as President,
4 and Gill as Qualifying Manager. On or about December 20, 2010, the probationary company
5 registration certificate was suspended, following Gill's disassociation on December 5, 2010. On
6 or about January 28, 2011, the company registration certificate was suspended for failure to
7 maintain general liability insurance required by Business and Professions Code section 8690. On
8 or about May 4, 2011, the company registration certificate was suspended for failure to maintain a
9 \$4,000 surety bond required by Business and Professions Code section 8697.

10 4. On or about October 2, 2008, the Board issued Field Representative License Number
11 FR 43646, Branch 1, to Respondent Lozada. On or about June 30, 2011, the license was
12 cancelled from the Board's files.

13 5. On or about February 23, 2009, the Board issued Company Registration Certificate
14 Number PR 5773, Branch 2, to LA Exterminator Corp. (Respondent LA Exterminator), dba Gold
15 Star Pest Control, with Ki Bum Nam (Respondent Nam, aka Kevin) as Branch 2 Qualifying
16 Manager. On or about October 27, 2009, Company Registration Certificate No. PR 5773 was
17 upgraded to include Branches 2 and 3, and reflected Zane Szob Kim (Respondent Kim) as Branch
18 3 Qualifying Manager. The license was in full force and effect at all times relevant to the charges
19 brought herein.

20 6. On or about July 30, 2009, the Board issued Operator License Number OPR 11889,
21 Branch 3, to Respondent Kim. On or about October 27, 2009, the license reflected employment
22 with Respondent LA Exterminator, with Respondent Kim as Branch 3 Qualifying Manager. On
23 or about January 4, 2011, the license was upgraded to include Branch 2. The license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2012, unless renewed.

26 7. On or about July 18, 2005, the Board issued Field Representative License Number FR
27 38958, Branch 3, to Respondent Kim. On or about January 4, 2011, Field Representative License
28 No. FR 38958 was cancelled from the Board's files due to issuance of an Operator's License.

1 8. On or about July 8, 2009, the Board issued Field Representative License Number FR
2 44519, Branch 3, to Respondent Nam. The license was in full force and effect at all times
3 relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

4 9. On or about December 23, 2008, the Board issued Operator's License Number OPR
5 11789, Branch 2, to Respondent Nam. On or about February 23, 2009, Operator's License No.
6 OPR 11789 reflected employment as Qualifying Manager for LA Exterminator Corp. The license
7 was in full force and effect at all times relevant to the charges brought herein and will expire on
8 June 30, 2014, unless renewed.

9 10. On or about August 20, 2001, the Board issued Field Representative License Number
10 FR 33755, Branch 1, to Amador G. Hernandez (Respondent Hernandez). The license was in full
11 force and effect at all times relevant to the charges brought herein and will expire on June 30,
12 2013, unless renewed.

13 11. On or about November 5, 1993, the Board issued Company Registration Certificate
14 Number PR 2492, Branch 3, to Dedicated Termite Exterminators (Respondent Dedicated Termite
15 Exterminators), with Ernesto Guerra listed as Owner and Qualifying Manager (Respondent
16 Guerra). The license was in full force and effect at all times relevant to the charges brought
17 herein.

18 12. On or about February 24, 1993, the Board issued Operator's License Number OPR
19 9088, Branch 3, to Respondent Guerra. On or about November 5, 1993, Respondent Guerra
20 became the Owner and Qualifying Manager of Dedicated Termite Exterminators. The Operator's
21 License was in full force and effect at all times relevant to the charges brought herein and will
22 expire on June 30, 2013, unless renewed.

23 13. On or about December 27, 2001, the Board issued Field Representative License
24 Number FR 34106, Branch 3, to Matthew A. Walden (Respondent Walden). The Field
25 Representative License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on June 30, 2013, unless renewed.

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Lic. #	Date Issued	Date Action Taken	Action	Respondent's Name
PR 6157, Branch 1 (probationary co. regis. cert.)	10/20/10	12/5/10	Qualifying manager (QM) disassociated	5 Star Fumigation, Inc., with Steve J. Lozada as President.
PR 6157		12/20/10	Probationary company registration certificate suspended due to absence of QM	5 Star Fumigation, Inc.
PR 6157		1/28/10	Certificate suspended for failure to maintain insurance	
PR 6157		5/4/11	Certificate suspended for failure to maintain surety bond	
FR 43646, Branch 1	10/2/08	6/30/11	License cancelled	Steve J. Lozada
PR 5773, initially Branch 2	2/23/09			LA Exterminator Corp. dba Gold Star Pest Control, with Ki Bum Nam as Branch 2 QM
PR 5773, upgraded to Branches 2 and 3		10/27/09	Company registration certificate upgraded to include Branch 3	LA Exterminator Corp., with Zane Szob Kim (Respondent Kim) as Branch 3 QM

1	OPR 11889, Branch 3	7/30/09	1/4/11	License upgraded to include Branch 2	Zane Szob Kim
2					
3					
4	FR 38958, Branch 3	7/18/05	1/4/11	License cancelled.	Zane Szob Kim
5	FR 44519, Branch 3	7/8/09			Ki Bum Nam (aka Kevin Nam)
6					
7	OPR 11789, Branch 2	12/23/08	2/23/09	Employment as Qualifying Mgr. for LA Exterminator Corp.	Ki Bum Nam (aka Kevin Nam)
8					
9					
10					
11	FR 33755, Branch 1	8/20/01			Amador G. Hernandez
12	PR 2492, Branch 3	11/5/93			Dedicated Termite Exterminators, with Ernesto Guerra as Owner & QM
13					
14	OPR 9088, Branch 3	2/24/93			Ernesto Guerra
15					
16	FR 34106, Branch 3	12/27/01			Matthew A. Walden
17					

JURISDICTION

14. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

15. Section 118, subdivision (b) of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

16. Section 8625 of the Code states:

“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

1 company registration shall not deprive the board of jurisdiction to proceed with any investigation
2 of or action or disciplinary proceeding against such licensee or company, or to render a decision
3 suspending or revoking such license or registration.”

4 STATUTORY PROVISIONS

5 17. Section 8506.2 of the Code defines the term “qualifying manager” as “the licensed
6 operator or operators designated by a registered company to supervise the daily business of the
7 company and to be available to supervise and assist the company’s employees.”

