

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

In the Matter of the Statement of Issues
Against:

CARLOS MONCADA
c/o Ariston Termite
P.O. Box 1489
Paramount, CA 90723
Field Representative's License

Respondent.

Case No. 2008-73

DECISION AND ORDER

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

This Decision shall become effective on November 25, 2009.

It is so ORDERED October 26, 2009.

Clifford J. Pittman

FOR THE STRUCTURAL PEST CONTROL
BOARD

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NANCY A. KAISER
Deputy Attorney General
4 State Bar No. 192083
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-5794
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

12 In the Matter of the Statement of Issues
Against:

13 **CARLOS MONCADA**
14 **c/o Ariston Termite**
15 **P.O. Box 1489**
16 **Paramount, CA 90723**
17 **Field Representative's License**

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**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Structural Pest Control Board, the parties hereby agree to the
21 following Stipulated Settlement and Disciplinary Order which will be submitted to the Structural
22 Pest Control Board for approval and adoption as the final disposition of the Statement of Issues
23 No. 2008-73.

24 PARTIES

25 1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the Structural Pest
26 Control Board. She brought this action solely in her official capacity and is represented in this
27 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Nancy A. Kaiser,
28 Deputy Attorney General.

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

4 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
5 of the decision in Case No. 2008-73 and the terms, conditions and restriction imposed on
6 Respondent by said decision.

7 Within 30 days of the effective date of this decision, and within 15 days of Respondent
8 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
9 writing acknowledging the employer has read the decision in Case No. 2008-73.

10 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
11 license will be fully restored.

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

17 8. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
18 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
19 qualifying manager or branch office manager of any company registered by the Board during the
20 three (3) year term of probation.

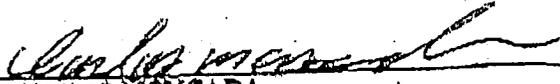
21 9. **No Interest In Any Registered Company.** Respondent shall not have any legal or
22 beneficial interest in any company currently or hereinafter registered by the Board during the
23 three (3) year term of probation.

24 10. **Branch 3 Operator's License.** Respondent's acceptance of this Stipulated
25 Settlement and Disciplinary Order shall not prohibit Respondent from taking the Branch 3
26 Operator's examination and/or being granted an operator's license upon successful completion of
27 all licensing requirements, as set forth in the Structural Pest Control Act (Bus. & Prof. Code,
28 §8500, et seq) and its regulations. However, if Respondent successfully applies for and is granted

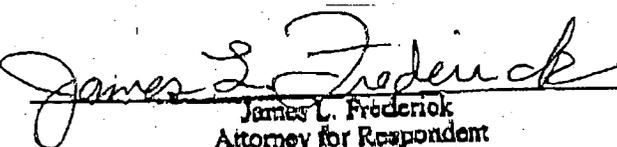
1 a Branch 3 Operator's License or another license by the Board at a future date, that license shall
 2 be immediately revoked, and the order of revocation stayed and Respondent's new registration or
 3 license be placed on probation for any remaining period of the three (3) year period of probation
 4 on the same terms and conditions that continue and/or have not yet been completed.

ACCEPTANCE

5
 6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 7 discussed it with my attorney, my attorney, James L. Frederick. I understand the stipulation and
 8 the effect it will have on my Field Representative's License. I enter into this Stipulated
 9 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
 10 bound by the Decision and Order of the Structural Pest Control Board.

11
 12 DATED: 6/15/09 
 13 CARLOS MONCADA
 14 Respondent

15 I have read and fully discussed with Respondent Carlos Moncada the terms and conditions
 16 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
 17 its form and content.

18 DATED: 6/16/09 
 19 James L. Frederick
 20 Attorney for Respondent

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ENDORSEMENT

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

Dated: 6/16/09

Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

N. Kaiser
NANCY A. KAISER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 2008-73

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NANCY A. KAISER, State Bar No. 192083
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-5794
6 Facsimile: (213) 897-2804

FILED

Date 6/3/08

By Susan Taylor

7 Attorneys for Complainant

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

12 In the Matter of the Statement of Issues Against:

Case No. 2008-73

13 **CARLOS MONCADA**
14 14913 Gwen Chris Court
Paramount, California 902723

STATEMENT OF ISSUES

15 Respondent.

16
17 Kelli Okuma ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Statement of Issues solely in her official capacity
20 as the Registrar of the Structural Pest Control Board ("Board"), Department of Consumer
21 Affairs.

22 **APPLICATION INFORMATION**

23 2. On or about October 15, 2007, the Board received an Application for Field
24 Representative's License ("application") from Carlos Moncada ("Respondent"). On or about
25 September 24, 2007, Respondent certified under penalty of perjury to the truthfulness of all
26 statements, answers, and representations in the application. The Board denied the application on
27 or about February 29, 2008.

28 ///

1 for suspension or revocation under Code sections 8642 (gross negligence or fraudulent act), 8641
2 (improper inspections), 8638 (failed to complete the project for the contract price), 8644 (fraud
3 or misrepresentation after inspection), 8622 (failed to comply with the Report of Findings), 8518
4 (failed to file work activity reports with the Board), 8516, subdivision (b) (failed to file
5 completion notices with the Board), and California Code of Regulations, title 16, section 1970,
6 subdivision(b) (failed to comply with inspection report recording requirements), as more
7 particularly set forth in Accusation No. 2008-67, attached hereto as **Exhibit A**.

8 **OTHER MATTERS**

9 9. Pursuant to Code section 8654, if Respondent's application for a field
10 representative's license is denied, then Respondent shall be prohibited from serving as an officer,
11 director, associate, partner, qualifying manager, or responsible managing employee of a
12 registered company, and the employment, election or association of such person by a registered
13 company is grounds for disciplinary action.

14 **PRAYER**

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

- 17 1. Denying the application of Carlos Moncada for a field representative's
18 license;
- 19 2. Prohibiting Carlos Moncada from serving as an officer, director, associate,
20 partner, qualifying manager, or responsible managing employee of any licensee;
- 21 3. Revoking or suspending any other license for which Carlos Moncada is
22 furnishing the qualifying experience or appearance; and,
- 23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: 10/3/08

25 for 
26 KELLI OKUMA
27 Registrar
28 Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant