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FILED

Date 12/2/14 By *Susan Saylor*

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

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

Case No. 2012-32

14 **L.A. EXTERMINATOR CORP.; KI BUM**
15 **NAM aka KEVIN NAM**
211 E. Pomona Blvd.
Monterey Park, CA 91755
16 **Company Registration Certificate No. PR**
17 **5773, Branch 2 and 3**

PETITION TO REVOKE PROBATION

18 **KI BUM NAM**
19 **aka KEVIN NAM**
211 E. Pomona Blvd.
Monterey Park, CA 91755
20 **Operator's License No. OPR 11789,**
21 **Branch 2**
22 **Field Representative License No. FR 44519,**
23 **Branch 3**

Respondents.

24 Complainant alleges:

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.

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License History

2. On or about February 23, 2009, the Structural Pest Control Board issued Company Registration Certificate Number PR 5773 to L.A. Exterminator Corp.; Ki Bum Nam aka Kevin Nam (Respondent). The Company Registration Certificate was in effect at all times relevant to the charges brought herein.

3. On or about July 8, 2009, the Board issued Field Representative License No. FR 44519 to Ki Bum Nam aka Kevin Nam. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

4. On or about December 23, 2008, the Board issued Operator's License No. OPR 11789, branch 2, to Ki Bum Nam aka Kevin Nam. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2017, unless renewed.

5. In a disciplinary action entitled "In the Matter of Accusation Against LA Exterminator Corp., dba Gold Star Pest Control, Branches 2 and 3; Ki Bum Nam, Branch 2 Qualifying Manager; Zane Szob Kim, Branch 3 Qualifying Manager; Ki Bum Nam aka Kevin Nam, Case No. 2012-32," the Structural Pest Control Board, issued a decision in which Respondent's Company Registration Certificate, Operator's License and Field Representative Licenses were revoked. However, the revocation was stayed and Respondent's Company Registration Certificate, Operator's License and Field Representative Licenses were placed on probation for a period of three (3) years with terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

6. This Petition to Revoke Probation is brought before the Structural Pest Control Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

7. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

1 **STATUTORY PROVISIONS**

2 8. Section 8625 of the Code states:

3 "The lapsing or suspension of a license or company registration by operation of law or by
4 order or decision of the board or a court of law, or the voluntary surrender of a license or
5 company registration shall not deprive the board of jurisdiction to proceed with any investigation
6 of or action or disciplinary proceeding against such licensee or company, or to render a decision
7 suspending or revoking such license or registration."

8 9. Section 8572 subdivision (a)(4) states:

9 "Notwithstanding any other provision of law, the board may, in its sole discretion, issue
10 probationary license to an applicant subject to terms and conditions deemed appropriate by the
11 board, including, but not limited to, the following:

12 ...

13 (4) Compliance with all provisions of this chapter."

14 10. Section 8639 of the Code states:

15 "Aiding or abetting an unlicensed individual or unregistered company to evade the
16 provisions of this chapter or knowingly combining or conspiring with an unlicensed individual or
17 unregistered company, or allowing one's license or company registration to be used by an
18 unlicensed individual or unregistered company, or acting as agent or partner or associate, or
19 otherwise, of an unlicensed individual or unregistered company to evade the provisions of this
20 chapter is a ground for disciplinary action."

21 11. Section 8642 of the Code provides in pertinent part: "The commission of any grossly
22 negligent or fraudulent act by the licensee as a pest control operator, field representative, or
23 applicator or by a registered company is a ground for disciplinary action."
24

25 **FACTUAL ALLEGATIONS**

26 12. On or about February 24, 2014, a Board representative was to meet with Respondent
27 at a site to discuss quarterly reports as a condition of Respondent's probation. On or about
28 February 25, 2014, the Board representative identified one of Respondent's service vehicles in a

1 nearby location. The Board representative performed a compliance check of the vehicle and
2 determined it was not in compliance. While waiting for the driver of Respondent's service
3 vehicle, the Board representative contacted an unlicensed employee (Jongkyu Hong aka Bryan
4 Hong)¹ who admitted that his license was cancelled. The Board representative traveled to
5 Respondent's business location and discovered that the unlicensed employee was performing pest
6 control services without a valid field representative or applicator license. Upon further
7 investigation, the Board representative identified another unlicensed employee (Hoon Ki Chang
8 aka David Chang)² performing pest control services for Respondent's business.

9 **PETITION TO REVOKE PROBATION**

10 13. Grounds exist to revoke the probation and reimpose the order of revocation of
11 Respondent's Company Registration Number PR 5773; Respondent Nam's Operator License No.
12 OPR 11789 and Respondent Nam's Field Representative License No FR 44519, in that
13 Respondent failed to comply with his probation terms and conditions as follows:

14 **FIRST CAUSE TO REVOKE PROBATION**

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

16 14. Condition 2 of the terms and conditions of probation provides that Respondent shall
17 obey all laws and rules relating to the practice of structural pest control. Respondent's probation
18 is subject to revocation because he failed to comply with Probation Condition 2, referenced
19 above. The facts and circumstances regarding this violation are that Respondent failed to obey all
20 laws and rules relating to the practice of structural pest control in that he failed to comply with
21 Section 8572(a)(4) section 8639, and section 8642 of the Code when Respondent employed
22 unlicensed individuals to perform services for Respondent's business. Complainant refers to and
23 incorporates the allegations as set forth in paragraph 12, as though set forth fully.

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26 ¹ Jongkyu Hong aka Bryan Hong/ Unlicensed with cancelled Field Representative License
27 No. FR 46176 BR 3, Cancelled RA 50717 BR 2

28 ² Hoon Ki Chang aka David Chang/ Unlicensed with cancelled Registered Applicator No.
50615 Branches (BR) 2 and 3

1 **OTHER MATTERS**

2 15. Section 8620 of the Code provides, in pertinent part, that Respondent may request
3 that a civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19
4 days, or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be
5 made at the time of the hearing and must be noted in the proposed decision. The proposed
6 decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

7 16. Section 8654 of the Codes states:

8 “Any individual who has been denied a license for any of the reasons specified in Section
9 8568, or who has had his or her license revoked, or whose license is under suspension, or who has
10 failed to renew his or her license while it was under suspension, or who has been a member,
11 officer, director, associate, qualifying manager, or responsible managing employee of any
12 partnership, corporation, firm, or association whose application for a company registration has
13 been denied for any of the reasons specified in Section 8568, or whose company registration has
14 been revoked as a result of disciplinary action, or whose company registration is under
15 suspension, and while acting as such member, officer, director, associate, qualifying manager, or
16 responsible managing employee had knowledge of or participated in any of the prohibited acts for
17 which the license or registration was denied, suspended or revoked, shall be prohibited from
18 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
19 employee of a registered company, and the employment, election or association of such person by
20 a registered company is a ground for disciplinary action.”

21 **PRAYER**

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

- 24 1. Revoking or suspending Company Registration PR 5573, issued to L.A.
25 Exterminator Corp.; Ki Bum Nam aka Kevin Nam;
- 26 2. Revoking or suspending Field Representative License No. FR 44519, issued to Ki
27 Bum Nam aka Kevin Nam;

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3. Revoking or suspending Operator License No. OPR 11789, issued to Ki Bum Nam aka Kevin Nam;

4. Prohibiting Ki Bum Nam aka Kevin Nam from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company during the time that discipline is imposed on Operator License No. OPR 11789 and Field Representative License No. FR 44519 issued to Ki Bum Nam aka Kevin Nam;

5. Ordering Respondent to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

6. Taking such other and further action as deemed necessary and proper.

DATED: 12/2/14



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

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