8 18. Section 8516, subdivision (b) of the Code states, in pertinent part:

9

10 “No registered company or licensee shall commence work on a contract, or sign, issue, or
11 deliver any documents expressing an opinion or statement relating to the absence or presence of
12 wood destroying pests or organisms until an inspection has been made by a licensed Branch 3
13 field representative or operator. The address of each property inspected or upon which work is
14 completed shall be reported on a form prescribed by the board and shall be filed with the board no
15 later than 10 business days after the commencement of an inspection or upon completed work.

16 “Every property inspected pursuant to subdivision or Section 8518 shall be assessed a filing
17 fee pursuant to Section 8674.

18 “Failure of a registered company to report and file with the board the address of any
19 property inspected or work completed pursuant to Section 8518 or this section is grounds for
20 disciplinary action and shall subject the registered company to a fine of not more than two
21 thousand five hundred dollars (\$2,500).

22 “A written inspection report conforming to this section and on a form approved by the
23 board shall be prepared and delivered to the person requesting the inspection or to the person’s
24 designated agent within 10 business days of the inspection, except that an inspection report
25 prepared for use by an attorney for litigation purposes is not required to be reported to the board.
26 The report shall be delivered before work is commenced on any property. The registered
27 company shall retain for three years all original inspection reports, field notes, and activity forms.

28

1 "Reports shall be made available for inspection and reproduction to the executive officer of
2 the board or his or her duly authorized representative during business hours. Original inspection
3 reports or copies thereof shall be submitted to the board upon request within two business days.

4 The following shall be set forth in the report:

5

6 "(6) A foundation diagram or sketch of the structure or structures or portions of the
7 structure or structures inspected, indicating thereon the approximate location of any infested or
8 infected areas evident, and the parts of the structure where conditions that would ordinarily
9 subject those parts to attack by wood destroying pests or organisms exist.

10 "(7) Information regarding the substructure, foundation walls and footings, porches, patios
11 and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias,
12 exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack
13 by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation
14 or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels,
15 excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be
16 reported.

17

18 "(10) Recommendations for corrective measures.

19

20 "(13) The inspection report shall contain the following statement, printed in boldface type:

21 "NOTICE: Reports on this structure prepared by various registered companies should list
22 the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However,
23 recommendations to correct these findings may vary from company to company. You have a
24 right to seek a second opinion from another company.'

25 "An estimate or bid for repairs shall be given separately allocating the costs to perform each
26 and every recommendation for corrective measures as specified in subdivision (c) with the
27 original inspection report if the person who ordered the original inspection report so requests, and
28 if the registered company is regularly in the business of performing corrective measures.

1 "If no estimate or bid was given with the original inspection report, or thereafter, then the
2 registered company shall not be required to perform a reinspection.

3 "A reinspection shall be an inspection of those items previously listed on an original report
4 to determine if the recommendations have been completed. Each reinspection shall be reported
5 on an original inspection report form and shall be labeled 'Reinspection' in capital letters by
6 rubber stamp or typewritten. Each reinspection shall also identify the original report by date.

7 "After four months from an original inspection, all inspections shall be original inspections
8 and not reinspections.

9 "Any reinspection shall be performed for not more than the price of the registered
10 company's original inspection price and shall be completed within 10 working days after a
11 reinspection has been ordered."

12 19. Section 8518 of the Code states:

13 "When a registered company completes work under a contract, it shall prepare, on a form
14 prescribed by the board, a notice of work completed and not completed, and shall furnish that
15 notice to the owner of the property or the owner's agent within 10 working days after completing
16 the work. The notice shall include a statement of the cost of the completed work and estimated
17 cost of work not completed.

18 "The address of each property inspected or upon which work was completed shall be
19 reported on a form prescribed by the board and shall be filed with the board no later than 10
20 working days after completed work.

21 "Every property upon which work is completed shall be assessed a filing fee pursuant to
22 Section 8674.

23 "Failure of a registered company to report and file with the board the address of any
24 property upon which work was completed pursuant to subdivision (b) of Section 8516 or Section
25 8518 is grounds for disciplinary action and shall subject the registered company to a fine of not
26 more than two thousand five hundred dollars (\$2,500).

27 "The registered company shall retain for three years all original notices of work completed,
28 work not completed, and activity forms.

1 "Notices of work completed and not completed shall be made available for inspection and
2 reproduction to the executive officer of the board or his or her duly authorized representative
3 during business hours. Original notices of work completed or not completed or copies thereof
4 shall be submitted to the board upon request within two business days."

5 20. Section 8610, subdivision (c) of the Code states:

6 "Each registered company shall designate an individual or individuals who hold an
7 operator's license to act as its qualifying manager or managers. The qualifying manager or
8 managers must be licensed in each branch of pest control in which the company engages in
9 business. The designated qualifying manager or managers shall supervise the daily business of
10 the company and shall be available to supervise and assist all employees of the company, in
11 accordance with regulations which the board may establish."

12 21. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or
13 revoke a license when it finds that the holder, while a licensee, has committed any acts or
14 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil
15 penalty. The statute also provides that a respondent may request that a civil penalty of not more
16 than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or not more than \$10,000
17 for an actual suspension of 20 to 45 days. Such request must be made at the time of the hearing
18 and must be noted in the proposed decision. The proposed decision shall not provide that a civil
19 penalty shall be imposed in lieu of a suspension.

20 22. Section 8624 of the Code states:

21 "If the board suspends or revokes an operator's license and one or more branch offices are
22 registered under the name of the operator, the suspension or revocation may be applied to each
23 branch office.

24 "If the operator is the qualifying manager, a partner, responsible officer, or owner of a
25 registered structural pest control company, the suspension or revocation may be applied to the
26 company registration.

27 "The performance by any partnership, corporation, firm, association, or registered company
28 of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for

1 disciplinary action against any licensee who, at the time the act or omission occurred, was the
2 qualifying manager, a partner, responsible officer, or owner of the partnership, corporation, firm,
3 association, or registered company whether or not he or she had knowledge of, or participated in,
4 the prohibited act or omission.”

5 23. Section 8638 of the Code states that “[f]ailure on the part of a registered company to
6 complete any operation or construction repairs for the price stated in the contract for such
7 operation or construction repairs or in any modification of such contract is a ground for
8 disciplinary action.”

