

**FILED**

Date 5/27/16 By *Susan Saylor*

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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 Accusation Against:  
11 **RITECH EXTERMINATOR, INC. DBA**  
12 **RITECH EXTERMINATOR; JOHN**  
13 **HYUK PARK**  
14 2525 W. 8th Street, #203  
Los Angeles, CA 90057  
15 Company Registration Certificate No. PR  
6355, Branch 3  
16 Operator's License Number OPR 12127  
17 Respondent.  
18

Case No. 2016-39

**FIRST AMENDED ACCUSATION**

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20 Complainant alleges:

21 **PARTIES**

- 22 1. Susan Saylor (Complainant) brings this First Amended Accusation solely in her  
23 official capacity as the Registrar/Executive Officer of the Structural Pest Control Board,  
24 Department of Consumer Affairs (Board).  
25 2. On or about August 9, 2011, the Board issued Company Registration Certificate  
26 Number PR 6355, Branch 3 to Ritech Exterminator, Inc. dba Ritech Exterminator, with John H.  
27 Park as President, 100% shareholder and Qualifying Manager (Respondent).  
28 3. On December 21, 2010, the Board issued Probationary Operator's License Number

1 OPR 12127 (inactive in Branch 3) to John H. Park (Respondent). The license was placed on a  
2 three-year probation, with standard terms and conditions of probation. In or about December  
3 2013, the probation was lifted. On January 6, 2015, the license was suspended for failure to  
4 maintain general liability insurance as required by Business and Professions Code section 8690 of  
5 the Code. On May 6, 2015, the license was reinstated. The license is currently in effect and  
6 renewed through June 30, 2016.

#### 7 JURISDICTION AND STATUTORY PROVISIONS

8 4. This First Amended Accusation is brought before the Board under the authority of the  
9 following laws. Unless indicated, all section references are to the Business and Professions Code  
10 (Code).

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

15 6. Section 8624 of the Code states:

16 "If the board suspends or revokes an operator's license and one or more  
17 branch offices are registered under the name of the operator, the suspension or  
18 revocation may be applied to each branch office.

19 If the operator is the qualifying manager, a partner, responsible officer, or  
20 owner of a registered structural pest control company, the suspension or revocation  
21 may be applied to the company registration.

22 The performance by any partnership, corporation, firm, association, or  
23 registered company of any act or omission constituting a cause for disciplinary action,  
24 likewise constitutes a cause for disciplinary action against any licensee who, at the  
25 time the act or omission occurred, was the qualifying manager, a partner, responsible  
26 officer, or owner of the partnership, corporation, firm, association, or registered  
27 company whether or not he or she had knowledge of, or participated in, the prohibited  
28 act or omission."

7. Section 8654 of the Code states:

"Any individual who has been denied a license for any of the reasons  
specified in Section 8568, or who has had his or her license revoked, or whose license  
is under suspension, or who has failed to renew his or her license while it was under  
suspension, or who has been a member, officer, director, associate, qualifying  
manager, or responsible managing employee of any partnership, corporation, firm, or  
association whose application for a company registration has been denied for any of  
the reasons specified in Section 8568, or whose company registration has been

1 revoked as a result of disciplinary action, or whose company registration is under  
2 suspension, and while acting as such member, officer, director, associate, qualifying  
3 manager, or responsible managing employee had knowledge of or participated in any  
4 of the prohibited acts for which the license or registration was denied, suspended or  
5 revoked, shall be prohibited from serving as an officer, director, associate, partner,  
6 qualifying manager, or responsible managing employee of a registered company, and  
7 the employment, election or association of such person by a registered company is a  
8 ground for disciplinary action.”

9 8. Section 8516 of the Code states:

10 “(a) This section, and Section 8519, apply only to wood destroying pests  
11 or organisms.

12 (b) No registered company or licensee shall commence work on a  
13 contract, or sign, issue, or deliver any documents expressing an opinion or statement  
14 relating to the absence or presence of wood destroying pests or organisms until an  
15 inspection has been made by a licensed Branch 3 field representative or operator. The  
16 address of each property inspected or upon which work is completed shall be reported  
17 on a form prescribed by the board and shall be filed with the board no later than 10  
18 business days after the commencement of an inspection or upon completed work.

19 Every property inspected pursuant to subdivision or Section 8518 shall be  
20 assessed a filing fee pursuant to Section 8674.

