

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

In the Matter of the Accusation Against:

Case No. 2015-33

**SOUTHLAND PEST CONTROL;
MARCELO D. GALLO-ROSERO,
SHAMIRAN K. GALLO
2900 Adams Street, Suite A-14
Riverside, CA 92504
Company Registration Certificate No. PR
6434, Branch 2 and Branch 3**

OAH No. 2015030425

**Mailing:
P.O. Box 5206
Riverside, CA 92517;**

**SOUTHLAND PEST CONTROL
MARCELO D. GALLO-ROSERO,
PARTNER/FIELD REPRESENTATIVE
2900 Adams Street, Suite A-14
Riverside, CA 92504
Field Representative No. FR 43039, Branch
2 and Branch 3**

**Mailing:
P.O. BOX 5206
Riverside, CA 92517;**

**SOUTHLAND PEST CONTROL;
SHAMIRAN K. GALLO, PARTNER/
APPLICATOR
2900 Adams Street, Suite A-14
Riverside, CA 92504
Applicator License No. RA 52115, Branch 2
and Branch 3**

**Mailing:
P.O. BOX 5206
Riverside, CA 92517;**

**PATRICK SULLIVAN MILLER
SOUTHLAND PEST CONTROL,
QUALIFYING MANAGER
2900 Adams Street, Suite A-14
Riverside, CA 92504
Operator License No. OPR 11816, Branch 2
Field Representative License No. FR 47727,
Branch 3**

Mailing:
750 Via Pueblo, Unit #208
Riverside, CA 92507;

EFREM THOMAS ALVAREZ
SOUTHLAND PEST CONTROL,
QUALIFYING MANAGER
2900 Adams Street, Suite A-14
Riverside, CA 92504
Operator License No. OPR 12669, Branch 3

Mailing:
750 Breeze Hill Road, Unit #75
Vista, CA 92081;

and

ROBERT FRANK ELLETT
6263 Cosmos Street
Corona, CA 92880
Operator License No. OPR 10599, Branch 3

Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order, as to Respondent Patrick Sullivan Miller only, 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 March 3, 2016.

IT IS SO ORDERED February 2, 2016



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-6343
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

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11 **SOUTHLAND PEST CONTROL;**
12 **MARCELO D. GALLO-ROSERO,**
13 **SHAMIRAN K. GALLO**
2900 Adams Street, Suite A-14
14 Riverside, CA 92504
Company Registration Certificate No. PR
15 6434, Branch 2 and Branch 3

OAH No. 2015030425
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER RE:

PATRICK SULLIVAN MILLER

16 **Mailing:**
P.O. Box 5206
17 Riverside, CA 92517;

18 **SOUTHLAND PEST CONTROL**
19 **MARCELO D. GALLO-ROSERO,**
PARTNER/FIELD REPRESENTATIVE
2900 Adams Street, Suite A-14
20 Riverside, CA 92504
Field Representative No. FR 43039, Branch
21 2 and Branch 3

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APPLICATOR
25 2900 Adams Street, Suite A-14
Riverside, CA 92504
26 Applicator License No. RA 52115, Branch 2
and Branch 3
27
28

1 Mailing:
2 P.O. BOX 5206
3 Riverside, CA 92517;

4 PATRICK SULLIVAN MILLER
5 SOUTHLAND PEST CONTROL,
6 QUALIFYING MANAGER
7 2900 Adams Street, Suite A-14
8 Riverside, CA 92504
9 Operator License No. OPR 11816, Branch 2
10 Field Representative License No. FR 47727,
11 Branch 3

12 Mailing:
13 750 Via Pueblo, Unit #208
14 Riverside, CA 92507;

15 EFREM THOMAS ALVAREZ
16 SOUTHLAND PEST CONTROL,
17 QUALIFYING MANAGER
18 2900 Adams Street, Suite A-14
19 Riverside, CA 92504
20 Operator License No. OPR 12669, Branch 3

21 Mailing:
22 750 Breeze Hill Road, Unit #75
23 Vista, CA 92081;

24 and

25 ROBERT FRANK ELLETT
26 6263 Cosmos Street
27 Corona, CA 92880
28 Operator License No. OPR 10599, Branch 3

Respondents.