9 24. Section 8639 of the Code states:

10 “Aiding or abetting an unlicensed individual or unregistered company to evade the
11 provisions of this chapter [the Structural Pest Control Act, Bus. & Prof. Code, § 8500 et seq.] or
12 knowingly combining or conspiring with an unlicensed individual or unregistered company, or
13 allowing one’s license or company registration to be used by an unlicensed individual or
14 unregistered company, or acting as agent or partner or associate, or otherwise, of an unlicensed
15 individual or unregistered company to evade the provisions of this chapter is a ground for
16 disciplinary action.”

17 25. Section 8641 of the Code states:

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

22 26. Section 8642 of the Code states that “[t]he commission of any grossly negligent or
23 fraudulent act by the licensee as a pest control operator, field representative, . . . or by a registered
24 company is a ground for disciplinary action.”

25 27. Section 8650 of the Code states, in pertinent part:

26 “Acting in the capacity of a licensee or registered company under any of the licenses or
27 registrations issued hereunder except:
28

1 “(a) In the name of the licensee or registered company as set forth upon the license or
2 registration”

3 28. Section 8652 of the Code states:

4 “Failure of a registered company to make and keep all inspection reports, field notes,
5 contracts, documents, notices of work completed, and records, other than financial records, for a
6 period of not less than three years after completion of any work or operation for the control of
7 structural pests or organisms, is a ground for disciplinary action. These records shall be made
8 available to the executive officer of the board or his or her duly authorized representative during
9 business hours.”

10 29. Section 8654 of the Code states, in pertinent part:

11 “Any individual who . . . has had his or her license revoked, or whose license is under
12 suspension, or who has failed to renew his or her license while it was under suspension, or who
13 has been a member, officer, director, associate, qualifying manager, or responsible managing
14 employee of any partnership, corporation, firm, or association whose application for a company
15 registration has been denied for any of the reasons specified in Section 8568, or whose company
16 registration has been revoked as a result of disciplinary action, or whose company registration is
17 under suspension, and while acting as such member, officer, director, associate, qualifying
18 manager, or responsible managing employee had knowledge of or participated in any of the
19 prohibited acts for which the license or registration was denied, suspended or revoked, shall be
20 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
21 responsible managing employee of a registered company, and the employment, election or
22 association of such person by a registered company is a ground for disciplinary action.”

23 30. Section 8666 of the Code states, in pertinent part:

24 “It shall be unlawful for any licensee under this chapter to recommend or to perform any
25 pest control corrective work under any contract or agreement that the licensee knows or has
26 reason to know is in excess of that required to eliminate the condition for which the licensee was
27 employed.”

28 ///

1 31. Section 8690 of the Code states, in pertinent part:

2 “The board shall not issue any company registration under this chapter unless the applicant
3 shall have filed with the board on a form prescribed by the board written evidence of an insurance
4 policy approved by the board or a bond as specified in this article, being in effect at the time of
5 the issuance of the company registration.”

6 32. Section 8691 of the Code states:

7 “No registered company shall engage in any of the practices for which it is required to be
8 registered by this chapter unless it maintains such insurance policy or bond as specified in this
9 article.”

10 33. Section 8695 of the Code states, in pertinent part:

11 “The violation of any provision of this article . . . shall be grounds for the suspension or
12 revocation by the board of the operator’s license of the owner or qualifying manager or managers
13 of the registered company and of the company registration.”

14 34. Section 8697 of the Code requires, “Each company registered under the provisions of
15 this chapter shall maintain a bond executed by an admitted surety insurer in the amount of four
16 thousand dollars (\$4,000).”

17 35. Section 11519, subdivision (d) of the Government Code authorizes the Board to
18 require restitution of damages suffered as a condition of probation in the event probation is
19 ordered.

20 REGULATORY PROVISIONS

21 36. California Code of Regulations, title 16, section 1911 states:

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

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

1 37. California Code of Regulations, title 16, section 1990 states, in pertinent part:

2 “(a) All reports shall be completed as prescribed by the board. Copies filed with the board
3 shall be clear and legible. All reports must supply the information required by Section 8516 of
4 the Code and the information regarding the pesticide or pesticides used as set forth in Section
5 8538 of the Code, and shall contain or describe the following:

6

7 “(3) Infestations, infections or evidence thereof.

8 “(4) Wood members found to be damaged by wood destroying pests or
9 organisms.

10 “(b) Conditions usually deemed likely to lead to infestation or infection include, but are not
11 limited to:

12

13 “(3) Excessive Cellulose Debris. This is defined as any cellulose debris of a
14 size that can be raked or larger. Stumps and wood imbedded in footings in earth
15 contact shall be reported.

16 “(4) Earth-wood contacts.

17 “(5) Commonly controllable moisture conditions which would foster the
18 growth of a fungus infection materially damaging to woodwork.

19

20 “(d) Even though the licensee may consider the following areas inaccessible for purposes
21 of inspection, the licensee must state specifically which of these areas or any other areas were not
22 inspected and why the inspection of these areas is not practical: furnished interiors; inaccessible
23 attics or portions thereof; the interior of hollow walls; spaces between a floor or porch deck and
24 the ceiling or soffit below; stall showers over finished ceilings; such structural segments as porte
25 cocheres, enclosed bay windows, buttresses, and similar areas to which there is no access without
26 defacing or tearing out lumber, masonry or finished work; built-in cabinet work; floors beneath
27 coverings, areas where storage conditions or locks make inspection impracticable.

28

1 “(e) Information regarding all accessible areas of the structure including but not limited to
2 the substructure, foundation walls and footings, porches, patios and steps, stairways, air vents,
3 abutments, stucco walls, columns, attached structures or other parts of a structure normally
4 subject to attack by wood-destroying pests or organisms.

5 “(f) The following language shall appear just prior to the first finding/recommendation on
6 each separated report:

7 ‘This is a separated report which is defined as Section I/Section II conditions
8 evident on the date of the inspection. Section I contains items where there is visible
9 evidence of active infestation, infection or conditions that have resulted in or from
10 infestation of infection. Section II items are conditions deemed likely to lead to
11 infestation or infection but where no visible evidence of such was found. Further
12 inspection items are defined as recommendations to inspect area(s) which during the
13 original inspection did not allow the inspector access to complete the inspection and
14 cannot be defined as Section I or Section II.’”