21 Failure of a registered company to report and file with the board the  
22 address of any property inspected or work completed pursuant to Section 8518 or this  
23 section is grounds for disciplinary action and shall subject the registered company to a  
24 fine of not more than two thousand five hundred dollars (\$2,500).

25 A written inspection report conforming to this section and on a form  
26 approved by the board shall be prepared and delivered to the person requesting the  
27 inspection or to the person's designated agent within 10 business days of the  
28 inspection, except that an inspection report prepared for use by an attorney for  
litigation purposes is not required to be reported to the board. The report shall be  
delivered before work is commenced on any property. The registered company shall  
retain for three years all original inspection reports, field notes, and activity forms.

Reports shall be made available for inspection and reproduction to the  
executive officer of the board or his or her duly authorized representative during  
business hours. Original inspection reports or copies thereof shall be submitted to the  
board upon request within two business days. The following shall be set forth in the  
report:

(1) The date of the inspection and the name of the licensed field  
representative or operator making the inspection.

(2) The name and address of the person or firm ordering the report.

(3) The name and address of any person who is a party in interest.

(4) The address or location of the property.

(5) A general description of the building or premises inspected.

(6) A foundation diagram or sketch of the structure or structures or

1 portions of the structure or structures inspected, indicating thereon the approximate  
2 location of any infested or infected areas evident, and the parts of the structure where  
3 conditions that would ordinarily subject those parts to attack by wood destroying pests  
4 or organisms exist.

5 (7) Information regarding the substructure, foundation walls and  
6 footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing  
7 that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling  
8 joists, and attic walls, or other parts subject to attack by wood destroying pests or  
9 organisms. Conditions usually deemed likely to lead to infestation or infection, such  
10 as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive  
11 moisture conditions, evidence of roof leaks, and insufficient ventilation are to be  
12 reported.

13 (8) One of the following statements, as appropriate, printed in bold type:  
14 (A) The exterior surface of the roof was not inspected. If you want the water  
15 tightness of the roof determined, you should contact a roofing contractor who is  
16 licensed by the Contractors' State License Board.

17 (B) The exterior surface of the roof was inspected to determine whether  
18 or not wood destroying pests or organisms are present.

19 (9) Indication or description of any areas that are inaccessible or not  
20 inspected with recommendation for further inspection if practicable. If, after the  
21 report has been made in compliance with this section, authority is given later to open  
22 inaccessible areas, a supplemental report on conditions in these areas shall be made:

23 (10) Recommendations for corrective measures.

24 (11) Information regarding the pesticide or pesticides to be used for their  
25 control as set forth in subdivision (a) of Section 8538.

26 (12) The inspection report shall clearly disclose that if requested by the  
27 person ordering the original report, a reinspection of the structure will be performed if  
28 an estimate or bid for making repairs was given with the original inspection report, or  
thereafter.

(13) The inspection report shall contain the following statement, printed  
in boldface type:

NOTICE: Reports on this structure prepared by various registered  
companies should list the same findings (i.e. termite infestations, termite damage,  
fungus damage, etc.). However, recommendations to correct these findings may vary  
from company to company. You have a right to seek a second opinion from another  
company." An estimate or bid for repairs shall be given separately allocating the costs  
to perform each and every recommendation for corrective measures as specified in  
subdivision (c) with the original inspection report if the person who ordered the  
original inspection report so requests, and if the registered company is regularly in the  
business of performing corrective measures.

If no estimate or bid was given with the original inspection report, or  
thereafter, then the registered company shall not be required to perform a  
reinspection.

A reinspection shall be an inspection of those items previously listed on  
an original report to determine if the recommendations have been completed. Each

1 reinspection shall be reported on an original inspection report form and shall be  
2 labeled "Reinspection" in capital letters by rubber stamp or typewritten. Each  
3 reinspection shall also identify the original report by date.

4 'After four months from an original inspection, all inspections shall be  
5 original inspections and not reinspections.

6 Any reinspection shall be performed for not more than the price of the  
7 registered company's original inspection price and shall be completed within 10  
8 working days after a reinspection has been ordered.

9 (c) At the time a report is ordered, the registered company or licensee  
10 shall inform the person or entity ordering the report, that a separated report is  
11 available pursuant to this subdivision. If a separated report is requested at the time  
12 the inspection report is ordered, the registered company or licensee shall separately  
13 identify on the report each recommendation for corrective measures as follows:

14 (1) The infestation or infection that is evident.

