

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

In the Matter of the First Amended Accusation
Against:

Case No. 2016-9

**BLACKOUT TERMITE AND PEST
CONTROL, ALONZO G. CONTRERAS,
III**

19197 Golden Valley Rd. #929
Santa Clarita, CA 91387

Company Registration Certificate No. PR
6902

ALONZO G. CONTRERAS, III
19197 Golden Valley Rd. #929
Santa Clarita, CA 91387

Operator's License No. OPR 11760

and

MARCOS GASTELUM MORALES
5867 Pine Avenue
Chino Hills, CA 91709

Operator's License No. OPR 12089
Field Representative's License No. FR 47056

Respondents.

DECISION AND ORDER

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

The Decision shall become effective on August 17, 2016.

IT IS SO ORDERED July 18, 2016.


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 KRITHTHIKA VASUDEVAN
Deputy Attorney General
4 State Bar No. 247590
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the First Amended Accusation
11 Against:

Case No. 2016-9

OAH No. 2015100364

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13 **BLACKOUT TERMITE AND PEST**
CONTROL, ALONZO G. CONTRERAS,
14 **III**

15 19197 Golden Valley Rd. #929
Santa Clarita, CA 91387

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER (AS TO
RESPONDENT MARCOS GASTELUM
MORALES ONLY)

16 Company Registration Certificate No. PR
17 6902

18 **ALONZO G. CONTRERAS, III**
19 19197 Golden Valley Rd. #929
Santa Clarita, CA 91387

20 Operator's License No. OPR 11760

21 and

22 **MARCOS GASTELUM MORALES**
23 5867 Pine Avenue
24 Chino Hills, CA 91709

25 Operator's License No. OPR 12089
Field Representative's License No. FR 47056

26 Respondents.
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1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural
5 Pest Control Board. She brought this action solely in her official capacity and is represented in
6 this matter by Kamala D. Harris, Attorney General of the State of California, by Kriththika
7 Vasudevan, Deputy Attorney General.

8 2. Marcos Gastelum Morales (Respondent) is represented in this proceeding by attorney
9 Seth Weinstein, whose address is Law Offices of Seth Weinstein, P.C., 15260 Ventura Blvd.
10 Suite 1200, Sherman Oaks, CA 91403.

11 **Operator's License No. OPR 12089**

12 3. On or about September 20, 2010, the Board issued Operator's License Number OPR
13 12089 in Branch 2 to Respondent.

14 4. On September 18, 2015, Operator's License No. OPR 12089 reflected dual
15 employment and became the Branch 2 Qualifying Manager of Blackout Termite and Pest Control
16 with a business address of 19197 Golden Valley Road, Unit #929, Santa Clarita, California
17 91387.

18 5. Operator's License No. OPR 12089 will expire on June 30, 2016, unless renewed.
19 **Field Representative License No. FR 47056**

20 6. On or about August 2, 2011, the Board issued Field Representative's License
21 Number FR 47056 in Branch 3 to Respondent. The Field Representative's License was in full
22 force and effect at all times relevant to the charges brought herein and will expire on June 30,
23 2017, unless renewed.

24 JURISDICTION

25 7. First Amended Accusation No. 2016-9 was filed before the Board and is currently
26 pending against Respondent. The Accusation and all other statutorily required documents were
27 properly served on Respondent on or about April 8, 2016. Respondent timely filed his Notice of
28 Defense contesting the First Amended Accusation.

1 8. A copy of First Amended Accusation No. 2016-9 is attached as exhibit A and
2 incorporated herein by reference.

3 ADVISEMENT AND WAIVERS

4 9. Respondent has carefully read, fully discussed with counsel, and understands the
5 charges and allegations in First Amended Accusation No. 2016-9. Respondent has also carefully
6 read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and
7 Disciplinary Order.