15 38. California Code of Regulations, title 16, section 1991 states, in pertinent part:

16 “(a) Recommendations for corrective measures for the conditions found shall be made as
17 required by paragraph 10 of subdivision (b) of Section 8516 of the code and shall also conform
18 with the provisions of Title 24 of the California Code of Regulations and any other applicable
19 local building code, and shall accomplish the following:

20

21 “(8) Exterminate all reported wood-destroying pests. Such extermination shall
22 not be considered repair under section 8516(b)(12) of the code. If evidence indicates
23 that wood-destroying pests extend into an inaccessible area(s), recommendation shall
24 be made to either:

25 “(A) enclose the structure for an all encompassing treatment utilizing materials
26 listed in Section 8505.1 of the code, or

27 “(B) use another all encompassing method of treatment which exterminates the
28 infestation of the structure, or

1 “(C) locally treat by any or all of the following:

2 “1. exposing the infested area(s) for local treatment,

3 “2. removing the infested wood,

4 “3. using another method of treatment which exterminates the infestation. (If
5 any recommendation is made for local treatment, the report must contain the
6 following statement: ‘Local treatment is not intended to be an entire structure
7 treatment method. If infestations of wood-destroying pests extend or exist beyond the
8 area(s) of local treatment, they may not be exterminated.’)

9 “When a complete inspection is performed, a recommendation shall be made to
10 remove or cover all accessible pellets and frass of wood-destroying pests.

11 “When a limited inspection is performed, the inspection report shall state that
12 the inspection is limited to the area(s) described and diagrammed. A recommendation
13 shall be made to remove or cover all accessible pellets and frass of wood-destroying
14 pests in the limited areas. The limited inspection report shall include a
15 recommendation for further inspection of the entire structure and that all accessible
16 evidence of wood-destroying pests be removed or covered.

17 “(9) For the extermination of subterranean termite infestations, treat an infested
18 area under the structure when subterranean termite tubes are found connected to the
19 ground or when active infestations are found in the ground. Subterranean termite
20 tubes shall be removed where accessible, except where a licensee is using an above
21 ground termite bait station that requires the use of the termite tubes to be effective.
22 Where a licensee is using an above ground termite bait station that requires the use of
23 termite tubes to be effective, subterranean termite tubes can remain in place for the
24 duration of the licensee=s use of the termite bait stations. At the conclusion of the
25 treatment, the subterranean termite tubes shall be removed.”

26 39. California Code of Regulations, title 16, section 1992 states:

27 “In addition to the recommendations required in section 1991, the report may suggest
28 secondary recommendations. When secondary recommendations are made, they shall be labeled

1 as secondary recommendations and included as part of the inspection report with a full
2 explanation of why they are made, with the notation that they are below standard measures. If
3 secondary recommendations are performed, any letter of completion, billing or other document
4 referring to the work completed, must state specifically which recommendations were secondary
5 and below standard and specify the name of the person or agency requesting completion of the
6 secondary recommendations.”

7 40. California Code of Regulations, title 16, section 1996.1 states, in pertinent part:

8 “(a) An inspection tag shall be posted in the attic or sub-area, or in the garage whenever an
9 inspection for wood-destroying pests or organisms is made. The inspection tag shall be not less
10 than 3” by 5” and shall contain the firm’s name, date of inspection and the following statement:

11 Do not remove Structural Pest Control Board Regulation 1996.1.

12

13 “(c) The inspection report shall indicate the location of the inspection tag. The inspection
14 report must also indicate the presence of any other inspection or fumigation tag that is less than
15 two years old and any similar completion tag. A registered company shall not remove any tag.”

16 41. California Code of Regulations, title 16, section 1996.3 states, in pertinent part:

17 “(a) The address of each property inspected and/or upon which work was completed shall
18 be reported on a form prescribed by the Board and designated as the WDO Inspection and
19 Completion Activity Report Form (see Form No. 43M-52 Rev. 5/09) at the end of this section.
20 This form shall be prepared by each registered company and shall comply with all of the
21 requirements pursuant to Section 8516(b), and 8518.

22

23 “(c) Failure of a registered company to report and file with the Board the address of any
24 property inspected or upon which work was completed pursuant to Section 8516(b) or 8518 are
25 grounds for disciplinary action and subject to a fine of not more than two thousand five hundred
26 dollars (\$2,500).”

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28 ///

REASONABLE COSTS

42. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Engaging in Structural Pest Control Practice Without Qualifying Manager)

43. Respondents 5 Star and Lozada are subject to disciplinary action under Code sections 8506.2, 8610, subdivision (c), and 8620, in that Respondents engaged in the practice of structural pest control without a qualifying manager. The circumstances are as follows:

a. After on or about December 8, 2010, when Respondent Star's Qualifying Manager Gill disassociated from the company, leaving the company without a Qualifying Manager, Respondent 5 Star fumigated multiple California properties as follows:

Projects	Approximate Dates
3729 Capetown Street, Lakewood (Capetown Property)	2/3-2/5/11
3516 Hollydale Drive, Los Angeles (Hollydale Property)	3/9/11
5525 Alessandro Avenue, Temple City (Alessandro Property)	1/6 or 1/7/11
12224 Maple Avenue, Los Angeles (Maple Property)	1/10/11
2740 Gilpin Way, Arcadia (Gilpin Property)	1/11 or 2/11
5841 Saloma Avenue, Van Nuys (Saloma Property)	2/2/11
6901 Orchard Avenue, Bell (Orchard Property)	2/4/11
838 Camillo Street, Sierra Madre (Camillo Property)	2/5, 2/7 or 2/11/11
102 Jeffries Avenue, Arcadia (Jeffries Property)	12/20/10

1 1200 and 1202 Ninth Street, Alhambra
2 (Ninth Street Properties)

12/27/10

3 SECOND CAUSE FOR DISCIPLINE

4 (Engaging in Structural Pest Control Practice Without Liability Insurance)

5 44. Respondents 5 Star and Lozada are subject to disciplinary action under Code sections
6 8620, 8691 and 8695, in that Respondents engaged in the practice of structural pest control
7 without liability insurance. The circumstances are as follows:

8 a. After on or about January 14, 2011, when Respondent 5 Star's insurance policy was
9 canceled, Respondent 5 Star fumigated multiple properties. Complainant refers to and by this
10 reference incorporates the allegations set forth in paragraph 42, subparagraph a, inclusive, as
11 though set forth fully.