15 (2) The conditions that are present that are deemed likely to lead to  
16 infestation or infection.

17 If a registered company or licensee fails to inform as required by this  
18 subdivision and a dispute arises, or if any other dispute arises as to whether this  
19 subdivision has been complied with, a separated report shall be provided within 24  
20 hours of the request but, in no event, later than the next business day, and at no  
21 additional cost.

22 (d) When a corrective condition is identified, either as paragraph (1) or  
23 (2) of subdivision (c), and the responsible party, as negotiated between the buyer and  
24 the seller, chooses not to correct those conditions, the registered company or licensee  
25 shall not be liable for damages resulting from a failure to correct those conditions or  
26 subject to any disciplinary action by the board. Nothing in this subdivision, however,  
27 shall relieve a registered company or a licensee of any liability resulting from  
28 negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or  
contractual obligations between the registered company or licensee and the  
responsible parties.

(e) The inspection report form prescribed by the board shall separately  
identify the infestation or infection that is evident and the conditions that are present  
that are deemed likely to lead to infestation or infection. If a separated form is  
requested, the form shall explain the infestation or infection that is evident and the  
conditions that are present that are deemed likely to lead to infestation or infection  
and the difference between those conditions. In no event, however, shall conditions  
deemed likely to lead to infestation or infection be characterized as actual "defects" or  
as actual "active" infestations or infections or in need of correction as a precondition  
to issuing a certification pursuant to Section 8519.

(f) The report and any contract entered into shall also state specifically  
when any guarantee for the work is made, and if so, the specific terms of the  
guarantee and the period of time for which the guarantee shall be in effect.

(g) Control service is defined as the regular reinspection of a property  
after a report has been made in compliance with this section and any corrections as  
have been agreed upon have been completed. Under a control service agreement a  
registered company shall refer to the original report and contract in a manner as to

1 identify them clearly, and the report shall be assumed to be a true report of conditions  
2 as originally issued, except it may be modified after a control service inspection. A  
3 registered company is not required to issue a report as outlined in paragraphs (1) to  
4 (11), inclusive, of subdivision (b) after each control service inspection. If after  
control service inspection, no modification of the original report is made in writing,  
then it will be assumed that conditions are as originally reported. A control service  
contract shall state specifically the particular wood destroying pests or organisms and  
the portions of the buildings or structures covered by the contract.

5 (h) A registered company or licensee may enter into and maintain a  
6 control service agreement provided the following requirements are met:

7 (1) The control service agreement shall be in writing, signed by both  
parties, and shall specifically include the following:

8 (A) The wood destroying pests and organisms that could infest and  
9 infect the structure.

10 (B) The wood destroying pests and organisms covered by the control  
11 service agreement. Any wood destroying pest or organism that is not covered must be  
specifically listed.

12 (C) The type and manner of treatment to be used to correct the  
infestations or infections.

13 (D) The structures or buildings, or portions thereof, covered by the  
14 agreement, including a statement specifying whether the coverage for purposes of  
periodic inspections is limited or full. Any exclusions from those described in the  
15 original report must be specifically listed.

16 (E) A reference to the original inspection report and agreement.

17 (F) The frequency of the inspections to be provided, the fee to be  
18 charged for each renewal, and the duration of the agreement.

19 (G) Whether the fee includes structural repairs.

20 (H) If the services provided are guaranteed, and, if so, the terms of the  
21 guarantee.

22 (I) A statement that all corrections of infestations or infections covered  
23 by the control service agreement shall be completed within six months of discovery,  
unless otherwise agreed to in writing by both parties.

24 (2) Inspections made pursuant to a control service agreement shall be  
25 conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

26 (3) A full inspection of the property covered by the control service  
27 agreement shall be conducted and a report filed pursuant to subdivision (b) at least  
28 once every three years from the date that the agreement was entered into, unless the  
consumer cancels the contract within three years from the date the agreement was  
entered into.

(4) A written report shall be required for the correction of any infestation  
or infection unless all of the following conditions are met:

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(A) The infestation or infection has been previously reported.

(B) The infestation or infection is covered by the control service agreement.

(C) There is no additional charge for correcting the infestation or infection.

