

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

In the Matter of the Accusation Against:

**CHRISTIAN PONCE**  
aka **CRISTIAN PONCE**  
3756 Dalton Avenue  
Los Angeles, CA 90018

Field Representative License No. FR 40682

Respondent.

Case No. 2015-3  
OAH No. 2014100430

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 29, 2015.

It is so ORDERED April 29, 2015

  
\_\_\_\_\_  
FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 CHRISTINE J. LEE  
Deputy Attorney General  
4 State Bar No. 282502  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2539  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **CHRISTIAN PONCE**  
12 **aka CRISTIAN PONCE**  
13 3756 Dalton Avenue  
Los Angeles, CA 90018

14 **Field Representative License No. FR 40682**

15 **Respondent.**

Case No. 2015-3  
OAH No. 2014100430

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural  
21 Pest Control Board. She brought this action solely in her official capacity and is represented in  
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Christine J. Lee,  
23 Deputy Attorney General.

24 2. Respondent Christian Ponce, also known as Cristian Ponce ("Respondent") is  
25 representing himself in this proceeding and has chosen not to exercise his right to be represented  
26 by counsel.

27 3. On or about August 30, 2006, the Structural Pest Control Board issued Field  
28

1 Representative License No. FR 40682 to Respondent. The Field Representative License was in  
2 full force and effect at all times relevant to the charges brought in  
3 Accusation No. 2015-3 and will expire on June 30, 2015, unless renewed.

4 JURISDICTION

5 4. Accusation No. 2015-3 was filed before the Structural Pest Control Board (Board),  
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
7 and all other statutorily required documents were properly served on Respondent on August 13,  
8 2015. Respondent timely filed his Notice of Defense contesting the Accusation.

9 5. A copy of Accusation No. 2015-3 is attached as exhibit A and incorporated herein by  
10 reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, and understands the charges and allegations in  
13 Accusation No. 2015-3. Respondent has also carefully read, and understands the effects of this  
14 Stipulated Settlement and Disciplinary Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 2015-3.

27 10. Respondent agrees that his Field Representative License is subject to discipline and he  
28 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

1  
2           11. This stipulation shall be subject to approval by the Structural Pest Control Board.  
3 Respondent understands and agrees that counsel for Complainant and the staff of the Structural  
4 Pest Control Board may communicate directly with the Board regarding this stipulation and  
5 settlement, without notice to or participation by Respondent. By signing the stipulation,  
6 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
7 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
8 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
9 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
10 the parties, and the Board shall not be disqualified from further action by having considered this  
11 matter.

12           12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
13 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
14 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

15           13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
18 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
19 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
20 writing executed by an authorized representative of each of the parties.

21           14. In consideration of the foregoing admissions and stipulations, the parties agree that  
22 the Board may, without further notice or formal proceeding, issue and enter the following  
23 Disciplinary Order:

DISCIPLINARY ORDER

24  
25           IT IS HEREBY ORDERED that Field Representative License No. FR 40682 issued to  
26 Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation  
27 for five (5) years on the following terms and conditions.

28           1.       **Actual Suspension.** Field Representative License No. FR 40682 issued to

1 Respondent Christian Ponce is suspended for (10) ten consecutive days, beginning the effective  
2 date of the decision.

3       2.       **Obey All Laws.** Respondent shall obey all Federal, State and Local laws along  
4 with all laws and rules relating to the practice of structural pest control.

5       3.       **Quarterly Reports.** Respondent shall file quarterly reports with the Board during  
6 the period of probation.

7       4.       **Tolling of Probation.** Should Respondent leave California to reside outside this  
8 state, Respondent must notify the Board in writing of the dates of departure and return. Periods  
9 of residency or practice outside the state shall not apply to reduction of the probationary period.

10       5.       **Notice to Employers.** Respondent shall notify all present and prospective  
11 employers of the decision in case no. 2015-3 and the terms, conditions and restriction imposed on  
12 Respondent by said decision.

13       Within 30 days of the effective date of this decision, and within 15 days of Respondent  
14 undertaking new employment, Respondent shall cause his/her employer to report to the Board in  
15 writing acknowledging the employer has read the decision in case No. 2015-3.

16       6.       **Notice to Employees.** Respondent shall, upon or before the effective date of this  
17 decision, post or circulate a notice to all employees involved in structural pest control operations  
18 which accurately recite the terms and conditions of probation. Respondent shall be responsible  
19 for said notice being immediately available to said employees. "Employees" as used in this  
20 provision includes all full-time, part-time, temporary and relief employees and independent  
21 contractors employed or hired at any time during probation.

22       7.       **Completion of Probation.** Upon successful completion of probation,  
23 Respondent's license/certificate will be fully restored.

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

1           9.       **Random Inspections.** Respondent shall reimburse the Board for one (1) random  
2 inspection not to exceed \$125.00 per inspection per quarter by Board specialists during the period  
3 of probation.

4           10.       **Prohibited from Serving as Officer, Director, Associate, Partner or**  
5 **Qualifying Manager.** Respondent is prohibited from serving as an officer, director, associate,  
6 partner, qualifying manager or branch office manager of any registered company during the  
7 period that discipline is imposed on Field Representative License No. FR 40682.

8           11.       **No Interest In Any Registered Company.** Respondent shall not have any legal  
9 or beneficial interest in any company currently or hereinafter registered by the Board.

10          12.       **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
12 amount of \$4,860.00. Respondent shall be permitted to pay these costs in a payment plan  
13 approved by the Board, with payments to be completed no later than three months prior to the end  
14 of the probation term. Respondent can arrange with the Board to make monthly payments.  
15 Probation shall not be terminated until all costs are paid in full.

16          13.       **Restoration Bond.** Pursuant to Business and Professions Code section 8697.3,  
17 Respondent will be required as a condition to the restoration of Field Representative License No.  
18 FR 40682, to file a surety bond in the sum of \$2,500.00 no later than the last day of suspension.  
19 Respondent shall post such bond with the Registrar for the duration of the probationary period.

20          14.       **Continuing Education.** Prior to the effective date of the decision, Respondent  
21 shall provide proof to the Board of completion of eight (8) hours of continuing education courses  
22 approved by the Board, including two (2) hours of rules and regulations, two (2) hours branch 1  
23 technical and four (4) general. These courses cannot be used towards renewal of Field  
24 Representative License No. FR 40682. Should Respondent fail to submit proof to the Board of  
25 completion of the eight (8) hours of continuing education prior to the effective date of the  
26 decision, it shall be considered a violation of probation and Field Representative License No. FR  
27 40682 shall be suspended until proof is provided to the Board.

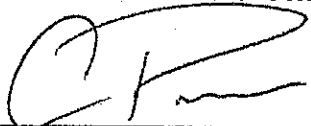
28          15.       **Citation and Fine.** Respondent shall pay citation and fine number SP 2013-175

1 issued by the Los Angeles County Agricultural Commissioner's Office in the amount of \$800  
2 prior to the effective date of the decision.

3 ACCEPTANCE

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
5 stipulation and the effect it will have on my Field Representative License. I enter into this  
6 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
7 to be bound by the Decision and Order of the Structural Pest Control Board.

8  
9 DATED: 3-11-15



---

10 CHRISTIAN PONCE  
11 Respondent

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

Dated: 3/11/15

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



CHRISTINE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

LA2014511741  
51711251.doc  
3/4/15