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7	Attorneys for Complainant		
8	BEFORE THE		
9	STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10		ALIFORNIA	
11	In the Matter of the Petition to Revoke	Case No. 2015-3	
12	Probation Against:		
13	aka CRISTIAN PONCE	PETITION TO REVOKE PROBATION	
14	Country Wide Fumigation 4252 Whiteside Street		
15	Los Angeles, CA 90063		
16	Field Representative's License No. FR 40682		
17	Respondent.		
18			
19	Complainant alleges:		
20	PART	<u>ries</u>	
21	1. Susan Saylor ("Complainant") brings	this Petition to Revoke Probation solely in her	
22	official capacity as the Registrar/Executive Officer of the Structural Pest Control Board,		
23	Department of Consumer Affairs.		
24	2. On or about August 30, 2006, the Structural Pest Control Board ("Board") issued		
25	Field Representative's License No. FR 40682 to Christian Ponce, aka Cristian Ponce		
26	("Respondent"). The Field Representative's License was in effect at all times relevant to the		
27	charges brought herein and will expire on June 30, 2018, unless renewed.		
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	In the Matter of the Petition to Revoke Probation Agai.	nst: CHRISTIAN PONCE, aka CRISTIAN PONCE	

	PRIOR DISCIPLINARY ACTION		
	3. In a disciplinary action entitled In the Matter of Accusation Against Christian Ponc		
	aka Cristian Ponce, Case No. 2015-3, the Board issued a Decision and Order ("Decision"),		
	effective May 29, 2015, in which Respondent's Field Representative's License was revoked.		
	However, the revocation was stayed and Respondent's Field Representative's License was place		
	on probation for a period of five (5) years with certain terms and conditions. A copy of that		
	Decision is attached as Exhibit A and is incorporated by reference.		
	JURISDICTION		
	4. This Petition to Revoke Probation is brought before the Board, Department of		
	Consumer Affairs, under the authority of the following laws. All section references are to the		
	Business and Professions Code ("Code") unless otherwise indicated.		
	5. This Petition to Revoke Probation is brought before the Board under Probation Terr		
and Condition No. 8 of the Board's Decision, entitled "Violation of Probation." Condition 8			
	states:		
	Violation of Probation.		
	Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.		
	6. Grounds exist to revoke Respondent's probation under the authority of Condition 8		
	because Respondent did not comply with his probation terms and conditions, as set forth below		
STATUTORY AND REGULATORY PROVISIONS			
	 Section 8567 of the Code states: 		
Should a field representative or applicator change his or her employment, or should an operator enter the employ of a registered company, or being already employed by a			
	company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The		
	registrar shall register the change in his or her records.		
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8. Section 8617, subdivision (h), of the Code states:

Failure of a licensee or registered company to pay a fine within 30 days of the date of assessment or to comply with the order of suspension, unless the citation is being appealed, may result in disciplinary action being taken by the board.

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Section 8654 of the Code provides, as follows:

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

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

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

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

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

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

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

(2) Such other terms and conditions as may be appropriate in light of the number and nature of the violations proven.

(b) Nothing in this regulation shall deprive the board of its authority to modify or delete any term or condition of probation contained in a proposed decision submitted by an administrative law judge.

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1	FIRST CAUSE TO REVOKE PROBATION
2	(Failure to Submit Quarterly Reports)
3	12. At all times after the May 29, 2015, effective date of the Decision, Condition 3 stated
 	Quarterly Reports. Respondent shall file quarterly reports with the Board during the period of probation.
	13. Respondent's probation is subject to revocation because he failed to comply with
	Probation Condition 3, referenced above, in that he failed to submit quarterly reports to the Board
	which were due on May 29, 2016, August 29, 2016, and November 29, 2016.
	SECOND CAUSE TO REVOKE PROBATION
	(Failure to Notify the Board of Leaving California)
	14. At all times after the May 29, 2015, effective date of the Decision, Condition 4 stated:
	Tolling of Probation. Should Respondent leave California to reside outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.
	15. Respondent's probation is subject to revocation because he failed to comply with
	Probation Condition 4, referenced above. The facts and circumstances regarding this violation
	are that on or about November 24, 2016, during a quarterly probation inspection, the Board's
	specialist was informed that Respondent had moved out of California in October 2016.
	Respondent failed to notify the Board in writing of the dates of departure when he moved out of
Ĩ	California, therefore, Respondent's probation began tolling. Respondent failed to notify the
	Board of his dissociation with his employer or his change of address.
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1	THIRD CAUSE TO REVOKE PROBATION			
2	(Failure to Pay the Board for Reimbursement of Inspection)			
3	16. At all times after the May 29, 2015, effective date of the Decision, Condition 9 stated:			
4	Random Inspections. Respondent shall reimburse the Board for one (1)			
5	random inspection not to exceed \$125.00 per inspection per quarter by Board specialists during the period of probation.			
6	17. Respondent's probation is subject to revocation because he failed to comply with			
7	Probation Condition 9, referenced above. The facts and circumstances regarding this violation			
8	are as follows:			
9	a. On or about August 28, 2015, Respondent failed to reimburse an amount of \$54.00 to			
10	the Board during a random inspection by the Board's specialist.			
11	b. On or about June 1, 2016, Respondent failed to reimburse an amount of \$125.00 to			
12	the Board during a random inspection by the Board's specialist.			
13	c. On or about October 16, 2015, April 15, 2016, July 29, 2016, September 30, 2016,			
14	and December 15, 2016, the Board sent multiple letters to Respondent reminding him that the			
15	Board has yet to receive the reimbursement for the random inspections.			
16	FOURTH CAUSE TO REVOKE PROBATION			
17	(Failure to Pay Cost Recovery)			
18	18. At all times after the May 29, 2015, effective date of the Decision, Condition 12			
19	stated:			
20	Cost Recovery. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Dusinger and Pursieur C. J.			
21	investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$4,860.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board with model.			
22	a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term. Respondent can arrange with the Board to make monthly payments. Probation closed and the state of the st			
23	Board to make monthly payments. Probation shall not be terminated until all costs are paid in full.			
24	19. Respondent's probation is subject to revocation because he failed to comply with			
25	Probation Condition 12, referenced above. The facts and circumstances regarding this violation			
26	are as follows:			
27	a. Respondent has yet to reimburse the Board for the investigative and enforcement			
28	costs of \$4,860.00.			
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l	In the Matter of the Petition to Revoke Probation Against: CHRISTIAN PONCE, aka CRISTIAN PONCE			