(D) Correction of the infestation or infection takes place within 45 days of its discovery.

(E) Correction of the infestation or infection does not include fumigation.

(5) All notice requirements pursuant to Section 8538 shall apply to all pesticide treatments conducted under control service agreements.

(6) For purposes of this section, "control service agreement" means any agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood destroying pests and organisms.

(i) All work recommended by a registered company, where an estimate or bid for making repairs was given with the original inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the registered company with the inspection report copy for three years."

9. Section 8550 of the Code provides, in pertinent part:

"(a) It is unlawful for any individual to engage or offer to engage in the business or practice of structural pest control, as defined in Section 8505, unless he or she is licensed under this chapter."

10. Section 8518 of the Code states:

(a) When a registered company completes work under a contract, it shall prepare, on a form prescribed by the board, a notice of work completed and not completed, and shall furnish that notice to the owner of the property or the owner's agent within 10 business days after completing the work. The notice shall include a statement of the cost of the completed work and estimated cost of work not completed.

(b) The address of each property inspected or upon which work was completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after completed work.

(c) A filing fee shall be assessed pursuant to Section 8674 for every property upon which work is completed.

(d) Failure of a registered company to report and file with the board the address of any property upon which work was completed pursuant to subdivision (b) of Section 8516 or Section 8518 is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500).

1 (e) The registered company shall retain for three years all original notices  
of work completed, work not completed, and activity forms.

2 (f) Notices of work completed and not completed shall be made available  
3 for inspection and reproduction to the executive officer of the board or his or her duly  
4 authorized representative during business hours. Original notices of work completed  
or not completed or copies thereof shall be submitted to the board upon request within  
two business days."

5 11. Section 8538 of the Code states:

6 "(a) A registered structural pest control company shall provide the owner,  
7 or owner's agent, and tenant of the premises for which the work is to be done with  
8 clear written notice which contains the following statements and information using  
words with common and everyday meaning:

9 (1) The pest to be controlled.

10 (2) The pesticide or pesticides proposed to be used, and the active  
ingredient or ingredients.

11 (3) State law requires that you be given the following information:

12 CAUTION PESTICIDES ARE TOXIC CHEMICALS. Structural Pest  
13 Control Companies are registered and regulated by the Structural Pest Control Board,  
and apply pesticides which are registered and approved for use by the California  
14 Department of Pesticide Regulation and the United States Environmental Protection  
Agency. Registration is granted when the state finds that based on existing scientific  
15 evidence there are no appreciable risks if proper use conditions are followed or that  
the risks are outweighed by the benefits. The degree of risk depends upon the degree  
16 of exposure, so exposure should be minimized.' If within 24 hours following  
application you experience symptoms similar to common seasonal illness comparable  
17 to the flu, contact your physician or poison control center (telephone number) and  
your pest control company immediately." (This statement shall be modified to  
18 include any other symptoms of overexposure which are not typical of influenza.) 'For  
further information, contact any of the following: Your Pest Control Company  
19 (telephone number); for Health Questions the County Health Department (telephone  
number); for Application Information the County Agricultural Commissioner  
20 (telephone number) and for Regulatory Information the Structural Pest Control Board  
(telephone number and address).

21 (4) If a contract for periodic pest control has been executed, the  
22 frequency with which the treatment is to be done.

23 (b) In the case of Branch 1 applications, the notice prescribed by  
subdivision (a) shall be provided at least 48 hours prior to application unless  
24 fumigation follows inspection by less than 48 hours.

25 In the case of Branch 2, Branch 3 registered company applications, the  
notice prescribed by subdivision (a) shall be provided no later than prior to  
26 application.

27 In either case, the notice shall be given to the owner, or owner's agent, and  
tenant, if there is a tenant, in at least one of the following ways:

28 (1) First-class mail.

1 (2) Posting in a conspicuous place on the real property.

2 (3) Personal delivery.

3 If the building is commercial or industrial, a notice shall be posted in a  
4 conspicuous place, unless the owner or owner's agent objects, in addition to any other  
5 notification required by this section.

6 The notice shall only be required to be provided at the time of the initial  
7 treatment if a contract for periodic service has been executed. If the pesticide to be  
8 used is changed, another notice shall be required to be provided in the manner  
9 previously set forth herein.

10 (c) Any person or licensee who, or registered company which, violates  
11 any provision of this section is guilty of a misdemeanor and is punishable as set forth  
12 in Section 8553."

13 12. Section 8635 of the Code states:

14 "Departure from, or disregard of, plans or specifications in the  
15 performance of structural pest control work in any material respect, without consent  
16 of the owner or his duly authorized representative, is a ground for disciplinary  
17 action."

18 13. Section 8637 of the Code states that "[m]isrepresentation of a material fact by the  
19 applicant in obtaining a license or company registration is a ground for disciplinary action."

20 14. Section 8638 of the Code states that "[f]ailure on the part of a registered company to  
21 complete any operation or construction repairs for the price stated in the contract for such  
22 operation or construction repairs or in any modification of such contract is a ground for  
23 disciplinary action."

24 15. Section 8641 of the Code states:

25 "Failure to comply with the provisions of this chapter, or any rule or  
26 regulation adopted by the board, or the furnishing of a report of inspection without the  
27 making of a bona fide inspection of the premises for wood-destroying pests or  
28 organisms, or furnishing a notice of work completed prior to the completion of the  
work specified in the contract, is a ground for disciplinary action."

16. Section 8642 of the Code states that

"[t]he commission of any grossly negligent or fraudulent act by the  
licensee as a pest control operator, field representative, or applicator or by a registered  
company is a ground for disciplinary action."

17. Section 8644 of the Code states:

"Fraud or misrepresentation, after inspection, by any licensee or  
registered company engaged in pest control work of any infestation or infection of  
wood-destroying pests or organisms found in property or structures, or respecting any

1 conditions of the structure that would ordinarily subject structures to attack by  
2 wood-destroying pests or organisms, whether or not a report was made pursuant to  
3 Sections 8516 and 8517 of this code, is a ground for disciplinary action.”

4 18. Section 8647 of the Code states:

5 “Failure to comply in the sale or use of pesticides with the provisions of  
6 Chapter 2 (commencing with Section 12751) of Division 7 of the Food and  
7 Agricultural Code is a ground for disciplinary action.”

8 19. Section 8651 of the Code states:

9 “The performing or soliciting of structural pest control work, the  
10 inspecting for structural or household pests, or the applying of any pesticide for the  
11 purpose of eliminating, exterminating, controlling, or preventing structural or  
12 household pests in branches of pest control other than those for which the operator,  
13 field representative, or applicator is licensed or the company is registered is a ground  
14 for disciplinary action.”

15 20. Government Code section 11519(d) provides, in pertinent part, that the Board may  
16 require restitution of damages suffered as a condition of probation in the event probation is  
17 ordered.

### 18 REGULATORY PROVISIONS

19 21. California Code of Regulations, title 16, section 1996.3, states:

20 “(a) The address of each property inspected and/or upon which work was  
21 completed shall be reported on a form prescribed by the Board and designated as the  
22 WDO Inspection and Completion Activity Report Form (see Form No. 43M-52 Rev.  
23 5/09) at the end of this section. This form shall be prepared by each registered  
24 company and shall comply with all of the requirements pursuant to Section 8516(b),  
25 and 8518.

26 (b) The form shall contain the following information for each property  
27 inspected and/or upon which work was completed.

28 (1) Company Name

(2) Company registration number

(3) Branch office registration number (when a branch office issues an  
inspection report or notice of work completed

(4) Date of Activity

(5) Address of property inspected or upon which work was completed,  
including zip code

(6) Activity Code

(7) License number of licensee performing the inspection

1 (c) Failure of a registered company to report and file with the Board the  
2 address of any property inspected or upon which work was completed pursuant to  
3 Section 8516(b) or 8518 are grounds for disciplinary action and subject to a fine of  
4 not more than two thousand five hundred dollars (\$ 2,500).”

5 22. California Code of Regulations, title 16, section 1937.14, states:

6 “All work completed by licensees or registered companies shall be done  
7 within the specific requirements of any plans or specifications and shall meet  
8 accepted trade standards for good and workmanlike construction in any material  
9 respect, and shall comply with provisions of Section 2516(c)(1), (2), (4) and (6) of  
10 Title 24, California Code of Regulations.”

### 11 COST RECOVERY

12 23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
13 administrative law judge to direct a licentiate found to have committed a violation or violations of  
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
15 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
16 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
17 included in a stipulated settlement.

