

FILED

Date 4/28/17 By Susan Saylor

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

11 In the Matter of the Petition to Revoke Probation
12 Against:

Case No. 2012-7

13 **MASTER FUME, INC.;**
1868 Del Amo Boulevard, Suite D
14 Torrance, CA 90501
EDUARDO SANTILLAN, President
EDUARDO SANTILLAN Jr., Vice-President

PETITION TO REVOKE PROBATION

15 Company Registration Certificate No. PR 5604,

16 **and**

17 **EDUARDO SANTILLAN**
18 1868 Del Amo Boulevard, Suite D
19 Torrance, CA 90501

20 Operator's License No. OPR 10743

21 Respondents.

22
23 Complainant alleges:

24 **PARTIES**

25 1. Susan Saylor (Complainant) brings this Petition to Revoke Probation solely in her
26 official capacity as the Registrar/Executive Officer of the Structural Pest Control Board,
27 Department of Consumer Affairs (Board).

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1 2. On or about May 8, 2008, the Board issued Company Registration Certificate No. PR
2 5604 to Master Fume, Inc.; with Michael Rodriguez as president and 50% shareholder, and
3 Eduardo Santillan as the Qualifying Manager. On or about April 12, 2012, Respondent Eduardo
4 Santillan became president and 40% shareholder, and Eduardo Santillan, Jr. became vice-
5 president and 30% shareholder of Master Fume, Inc. On or about November 21, 2014, Eduardo
6 Santillan, Jr. became 50% shareholder and Eduardo Santillan became 50% shareholder of Master
7 Fume, Inc. (Respondent).

8 3. On or about June 6, 2003, the Board issued Operator's License No. OPR 10743 to
9 Eduardo Santillan (Respondent). The Operator's License was in effect at all times relevant to the
10 charges brought herein and will expire on June 30, 2017, unless renewed.

11 4. In a disciplinary action entitled "*In the Matter of Accusation Against Master Fume,*
12 *Inc., Eduardo Santillan and Eduardo Santillan, Jr.,*" Case No. 2012-7, the Structural Pest Control
13 Board, issued a decision, effective May 8, 2014, in which Respondents' Company Registration
14 Certificate and Operator's License were revoked. However, the revocation was stayed and
15 Respondents' Company Registration Certificate and Operator's License were placed on probation
16 for a period of three (3) years with certain terms and conditions. A copy of that decision is
17 attached as Exhibit A and is incorporated by reference.

JURISDICTION

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19 5. This Petition to Revoke Probation is brought before the Board under Probation Term
20 and Condition 9 of the Decision and Order "*In the Matter of Accusation Against Master Fume,*
21 *Inc., Eduardo Santillan and Eduardo Santillan, Jr.,*" Case No. 2012-7 That term and condition
22 states:

23 **Violation of Probation.**

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

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1 **FIRST CAUSE TO REVOKE PROBATION**

2 **(Failure to Obey all Laws and Rules Relating to the Practice of Structural Pest Control)**

3 6. At all times after the effective date of Respondents' probation, Condition 2 stated:

4 **Obey All Laws**

5 Respondents shall obey all federal, state, and local laws and all laws and rules relating
6 to the practice of structural pest control.

7 7. Respondents' probation is subject to revocation because they failed to comply
8 with Probation Condition 2, referenced above. The facts and circumstances regarding this
9 violation are as follows:

10 a. Respondents failed to file approximately 314 fumigation reports, from May
11 through August 2014, along with a fee for fumigations to the Los Angeles County Agricultural
12 Commissioner (LAAG) in violation of the Structural Pest Control Act (California *Business &*
Professions Code, Division 3, Chapter 14).

13 b. On or about May 29, 2015, Respondent Eduardo Santillan was issued Citation
14 and Fine No. 2015-442 by the Board in the amount of \$1,300.00 for failing to submit proof of
15 completion of continuing education, a requirement for his Operator's license renewal.

16 c. On or about June 8, 2015, Respondent Master Fume, Inc. was issued a Notice
17 of Violation by LAAG in the amount of \$200.00 for failure to submit Notices of Intent.

18 d. On or about January 14, 2016, Respondent Master Fume, Inc. was issued a
19 Notice of Violation by LAAG in the amount of \$1,000.00 for failure to satisfy California
20 Aeration Plan (CAP) requirements.

21 e. On or about May 26, 2016, Respondent Master Fume, Inc. was issued a Notice
22 of Violation by LAAG in the amount of \$600.00 for failure of the employer to ensure that a
23 medical evaluation is performed prior to the use of a respirator.

24 f. On or about June 15, 2016, Respondent's Qualifying Manager, Eduardo
25 Santillan, Jr., OPR 11224, was issued a Notice of Violation by LAAG in the amount of \$600.00
26 for failure to satisfy CAP requirements.