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

PARTIES

1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest Control Board. She brought this action solely in her official capacity and is represented in this

1 matter by Kamala D. Harris, Attorney General of the State of California, by Langston M.
2 Edwards, Deputy Attorney General.

3 2. Respondent Patrick Sullivan Miller (Respondent Miller) is representing himself in
4 this proceeding and has chosen not to exercise his right to be represented by counsel.

5 3. On or about March 19, 2009, the Structural Pest Control Board issued Operator
6 License No. OPR 11816 to Respondent. The Operator's License was in full force and effect at all
7 times relevant to the charges brought in Accusation No. 2015-33 and will expire on June 30,
8 2017, unless renewed.

9 4. On or about May 29, 2012, the Structural Pest Control Board issued Field
10 Representative License No. FR 47727 in Branch 3 to Respondent Miller. Field Representative
11 License No. FR 47727 was in full force and effect at all times relevant to the charges brought
12 herein and will expire on June 30, 2017, unless renewed.

13 5. On or about July 3, 2003, the Structural Pest Control Board issued Field
14 Representative License No. FR 36143 in Branch 2 to Respondent Miller. Field Representative
15 License No. FR 36143 was cancelled on March 19, 2009 due to the issuance of an Operator
16 license.

17 6. On or about April 2, 2001, the Structural Pest Control Board issued Applicator
18 License No. RA 17478 in Branch 2 to Respondent Miller. Applicator License No. RA 17478 was
19 cancelled on July 3, 2003 due to the issuance of a Field Representative license.

20
21 **JURISDICTION**

22 7. Accusation No. 2015-33 was filed before the Structural Pest Control Board (Board),
23 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
24 and all other statutorily required documents were properly served on Respondent on January 7,
25 2015. Respondent timely filed his Notice of Defense contesting the Accusation.

26 8. A copy of Accusation No. 2015-33 is attached as **Exhibit A** and incorporated herein
27 by reference.

28

ADVISEMENT AND WAIVERS

9. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2015-33. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

12. Respondent admits the truth of each and every charge and allegation in Accusation No. 2015-33.

13. Respondent agrees that his Operator License No. OPR 11816 and Field Representative License No. FR 47727 are subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

14. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this

1 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
2 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
3 the parties, and the Board shall not be disqualified from further action by having considered this
4 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
18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that Operator License No. OPR 11816 and Field
20 Representative License No. FR 47727 issued to Respondent Patrick Sullivan Miller (Respondent)
21 are revoked. However, the revocation is stayed and Respondent is placed on probation for three
22 (3) years on the following terms and conditions.

23 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and all laws
24 and rules relating to the practice of structural pest control.

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

27 3. **Tolling of Probation.** Should Respondent leave California to reside outside this
28 state, Respondent must notify the Board in writing of the dates of departure and return. Periods

1 of residency or practice outside the state shall not apply to reduction of the probationary period.

2 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
3 of the decision in Case No. 2015-33 and the terms, conditions and restrictions imposed on
4 Respondent by said decision.

5 Within 30 days of the effective date of this decision, and within 15 days of Respondent
6 undertaking new employment, Respondent shall cause his employer to report to the Board in
7 writing acknowledging the employer has read the decision in Case No. 2015-33.

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

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

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

21 8. **Correspondence Course - Branch 3.** Within six (6) months of the effective date of
22 decision, Respondent Patrick Sullivan Miller shall complete four (4) hours of a Board approved
23 course for Branch 3 technical. These hours shall not be applied towards renewal of Operator
24 License No. OPR 11816 or Field Representative No. FR 47727.

25 9. **Random Inspections.** Respondent shall reimburse the Board for one (1) random
26 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
27 inspection.

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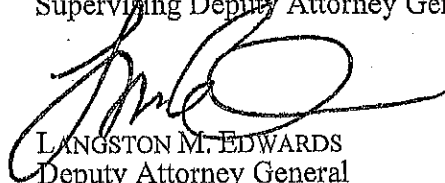
ENDORSEMENT

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

Dated: *July 21, 2015*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2015-33