12 THIRD CAUSE FOR DISCIPLINE

13 (Failure to Comply With Act or Regulations)

14 45. Respondents 5 Star and Lozada are subject to disciplinary action under Code sections
15 8620 and 8641 in that Respondents failed to comply with the Structural Pest Control Act, set forth
16 in Chapter 14 of the Code (Code § 8500, et al.), or the rules and regulations adopted by the Board,
17 including section 1911 [timely notifying Board of address changes] of title 16 of the California
18 Code of Regulations. Complainant refers to and by this reference incorporates the allegations set
19 forth in paragraph 42, subparagraph a, and paragraph 43, subparagraph a, inclusive, as though set
20 forth fully.

21 FOURTH CAUSE FOR DISCIPLINE

22 (Acting in Capacity of Registered Company Under Name Not Appearing on Registration)

23 46. Respondents LA Exterminator and Kim are subject to disciplinary action under Code
24 sections 8620 and 8650, subdivision (a) in that Respondents acted in the capacity of a registered
25 company under a name that does not appear on the company registration with the Board. The
26 circumstances are as follows:

27 a. The Field Work Sheet I dated July 19, 2010 for the Jeffries Property for Respondent
28 LA Exterminator indicated that LA Exterminator was a "DBA" (doing business as) of Gold Star

1 Pest Control, a cancelled company whose name does not appear on Respondent LA
2 Exterminator's company registration with the Board.

3 b. The Field Work Sheet I dated August 17, 2010 for the Ninth Street and Jeffries
4 Properties for Respondent LA Exterminator indicated that LA Exterminator was a DBA of Gold
5 Star Pest Control, a cancelled company whose name does not appear on Respondent LA
6 Exterminator's company registration with the Board.

7 FIFTH CAUSE FOR DISCIPLINE

8 (Failure to Complete Work)

9 47. Respondents LA Exterminator and Kim are subject to disciplinary action under Code
10 sections 8620 and 8638, in that Respondents failed to complete structural pest control work. The
11 circumstances are as follows:

12 a. On or about January 28, 2011, Respondents reported as a "complete" inspection about
13 the evidence of subterranean termites and drywood termites in the substructure and garage at the
14 Capetown Property. On or about February 5, 2011, Respondents reported on the completion
15 notice that chemical treatment of the property was completed. However, after the reporting,
16 subterranean termite evidence remained at the reported areas, and there was no sign of treatment
17 having been performed.

18 SIXTH CAUSE FOR DISCIPLINE

19 (Failure to File WDO Activities)

20 48. Respondents LA Exterminator and Kim are subject to disciplinary action under Code
21 sections 8620 and 8638 in that Respondents failed to file wood destroying organisms (WDO)
22 activities with the Board. The circumstances are as follows:

23 a. On or about July 19, 2010, Respondents completed an inspection report for the
24 Jeffries Property, but did not file this report with the Board.

25 b. On or about December 22, 2010, Respondents completed a completion notice for the
26 Jeffries Property, but did not file this report with the Board.

27 c. On or about February 5, 2011, Respondents completed a completion notice for the
28 Capetown Property, but did not file this report with the Board.

1 SEVENTH CAUSE FOR DISCIPLINE

2 (Failure to Maintain Records)

3 49. Respondents LA Exterminator and Kim are subject to disciplinary action under Code
4 sections 8620 and 8652 in that Respondents failed to maintain records. The circumstances are as
5 follows:

6 a. On or about April 6, 2011, Respondents were unable to provide the Board specialist
7 investigating Respondents with a copy of the July 19, 2010 inspection report and December 22,
8 2010 completion notice for the Jeffries Property.

9 EIGHTH CAUSE FOR DISCIPLINE

10 (Aiding and Abetting Unlicensed Company)

11 50. Respondents LA Exterminator and Kim are subject to disciplinary action under Code
12 sections 8620 and 8639 in that Respondents aided and abetted an unlicensed company by
13 subcontracting to and using Respondent 5 Star to perform fumigations at the Capetown, Saloma,
14 Orchard, Camillo, Jeffries, and Ninth Street Properties, even though Respondent 5 Star was on
15 suspension for not having a qualifying manager and failing to maintain an insurance policy.

16 NINTH CAUSE FOR DISCIPLINE

17 (Failure to Make Proper Recommendation)

18 51. Respondent Nam is subject to disciplinary action under Code sections 8620 and 8641
19 in that Respondent failed to make a proper recommendation, in violation of section 1992 of title
20 16 of the California Code of Regulations. The circumstances are as follows:

21 a. On or about January 28, 2011, there was a purportedly “complete” and “separated”
22 inspection report for the Capetown Property. Respondent Nam made a recommendation which
23 failed to indicate it was secondary and below standard measures, and which failed to contain a
24 full explanation of why the recommendation was made.

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1 h. Respondent failed to report the inaccessible areas in the garage of the subject
2 property, in violation of section 1990, subdivision (d), of title 16 of the California Code of
3 Regulations.

4 i. Respondent failed to report the inaccessible areas at the north and east exterior walls
5 of the garage of the subject property, in violation of section 1990, subdivisions (d) and (e), of title
6 16 of the California Code of Regulations.

7 j. Respondent failed to report the full extent of the evidence of drywood termites at the
8 storeroom attached to the garage of the subject property, in violation of section 1990, subdivision
9 (a)(3), of title 16 of the California Code of Regulations.

10 k. Respondent failed to report drywood termite damage at the storeroom attached to the
11 garage of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the
12 California Code of Regulations.

13 l. Respondent failed to report the decay fungi damage to the storeroom to the garage of
14 the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California
15 Code of Regulations.

16 m. Respondent failed to report the inaccessible area at the north exterior wall of the
17 storeroom attached to the garage of the subject property, in violation of section 1990,
18 subdivisions (d) and (e), of title 16 of the California Code of Regulations.