27 g. On or about October 22, 2016, Respondent Master Fume, Inc. was issued a
28 Notice of Violation by LAAG in the amount of \$1,200.00 for failure to satisfy CAP requirements.

1 h. On or about January 25, 2017, Respondent Master Fume, Inc. was issued a
2 Notice of Violation by LAAG for failure to submit fees for structural fumigations performed in
3 Los Angeles County.

4 **SECOND CAUSE TO REVOKE PROBATION**

5 **(Failure to Submit Quarterly Reports)**

6 8. At all times after the effective date of Respondents' probation, Condition 3 stated:

7 **Quarterly Reports**

8 Respondents shall file quarterly reports with the Board during the period of probation.

9 9. Respondents' probation is subject to revocation because they failed to comply with
10 Probation Condition 3, referenced above. The facts and circumstances regarding this violation
11 are that Respondent failed to provide the required quarterly reports in a timely manner as follows:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
May 8 – August 8, 2014	August 8, 2014	November 20, 2014
August 8 –November 8, 2014	November 8, 2014	November 20, 2014
November 8 –February 8, 2015	February 8, 2015	June 9, 2015
February 8 –May 8, 2015	May 8, 2015	June 9, 2015
May 8, 2015 – August 8, 2015	August 8, 2015	August 17, 2015
August 8 – November 8, 2015	November 8, 2015	March 15, 2016
November 8- February 8, 2016	February 8, 2016	March 15, 2016
February 8 – May 8, 2016	May 8, 2016	Not Received
May 8 – August 8, 2016	August 8, 2016	August 22, 2016
August 8 – November 8, 2016	November 8, 2016	December 12, 2016
November 8, 2016 – February 8, 2017	February 8, 2017	March 1, 2017

21 **THIRD CAUSE TO REVOKE PROBATION**

22 **(Failure to Comply with Payment Schedule)**

23 10. At all times after the effective date of Respondents' probation, Condition 13 stated:

24 **Cost Recovery**

25 Pursuant to Section 125.3 of the California Business and Professions Code,
26 Respondents shall pay the Board investigation and enforcement costs in the amount
27 of \$4,012.86 according to a payment schedule that has been approved by the Board,
28 with payments to be completed no later than six (6) months prior to the end of the
probation term. Failure to make a timely payment according to the payment
schedule, and/or failure to complete payment of cost recovery, shall constitute a
violation of probation, which may subject Respondents' licenses to outright
revocation. Probation shall not be terminated until all costs are paid in full.

1 11. Respondents' probation is subject to revocation because they failed to comply with
2 Probation Condition 13, referenced above. The facts and circumstances regarding this violation
3 are that Respondent failed to comply with cost recovery requirements as follows:

4 a. On or about May 28, 2014, Respondents received the Board's written payment
5 plan regarding reimbursement of investigation costs (cost recovery). The payment plan was 11
6 payments of \$334.40 effective June 2014 with the 12th payment of \$334.46 due by May 8, 2015.
7 Included with the payment plan was the cost recovery agreement for Respondents to sign and
8 return with their first payment on June 2014. Respondents failed to return the signed agreement
9 and payment by June 2014.

10 b. Respondents failed to follow payment plan and made random cost recovery
11 payments. The Board received cost recovery payments as follows:

<u>Date Received</u>	<u>Amount</u>
August 26, 2014	\$1,003.20
November 4, 2014	\$668.92
December 18, 2014	\$668.80
February 24, 2015	\$668.00
May 7, 2015	\$334.46
December 27, 2016	\$669.48

16 c. Respondent failed to pay cost recovery in full by the due date of November 8,
17 2016.

18 **PRAYER**

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

21 1. Revoking the probation that was granted by the Structural Pest Control Board in Case
22 No. 2012-7 and imposing the disciplinary order that was stayed thereby revoking Company
23 Registration Certificate No. PR 5604 issued to Master Fume, Inc.; Eduardo Santillan;

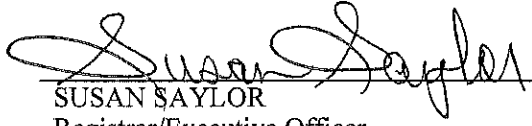
24 2. Revoking or suspending Company Registration Certificate No. PR 5604, issued to
25 Master Fume, Inc.; Eduardo Santillan;

26 3. Revoking the probation that was granted by the Structural Pest Control Board in Case
27 No. 2012-7 and imposing the disciplinary order that was stayed thereby revoking Operator's
28 License No. OPR 10743 issued to Eduardo Santillan;

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- 4. Revoking or suspending Operator's License No. OPR 10743, issued to Eduardo Santillan; and
- 5. Taking such other and further action as deemed necessary and proper.

DATED: 4/28/17



SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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