### 18 FACTUAL BACKGROUND

19 24. **Application for Registration of Company (July 2011):** On January 23, 2007, the  
20 Contractors’ State License Board (CSLB) issued license number 889979 (B Classification) to  
21 Ritotech Construction Inc., John Hyuk Park (CEO/President). License number 889979 was  
22 revoked by CSLB on January 12, 2010, pursuant to section 7090.1 of the Code. On July 26,  
23 2011, Respondent submitted an Application for Registration of Company to the Board under the  
24 penalty of perjury of the laws of the state of California. Question 8 on the application inquired:  
25 “[h]ave you, or any of you, ever had a professional or vocational license refused, suspended or  
26 revoked by this or any other State?” Respondent answered “no.” Question 9 on the application  
27 inquired: “[h]ave you, or any of you, ever been connected with any person, copartnership or  
28 corporation, whose professional or vocational license was refused, suspended or revoked by this  
or any other State?” Respondent answered “no.”

29 25. **Del Zuro Property:** Respondent agreed to do a complete inspection and report on a  
property located at 7419 Del Zuro Drive in Los Angeles, California (Del Zuro property). On  
January 13, 2015, Respondent inspected the Del Zuro property and issued a limited separated

1 inspection report, which contained five findings and recommendations, including termite  
2 infestations, termite damage, and decay fungi damage. Respondent failed to issue an inspection  
3 report for the January 13, 2015, inspection within ten business days of the inspection. Respondent  
4 then agreed to do a full set of termite repairs at the Del Zuro property. Respondent began work  
5 and treatment of the Del Zuro property on February 19, 2015. However, Respondent failed to  
6 provide the property owner with clear written notice of the pesticides applied in or around the  
7 property before their respective use on February 19, 2015. Respondent also failed to issue a  
8 completion notice for the work completed on February 19, 2015. Respondent returned to the Del  
9 Zuro property on July 20, 2015, and did a local treatment. Respondent again failed to provide the  
10 property owner with clear written notice of the pesticides applied in or around the property before  
11 their respective use on July 20, 2015. Respondent also failed to issue an inspection report and a  
12 completion notice for the work completed on July 20, 2015. Respondent failed to file with the  
13 Board notice of Wood Destroying Organism activities. A subsequent inspection revealed that  
14 termite infestations were active and extend into areas that are physically inaccessible for local  
15 chemical treatments.

16       **26. Orange Grove Property:** On September 11, 2014, Respondent purportedly  
17 performed a fumigation on a property located at 1784 N. Orange Grove Avenue, Los Angeles, CA  
18 90046. Respondent did not provide the property owner with clear, written notice of pesticides  
19 applied in or around the property, prior to their respective use. Respondent signed the fumigation  
20 notice and pesticide disclosure as the owner/agent of the property and signed the roof release as  
21 the authorized signature. The fumigation notice and roof release were sent to the subcontractors  
22 via fax (dated September 12, 2014). This fumigation was a three-day, two-night process. The  
23 completion notice was issued on September 12, 2014, before the purported fumigation would  
24 have been completed (or the structure would have been certified for re-entry) according to the  
25 subcontractors' fumigation log.

26       **27. Oakwood Property:** Respondent treated 4745 Oakwood Avenue, Los Angeles, CA  
27 90004 for rats.

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1 business days of the inspection. Specifically, Respondent failed to timely issue inspection reports  
2 for the January 13, 2015, and July 20, 2015, inspections. The conduct is described in more  
3 particularity in paragraph 25 above, inclusive and hereby incorporated by reference.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Failed to Issue Completion Notice)**

6 31. Respondent is subject to disciplinary action under section 8518 of the Code in that  
7 Respondent failed to issue a completion notice to the person requesting the completion notice  
8 within ten business days of completing the work. Specifically, Respondent failed to timely issue  
9 completion notices for the treatments/repairs on February 19, 2015, and July 20, 2015. The  
10 conduct is described in more particularity in paragraph 25 above, inclusive and hereby  
11 incorporated by reference.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Failed to Report Address of Property Inspected)**

14 32. Respondent is subject to disciplinary action under section 8516 of the Code, section  
15 8518 of the Code, and California Code of Regulations title 16, section 1996.3, in that Respondent  
16 failed to file with the Board the address of the property inspected (or upon which work was  
17 completed) no later than ten days after the commencement of an inspection or upon completed  
18 work. The conduct is described in more particularity in paragraph 25 above, inclusive and hereby  
19 incorporated by reference.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Failed to Provide Consumers with Notice of Pesticides Applied)**

22 33. Respondent is subject to disciplinary action under section 8538, subdivision (a)(3) of  
23 the Code in that he failed to provide the consumer with clear, written notice of the pesticides  
24 applied in or around the property, prior to their respective use. The conduct is described in more  
25 particularity in paragraph 25 above, inclusive and hereby incorporated by reference.