19 n. Respondent failed to report the full extent of the evidence of drywood termites and
20 drywood termite damage in the patio of the subject property, in violation of section 1990,
21 subdivisions (a)(3) and (a)(4), of title 16 of the California Code of Regulations.

22 o. Respondent failed to report the decay fungi damage at the back doorsill of the subject
23 property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of
24 Regulations.

25 p. Respondent failed to report the inaccessible areas of the subject house, due to boxed
26 eaves, in violation of section 1990, subdivision (d), of title 16 of the California Code of
27 Regulations.

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1 ELEVENTH CAUSE FOR DISCIPLINE

2 (Aiding or Abetting Unlicensed Company)

3 53. Respondent Hernandez is subject to disciplinary action under Code sections 8620 and
4 8639, in that Respondent aided and abetted an unlicensed company by performing fumigations on
5 the Capetown Property for Respondent 5 Star, even though Respondent 5 Star was on suspension
6 for not having a qualifying manager and failing to maintain an insurance policy.

7 TWELFTH CAUSE FOR DISCIPLINE

8 (Failure to Notify of Address Change)

9 54. Respondent Hernandez is subject to disciplinary action under Code sections 8620 and
10 8641, in that Respondent failed to notify the Board of his change of address within 10 days of the
11 change, in violation of section 1911 of title 16 of the California Code of Regulations. The
12 circumstances are as follows:

13 a. On or about July 6, 2011, the Board specialist went to Respondent's address of
14 record, on Santa Ana Street in Cudahy, and learned that Respondent no longer lived there.

15 THIRTEENTH CAUSE FOR DISCIPLINE

16 (Aiding or Abetting Unlicensed Company)

17 55. Respondents Dedicated Termite Exterminators and Guerra are subject to disciplinary
18 action under Code sections 8620 and 8639, in that Respondents aided and abetted an unlicensed
19 company by subcontracting to and using Respondent 5 Star to perform fumigations, including at
20 the Alessandro, Gilpin, Hollydale and Maple Properties, even though Respondent 5 Star was on
21 suspension for not having a qualifying manager and failing to maintain an insurance policy.

22 FOURTEENTH CAUSE FOR DISCIPLINE

23 (Failure to File WDO Activities)

24 56. Respondents Dedicated Termite Exterminators and Guerra are subject to disciplinary
25 action under Code sections 8516, subdivision (b), and 8620, in that Respondents failed to file
26 WDO activities with the Board, in violation of subdivisions (a) and (c) of section 1996.3 of title
27 16 of the California Code of Regulations. The circumstances are as follows:
28

1 a. On or about January 10, 2011, Respondents completed a completion notice for the
2 Alessandro Property, but did not file the completion notice with the Board.

3 b. On or about February 4, 2011, Respondents completed a completion notice for the
4 Gilpin Property, but did not file the completion notice with the Board.

5 FIFTEENTH CAUSE FOR DISCIPLINE

6 (Failure to Report)

7 57. Respondent Walden is subject to disciplinary action under Code sections 8516,
8 subdivisions (b)(6) and (b)(7), and 8620, in that Respondent failed to report items in two separate
9 reports regarding the Capetown Property. The circumstances are as follows:

10 a. In a purportedly "complete," "separated" inspection report dated January 25, 2011,
11 Respondent failed to report the cellulose debris and form board in the substructure of the subject
12 property, in violation of section 1990, subdivision (b)(3), of title 16 of the California Code of
13 Regulations.

14 b. In a purportedly "complete," "separated" inspection report dated January 25, 2011,
15 Respondent failed to report the full extent of the evidence of subterranean termites in the
16 substructure of the subject property, in violation of section 1990, subdivisions (a)(3) and (a)(9), of
17 title 16 of the California Code of Regulations.

18 c. In a purportedly "complete," "separated" inspection report dated January 25, 2011,
19 Respondent failed to report the inaccessible areas in the garage of the subject property, due to
20 boxed eaves, in violation of section 1990, subdivision (d), of title 16 of the California Code of
21 Regulations.

22 d. In a purportedly "complete," "separated" inspection report dated January 25, 2011,
23 Respondent failed to report the full extent of the evidence of drywood termites and damage in the
24 storeroom attached to the garage of the subject property, in violation of section 1990,
25 subdivisions (a)(3) and (a)(4), of title 16 of the California Code of Regulations.

26 e. In a purportedly "complete," "separated" inspection report dated January 25, 2011,
27 Respondent failed to report the inaccessible areas at the north exterior wall of the storeroom
28

1 attached to the garage of the subject property, in violation of section 1990, subdivisions (d) and
2 (e), of title 16 of the California Code of Regulations.

3 f. In a purportedly “complete,” “separated” inspection report dated January 25, 2011,
4 Respondent failed to report the decay fungi damage at the back doorsill of the subject property, in
5 violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

6 g. In a purportedly “complete,” “separated” inspection report dated January 25, 2011,
7 Respondent failed to report the inaccessible areas of the subject house, due to boxed eaves, in
8 violation of section 1990, subdivision (d), of title 16 of the California Code of Regulations.

9 h. In a purportedly “complete,” “separated” inspection report dated January 25, 2011,
10 and a purportedly “reinspection, “separated” report dated May 11, 2011, Respondent failed to
11 report the subterranean termite damage in the substructure framing of the subject property, in
12 violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

13 i. Respondent failed to report the evidence of drywood termites and drywood termite
14 damage in the substructure framing on the January 2011 report and evidence of drywood termite
15 damage in the substructure on the May 2011 report, in violation of section 1990, subdivisions
16 (a)(3) and (a)(4), of title 16 of the California Code of Regulations.

17 j. In the inspection report dated January 25, 2011, and the re-inspection report dated
18 May 11, 2011, Respondent failed to report the decay fungi damage in the substructure framing of
19 the subject property, in violation of section 1990, subdivision (a)(3), of title 16 of the California
20 Code of Regulations.

21 k. In the inspection report dated January 25, 2011, and the re-inspection report dated
22 May 11, 2011, Respondent failed to report the evidence of a bathtub’s excessive moisture
23 condition (i.e., a plumbing leak) at the subject property, in violation of section 1990, subdivision
24 (b)(5), of title 16 of the California Code of Regulations.

