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

In the Matter of the Accusation Against:

Case No. 2012-32

OAH No. 2013030696

ZANE SZOB KIM 211 East Pomona Blvd. Monterey Park, CA 91755 Operator's License No. OPR 11889

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the

Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 24, 2013

It is so ORDERED October 25, 2013

FOR THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS

1 2	KAMALA D. HARRIS Attorney General of California ARMANDO ZAMBRANO			
3	Supervising Deputy Attorney General LANGSTON M. EDWARDS			
4	Deputy Attorney General State Bar No. 237926			
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013			
	Telephone: (213) 620-6343			
6	Facsimile: (213) 897-2804 Attorneys for Complainant			
7	BEFORE THE			
- 8	STRUCTURAL PEST CONTROL BOARD			
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
10				
11	In the Matter of the Accusation Against: Case No. 2012-32			
12	ZANE SZOB KIM 211 East Pomona Blvd. OAH No. 2013030696 STIPILLATED SETTLEMENT AND			
13	Monterey Park, CA 91755 DISCIPLINARY ORDER			
	Operator's License No. OPR 11889			
14	Respondent.			
15				
16				
17				
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-			
19	entitled proceedings that the following matters are true:			
20				
21	PARTIES			
	1. Susan Saylor (Complainant) is the Interim Registrar/Executive Officer of the			
22	Structural Pest Control Board. She brought this action solely in her official capacity and is			
23	represented in this matter by Kamala D. Harris, Attorney General of the State of California, by			
24				
25	Langston M. Edwards, Deputy Attorney General.			
26	2. Respondent Zane Szob Kim (Respondent) is represented in this proceeding by			
27	attorney James L. Frederick, whose address is 504 West Mission Avenue, Suite 103			
28	Escondido, California 92025.			

1. J. 1.

.

STIPULATED SETTLEMENT (2012-32)

3. On or about July 18, 2005, the Structural Pest Control Board issued Field Representative's License No. FR 38958 in Branch 3 to Zane Szob Kim (Respondent). On or around July 30, 2009, Operator's License No. OPR 11889 was issued in Branch 3 to Respondent. The Operator's License No. OPR 11889 was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-32 and will expire on June 30, 2015, unless renewed.

JURISDICTION

4. Accusation No. 2012-32 was filed before the Structural Pest Control Board (Board),
Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
and all other statutorily required documents were properly served on Respondent on February 8,
2012. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2012-32 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-32. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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.

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

CULPABILITY

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

9. Respondent admits the truth of each and every relevant charge and allegation in Accusation No. 2012-32, except as to the Eighth Cause for Discipline (Aiding and Abetting an Unlicensed Company). As to the Eighth Cause for Discipline, Respondent understands that the charges and allegations set forth therein, if proven at a hearing, constitute cause for imposing discipline upon Respondent's Operator License No. OPR 11889.

10. Respondent agrees that his Operator's License No. OPR 11889 is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. 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 or his counsel. 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 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement
and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
integrated writing representing the complete, final, and exclusive embodiment of their agreement.
It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

3

Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

1

2

3

4

5

б

7

8

9

10

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Operator's License No. OPR 11889 issued to Respondent Zane Szob Kim (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

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

13 2. Quarterly Reports. Respondent shall file quarterly reports with the Board during
14 the period of probation.

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

Notice to Employers. Respondent shall notify all present and prospective employers
 of the decision in Case No. 2012-32 and the terms, conditions and restriction imposed on
 Respondent by said decision.

Within 30 days of the effective date of this decision, and within 15 days of Respondent
undertaking new employment, Respondent shall cause his employer to report to the Board in
writing acknowledging the employer has read the decision in Case No. 2012-32.

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

····

contractors employed or hired at any time during probation.

6. **Completion of Probation.** Upon successful completion of probation, Respondent's Operator's License No. 11889 will be fully restored.

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

8. Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying 9 Manager. Respondent is prohibited from serving as an officer, director, associate, partner, 10 qualifying manager or branch office manager of any registered company, other than Valley Zane 11 12 X Terminator, Inc. during the period that discipline is imposed on Operator's License No. 11889. 9. Cost Recovery. Pursuant to Section 125.3 of the California Business and Professions 13 14 Code, Respondent shall pay to the Board investigation and enforcement costs in the amount of 15 \$2734.00, according to a payment schedule that has been approved by the Board. Investigation and enforcement costs must be paid in full 6 months prior to the end of probation. Probation shall 16 not be terminated until all costs are paid in full. 17

5

18 19 20 H

H

 $^{\prime\prime}$

1

2

3

4

5

6

7

8

 21
 //

 22
 //

 23
 //

 24
 //

 25
 //

26

27

28

//

H

 \parallel

	•	
I		
-		
<i>n</i> .		
	 1	
	•	1 ACCEPTANCE
		2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have full
		3 discussed it with my attorney, James L Frederick. I understand the stipulation and the effect it
		4 will have on my Operator's License. I enter into this Stipulated Settlement and Disciplinary
		5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Orde
		6 of the Structural Pest Control Board.
		7
	•	8 DATED: * 1-9-20/3 22 22
-		9 ZANE SZOB KIM Respondent
	1	0 I have read and fully discussed with Respondent Zane Szob Kim the terms and conditions
		and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approv
	. 1	2 its form and content.
	í . 1	3 DATED: 7-9-13 James J. Trederick
		/Itman I Venderlak
		4 James L Frederick Attorney for Respondent
	. 1	4 Attorney for Respondent 5
	1	Attorney for Respondent
] 1 1	Attorney for Respondent
	1	Attorney for Respondent
	1 1 1 1 	Attorney for Respondent
	1 1 1 1 1	Attorney for Respondent Attorney for Respondent
•	1 1 1 1 2	Attorney for Respondent Attorney for Respondent
•	1 1 1 1 2 2 2	4 Attorney for Respondent 5 6 7 8 9 9 20 1 22 1
	1 1 1 1 2 2 2 2	Attorney for Respondent Attorney for Respondent
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	4 Attorney for Respondent 5 6 7 8 9 9 20 1 11 1 12 1 13 1
		4 Attorney for Respondent 5 6 7 8 9 9 20 1 11 2 12 1 13 14
		Attomey for Respondent Attomey for Respondent
		Attomey for Respondent Attomey for Respondent Respon
		Attomey for Respondent Attomey for Respondent
		4 Attomey for Respondent 5 6 7 8 9 9 20 1 11 1 12 1 13 1 14 1 15 6
		Attomey for Respondent Attomey for Respondent Respon
		4 Attomey for Respondent 5 6 7 8 9 9 20 1 11 1 12 1 13 1 14 1 15 6

1.	ENDORSEMENT			
2	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully			
3	submitted for consideration by the Structural Pest Control Board of the Department of Consumer			
4	Affairs.			
5				
6	Dated: $\eta / q / 13$ Respectfully submitted,			
7	KAMALA D. HARRIS Attorney General of California			
8	ARMANDO ZAMBRANO Supervising Deputy Attorney General			
9	Knd)			
0	LANGSTON MALEDWARDS			
1	Deputy Attorney General Attorneys for Complainant			
2				
3				
4	LA2011505800			
5	51326118.docx			
.6				
17				
8				
9				
20				
21				
22				
23				
24				
25				
26				
27				
28				
	7			