8 10. Respondent is fully aware of his legal rights in this matter, including the right to a
9 hearing on the charges and allegations in the First Amended Accusation; the right to be
10 represented by counsel at his own expense; the right to confront and cross-examine the witnesses
11 against him; the right to present evidence and to testify on his own behalf; the right to the
12 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
13 the right to reconsideration and court review of an adverse decision; and all other rights accorded
14 by the California Administrative Procedure Act and other applicable laws.

15 11. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
16 every right set forth above.

17 CULPABILITY

18 12 Respondent admits the truth of each and every charge and allegation in First
19 Accusation No. 2016-9.

20 13. Respondent agrees that his Operator's License and Field Representative License are
21 subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in
22 the Disciplinary Order below.

23 CONTINGENCY

24 14. This stipulation shall be subject to approval by the Board. Respondent understands
25 and agrees that counsel for Complainant and the staff of the Board may communicate directly
26 with the Board regarding this stipulation and settlement, without notice to or participation by
27 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
28 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers

1 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
2 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
3 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
4 be disqualified from further action by having considered this matter.

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

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

14 17. In consideration of the foregoing admissions and stipulations, the parties agree that
15 the Board may, without further notice or formal proceeding, issue and enter the following
16 Disciplinary Order;

17 **DISCIPLINARY ORDER**

18 IT IS HEREBY ORDERED that Operator's License No. OPR 12089 and Field
19 Representative License No. FR 47056 issued to Respondent Marcos Gastelum Morales
20 ("Respondent") are revoked. However, the revocation is stayed and Respondent is placed on
21 probation for two (2) years on the following terms and conditions.

22 1. **Obey All Laws.** Respondent shall obey all Federal, State and local laws along with
23 all laws and rules relating to the practice of structural pest control.

24 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during
25 the period of probation.

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

1 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
2 of the decision in case no. 2016-9 and the terms, conditions and restriction imposed on
3 Respondent by said decision.

4 Within 30 days of the effective date of this decision, and within 15 days of Respondent
5 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
6 writing acknowledging the employer has read the decision in case No. 2016-9.

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

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

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

20 8. **Random Inspections.** Respondent shall reimburse the Board for one random
21 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
22 inspection.

23 9. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
24 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
25 qualifying manager or branch office manager of more than one registered company during the
26 period that discipline is imposed on Operator's License No. OPR 12089 and Field Representative
27 License No. FR 47056.

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1 10. **Prohibited from Associating with Certain Businesses and/or Persons:** Respondent
2 agrees that he will not associate with anyone formerly associated with Blackout Termite and Pest
3 Control, including Alonzo G. Contreras, III and Candelario Gastelum.

4 11. **Interest In Any Registered Company:** In the event that Respondent registers a
5 company for which he possesses any legal or beneficial interest in or is the qualifying manager of
6 during the period that discipline is imposed on Field Representative License No. FR 47056 and
7 Operator License No. OPR 12089, the company registration certificate will be subject to the same
8 probationary terms and conditions ordered pursuant to this Disciplinary Order.

9 **ACCEPTANCE**

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
11 stipulation and the effect it will have on my Operator's License and Field Representative License.
12 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
13 intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control
14 Board.

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16 DATED: 5/9/2016

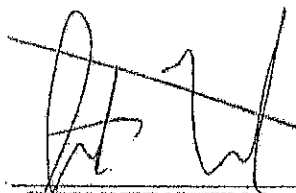
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18 MARCOS GASTELUM MORALES
Respondent

18 ///

19 I have read and fully discussed with Respondent Marcos Gastelum Morales, the terms and
20 conditions and other matters contained in this Stipulated Surrender of License and Order. I
21 approve its form and content.

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23
24 DATED: 05-09-2016

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26 SETH WEINSTEIN
27 Attorney for Respondent
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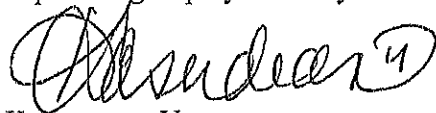
ENDORSEMENT

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

Dated: May 9, 2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



KRITHTHIKA VASUDEVAN
Deputy Attorney General
Attorneys for Complainant

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