25 l. In the inspection report dated January 25, 2011, and the re-inspection report dated
26 May 11, 2011, Respondent failed to provide stall shower information regarding the subject
27 property, in violation of section 1990, subdivision (e), of title 16 of the California Code of
28 Regulations.

1 m. In the inspection report dated January 25, 2011, and the re-inspection report dated
2 May 11, 2011, Respondent failed to report the decay fungi damage to the storeroom attached to
3 the garage of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of
4 the California Code of Regulations.

5 SIXTEENTH CAUSE FOR DISCIPLINE

6 (Failure to Make Proper Recommendation)

7 58. Respondent Walden is subject to disciplinary action under Code sections 8516,
8 subdivision (b)(10), and 8620, in that Respondent failed to make a proper recommendation, in
9 violation of section 1991, subdivision (a)(9) of title 16 of the California Code of Regulations.

10 The circumstances are as follows:

11 a. On or about January 25, 2011, there was a purportedly “complete” and “separated”
12 inspection report for the Capetown Property. Respondent Walden failed to include a
13 recommendation to remove the accessible evidence of infestation.

14 SEVENTEENTH CAUSE FOR DISCIPLINE

15 (Gross Negligence or Fraud)

16 59. Respondent Walden is subject to disciplinary action under Code sections 8620, 8642
17 and 8666 in that Respondent committed gross negligence or fraud. The circumstances are as
18 follows:

19 a. On or about January 25, 2011, Respondent prepared a purportedly “complete,”
20 “separated” report that discussed evidence of subterranean termites around the perimeter of the
21 house and attached patio of the Capetown Property, despite the absence of visible evidence of
22 subterranean termites around the exterior of either structure.

23 EIGHTEENTH CAUSE FOR DISCIPLINE

24 (Failure to Issue Proper Report)

25 60. Respondent Walden is subject to disciplinary action under Code sections 8516,
26 subdivision (b)(13), and 8620, in that Respondent failed to issue a proper “separated” inspection
27 report for the Capetown Property, in violation of subdivision (f) of section 1990 of title 16 of the
28 California Code of Regulations. The circumstances are as follows:

1 a. Respondent's May 11, 2011 "reinspection" "separated" inspection report identifies
2 the cellulose debris as a Section II finding and recommendation, even though the cellulose debris
3 is infested with evidence of subterranean termites.

4 b. Respondent's May 11, 20011 "reinspection" "separated" inspection report identifies
5 the inaccessible areas of the garage, storeroom and house as Section III findings and
6 recommendations, but Section III does not exist.

7 DISCIPLINE CONSIDERATIONS

8 61. To determine the degree of discipline, if any, to be imposed on Respondents 5 Star
9 and Lozada, Complainant refers to and by this reference incorporates the allegations set forth in
10 paragraphs 2 and 3 as though set forth fully. In addition, during Respondents' probationary
11 period, Respondents were fined or paid fines for multiple violations as follows:

12 a. On or about December 3, 2010, the Los Angeles County Agricultural Commissioner
13 issued a \$700 fine for violation of section 6600, subdivision (a) of title 3 of the California Code of
14 Regulations.

15 b. On or about January 25, 2011, the Los Angeles County Agricultural Commissioner
16 issued a \$1,000 fine and a \$1,250 fine for violation of Food and Agriculture Code section 15204.

17 c. On or about January 26, 2011, Respondent 5 Star paid a \$1,000 fine levied by the
18 Orange County Agricultural Commissioner for violation of Food and Agriculture section 15204.

19 d. On or about February 3, 2011, the Los Angeles County Agricultural Commissioner
20 issued a \$2,200 fine for violation of Food and Agriculture Code section 15204 and section 6600,
21 subdivision (b) of title 3 of the California Code of Regulations.

22 e. On or about August 23, 2011, the Los Angeles County Agricultural Commissioner
23 issued a \$1,000 fine for violation of Food and Agriculture Code section 15204 and section 6140
24 of title 3 of the California Code of Regulations.

25 f. On or about October 26, 2011, the San Bernardino County Agricultural
26 Commissioner issued a \$1,000 fine against Respondent 5 Star for violation of Business and
27 Professions Code section 8505.17.

28 ///

OTHER MATTERS

1
2 62. Pursuant to section 8654 of the Code, if Field Representative License No. FR 43646,
3 issued to Respondent Lozada, is suspended or revoked, he shall be prohibited from serving as an
4 officer, director, associate, partner, qualifying manager, or responsible managing employee for
5 any registered company during the time the discipline is imposed, and any registered company
6 which employs, elects, or associates Respondent Lozada shall be subject to disciplinary action.

7 63. Pursuant to section 8624 of the Code, the causes for discipline established as to
8 Respondent 5 Star likewise constitute cause for discipline against name of owner regardless of
9 whether name of owner had knowledge of or participated in the acts or omissions which
10 constitute cause for discipline against Respondent 5 Star.

11 64. Pursuant to section 8654 of the Code, if Operator's License No. OPR 11889, issued to
12 Respondent Kim, is suspended or revoked, he shall be prohibited from serving as an officer,
13 director, associate, partner, qualifying manager, or responsible managing employee for any
14 registered company during the time the discipline is imposed, and any registered company which
15 employs, elects, or associates Respondent Kim shall be subject to disciplinary action.

16 65. Pursuant to section 8624 of the Code, if Operator's License No. OPR 11889, issued to
17 Respondent Kim, is suspended or revoked, the suspension or revocation may be applied to each
18 branch office, and Respondent Kim shall be prohibited from serving as an officer, director,
19 associate, partner, qualifying manager, or responsible managing employee for any registered
20 company during the time the discipline is imposed, and any registered company which employs,
21 elects, or associates Respondent Kim shall be subject to disciplinary action.

22 66. Pursuant to section 8624 of the Code, the causes for discipline established as to
23 Respondent LA Exterminator likewise constitute cause for discipline against name of owner
24 regardless of whether name of owner had knowledge of or participated in the acts or omissions
25 which constitute cause for discipline against Respondent LA Exterminator.

26 67. Pursuant to section 8654 of the Code, if Field Representative License No. FR 44519,
27 issued to Respondent Nam, is suspended or revoked, he shall be prohibited from serving as an
28 officer, director, associate, partner, qualifying manager, or responsible managing employee for

1 any registered company during the time the discipline is imposed, and any registered company
2 which employs, elects, or associates Respondent Nam shall be subject to disciplinary action.