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1	b. The Board sent multiple letters to Respondent on or about April 15, 2016, July 29,		
2	2016, September 30, 2016, and December 15, 2016, reminding him that the Board has yet to		
3	receive the costs of \$4,860.00.		
4	FIFTH CAUSE TO REVOKE PROBATION		
'5	(Failure to Obey All Laws)		
6	20. At all times after the May 29, 2015, effective date of the Decision, Condition 2 stated:		
7	Obey All Laws. Respondent shall obey all Federal, State and Local laws along		
8	with all laws and rules relating to the practice of structural pest control.		
9	21. Respondent's probation is subject to revocation because he failed to comply with		
10	Probation Condition 2, referenced above. The facts and circumstances regarding this violation		
11	are as follows:		
12	a. On or about March 28, 2016, The Los Angeles County Agricultural Commissioner		
13	issued a \$400.00 fine levied to Respondent's Field Representative's License No. FR 40682 for		
14	violation of the Food and Agricultural Code section 12973 [the use of any pesticide shall not		
15	conflict with labeling registered pursuant to this chapter which is delivered with the pesticide or		
16	with any additional limitations applicable to the conditions of any permit issued by the director or		
17	commissioner.]		
18	b. Respondent is in violation of the Code section 8567, in that on or about November		
19	24, 2016, the Board's specialist was informed that Respondent had moved out of California and		
20	Respondent failed to change his employment, or being already employed by a registered company		
21	change his employment, or being employed by a registered company leave that employment and		
22	enter the pest control business on his own behalf, he shall notify the registrar on a form		
23	prescribed by the board and issued by the registrar in accordance with rules and regulations		
24	adopted by the board. The registrar shall register the change in his records. Complainant refers to		
25	and by this reference incorporates the allegations set forth above in paragraphs 13 and 14, as		
26	though set forth fully herein.		
27	c. Respondent is in violation of the California Code of Regulations, title 16, section		
28	1911, in that Respondent failed to file a change of address or notify of his dissociation from his		
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employer with the Board within ten (10) days of such change. Complainant refers to and by this
 reference incorporates the allegations set forth above in paragraphs 13 and 14, as though set forth
 fully herein.

22. Respondent is in violation of the California Code of Regulations, title 16, section 1937.12, in that Respondent failed to obey all laws and rules relating to structural pest control and probationary terms and conditions. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 11 through 18, as though set forth fully herein.

PRIOR DISCIPLINE

23. To determine the degree of discipline, Complainant alleges that:

a. On or about October 20, 2008, the Board issued Company registration Certificate No.
 PR 5704 to Allstar Fumigation, Inc. with Respondent as Vice President.

b. On or about February 8, 2010, the Company Registration Certificate No. PR 5704
reflected Respondent as President and 100% shareholder.

c. In a disciplinary action entitled In the Matter of Accusation Against Allstar *Fumigation, Inc.; Florencia Ponce; Christian Ponce; Abdul-Aleem Rasheed*, Case No. 2012-58,
the Board issued a Decision and Order ("Decision"), effective March 2, 2014, in which the
Company Registration Certificate No. PR 5704 was surrendered by Respondent as President of
Allstar Fumigation, Inc.

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OTHER MATTERS

20 24. Pursuant to section 8654, if discipline is imposed on Field Representative's License
21 No. FR 40682 issued to Respondent, Respondent shall be prohibited from serving as an officer,
22 director, associate, partner, qualifying manager, or responsible managing employee for any
23 registered company during the time the discipline is imposed, and any registered company which
24 employs, elects, or associates Respondent shall be subject to disciplinary action.
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1 PRAYER WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 2 and that following the hearing, the Board issue a decision: 3 Revoking the probation that was granted by the Board in Case No. 2015-3 and 4 1. imposing the disciplinary order that was stayed thereby revoking Field Representative's License 5 No. FR 40682 issued to Christian Ponce, aka Cristian Ponce; 6 2. Revoking or suspending Field Representative's License No. FR 40682, issued to 7 Christian Ponce, aka Cristian Ponce; 8 Prohibiting Christian Ponce, aka Cristian Ponce from serving as an officer, director, 9 3. associate, partner, qualifying manager, or responsible managing employee of any registered 10 company during the period that discipline is imposed on Field Representative's License No. 11 FR 40682 issued to Christian Ponce, aka Cristian Ponce; and, 12 4. Taking such other and further action as deemed necessary and proper. 13 14 15 16 DATED YLOR 17 Registrar/Executive Officer Structural Pest Control Board 18 Department of Consumer Affairs State of California 19 Complainant LA2017603553 20 52442124.doc 5/22/2017 2122 23 24 25 26 27 28 8