3 68. Pursuant to section 8624 of the Code, if Field Representative License No. FR 44519,
4 issued to Respondent Nam, is suspended or revoked, the suspension or revocation may be applied
5 to each branch office, and Respondent Nam shall be prohibited from serving as an officer,
6 director, associate, partner, qualifying manager, or responsible managing employee for any
7 registered company during the time the discipline is imposed, and any registered company which
8 employs, elects, or associates Respondent Nam shall be subject to disciplinary action.

9 69. Pursuant to section 8654 of the Code, if Operator's License No. OPR 11789, issued to
10 Respondent Nam, is suspended or revoked, he shall be prohibited from serving as an officer,
11 director, associate, partner, qualifying manager, or responsible managing employee for any
12 registered company during the time the discipline is imposed, and any registered company which
13 employs, elects, or associates Respondent Nam shall be subject to disciplinary action.

14 70. Pursuant to section 8624 of the Code, if Operator's License No. OPR 11789, issued to
15 Respondent Nam, is suspended or revoked, the suspension or revocation may be applied to each
16 branch office, and Respondent Nam shall be prohibited from serving as an officer, director,
17 associate, partner, qualifying manager, or responsible managing employee for any registered
18 company during the time the discipline is imposed, and any registered company which employs,
19 elects, or associates Respondent Nam shall be subject to disciplinary action.

20 71. Pursuant to section 8654 of the Code, if Field Representative License No. FR 33755,
21 issued to Respondent Hernandez, is suspended or revoked, he shall be prohibited from serving as
22 an officer, director, associate, partner, qualifying manager, or responsible managing employee for
23 any registered company during the time the discipline is imposed, and any registered company
24 which employs, elects, or associates Respondent Hernandez shall be subject to disciplinary
25 action.

26 72. Pursuant to section 8624 of the Code, if Field Representative License No. FR 33755,
27 issued to Respondent Hernandez, is suspended or revoked, the suspension or revocation may be
28 applied to each branch office, and Respondent Hernandez shall be prohibited from serving as an

1 officer, director, associate, partner, qualifying manager, or responsible managing employee for
2 any registered company during the time the discipline is imposed, and any registered company
3 which employs, elects, or associates Respondent Hernandez shall be subject to disciplinary
4 action.

5 73. Pursuant to section 8654 of the Code, if Operator's License No. OPR 9088, issued to
6 Respondent Guerra, is suspended or revoked, he shall be prohibited from serving as an officer,
7 director, associate, partner, qualifying manager, or responsible managing employee for any
8 registered company during the time the discipline is imposed, and any registered company which
9 employs, elects, or associates Respondent Guerra shall be subject to disciplinary action.

10 74. Pursuant to section 8624 of the Code, if Operator's License No. OPR 9088, issued to
11 Respondent Guerra, is suspended or revoked, the suspension or revocation may be applied to each
12 branch office, and Respondent Guerra shall be prohibited from serving as an officer, director,
13 associate, partner, qualifying manager, or responsible managing employee for any registered
14 company during the time the discipline is imposed, and any registered company which employs,
15 elects, or associates Respondent Guerra shall be subject to disciplinary action.

16 75. Pursuant to section 8624 of the Code, the causes for discipline established as to
17 Respondent Dedicated Termite Exterminators likewise constitute cause for discipline against
18 name of owner regardless of whether name of owner had knowledge of or participated in the acts
19 or omissions which constitute cause for discipline against Respondent Dedicated Termite
20 Exterminators.

21 76. Pursuant to section 8654 of the Code, if Field Representative License No. FR 34106,
22 issued to Respondent Walden, is suspended or revoked, he shall be prohibited from serving as an
23 officer, director, associate, partner, qualifying manager, or responsible managing employee for
24 any registered company during the time the discipline is imposed, and any registered company
25 which employs, elects, or associates Respondent Walden shall be subject to disciplinary action.

26 77. Pursuant to section 8624 of the Code, if Field Representative License No. FR 34106,
27 issued to Respondent Walden, is suspended or revoked, the suspension or revocation may be
28 applied to each branch office, and Respondent Walden shall be prohibited from serving as an

1 officer, director, associate, partner, qualifying manager, or responsible managing employee for
2 any registered company during the time the discipline is imposed, and any registered company
3 which employs, elects, or associates Respondent Walden shall be subject to disciplinary action.

4 PRAYER

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

7 1. Revoking or suspending Probationary Company Registration Certificate Number PR
8 6157, issued to Respondent 5 Star.;

9 2. Revoking or suspending Field Representative License Number FR 43646, issued to
10 Respondent Lozada;

11 3. Revoking or suspending Company Registration Number PR 5773, issued to
12 Respondent LA Exterminator Corporation;

13 4. Revoking or suspending Operator License Number OPR 11889, issued to Respondent
14 Kim;

15 5. Revoking or suspending Field Representative License Number FR 38958, issued to
16 Respondent Kim;

17 6. Revoking or suspending Field Representative license Number FR 33755, issued to
18 Respondent Hernandez;

19 7. Revoking or suspending Company Registration Number PR 2492, issued to
20 Respondent Dedicated Termite Exterminators;

21 8. Revoking or suspending Operator License Number OPR 9088, issued to Respondent
22 Guerra;

23 9. Revoking or suspending Field Representative License Number FR 44519, issued to
24 Respondent Nam.;

25 10. Revoking or suspending Operator License Number OPR 11789, issued to Respondent
26 Nam.;

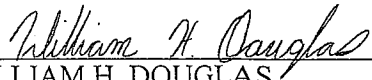
27 11. Revoking or suspending Field Representative Number FR 34106, issued to
28 Respondent Walden.;

1 12. Ordering Respondents to pay the Board the reasonable costs of the investigation and
2 enforcement of this case, pursuant to Code section 125.3;

3 13. Ordering Respondents to pay restitution of damages suffered as a condition of
4 probation in the event probation is ordered pursuant to Government Code section 11519,
5 subdivision (d), and;

6 14. Taking such other and further action as deemed necessary and proper.
7

8 DATED: 1/31/12


WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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