26 34. Respondent is subject to disciplinary action under section 8538, subdivision (a)(3) of  
27 the Code in that he failed to provide the consumer with clear, written notice of the pesticides  
28 applied in or around the property, prior to their respective use. The conduct is described in more

1 particularity in paragraph 26 above, inclusive and hereby incorporated by reference.

2 35. Respondent is subject to disciplinary action under section 8538, subdivision (a)(3) of  
3 the Code in that he failed to provide the consumer with clear, written notice of the pesticides  
4 applied in or around the property, prior to their respective use. The conduct is described in more  
5 particularity in paragraph 28 above, inclusive and hereby incorporated by reference.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(Failure to Exterminate Drywood Termite Infestation)**

8 36. Respondent is subject to disciplinary action under section 8638 of the Code in that  
9 Respondent failed to exterminate drywood terminate infestations through the use of chemical  
10 treatments on the Del Zuro property. The conduct is described in more particularity in paragraph  
11 25 above, inclusive and hereby incorporated by reference.

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Complete Work on Inspection Report)**

14 37. Respondent is subject to disciplinary action under section 8638 of the Code, and  
15 California Code of Regulations title 16, section 1937.14 in that Respondent failed to complete the  
16 work reported on the January 13, 2015, inspection report, resulting in a financial injury to the  
17 consumer in the amount of \$8,500.00. The conduct is described in more particularity in  
18 paragraph 25 above, inclusive and hereby incorporated by reference.

19 38. Respondent is subject to disciplinary action under section 8638 of the Code, and  
20 California Code of Regulations title 16, section 1937.14 in that Respondent failed to complete the  
21 work reported on the January 16, 2015, inspection report, resulting in a financial injury to the  
22 consumer in the amount of \$5,850.00. The conduct is described in more particularity in  
23 paragraph 28 above, inclusive and hereby incorporated by reference.

24 **EIGHTH CAUSE FOR DISCIPLINE**

25 **(Gross Negligence and Fraudulent Act)**

26 39. Respondent is subject to disciplinary action under section 8642 of the Code in that he  
27 was grossly negligent and committed a fraudulent act. Specifically, Respondent told the  
28 consumer that he would do a complete report of the Del Zuro property but he only did a limited

1 inspection and report. The conduct is described in more particularity in paragraph 25 above,  
2 inclusive and hereby incorporated by reference.

3 40. Respondent is subject to disciplinary action under section 8642 of the Code in that he  
4 was grossly negligent and committed a fraudulent act when he failed to complete work in the  
5 inspection report. The conduct is described in more particularity in paragraph 25 above, inclusive  
6 and hereby incorporated by reference.

7 41. Respondent is subject to disciplinary action under section 8642 of the Code in  
8 that Respondent committed a fraudulent act when he furnished a notice of work completed prior  
9 to the completion of the work specified in the contract. The conduct is described in more  
10 particularity in 26 above, inclusive and hereby incorporated by reference.

11 42. Respondent is subject to disciplinary action under section 8642 of the Code in  
12 that Respondent committed a fraudulent act when he furnished a notice of work completed prior  
13 to the completion of the work specified in the contract. The conduct is described in more  
14 particularity in 28 above, inclusive and hereby incorporated by reference.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Fraud of Misrepresentation After Inspection)**

17 43. Respondent is subject to disciplinary action under section 8644 of the Code in that  
18 Respondent committed fraud or misrepresentation after inspection when he failed to complete  
19 work in the inspection report. The conduct is described in more particularity in paragraph 25  
20 above, inclusive and hereby incorporated by reference.

21 44. Respondent is subject to disciplinary action under section 8644 of the Code in that  
22 Respondent committed fraud or misrepresentation after inspection when he failed to complete  
23 work in the inspection report. The conduct is described in more particularity in paragraph 28  
24 above, inclusive and hereby incorporated by reference.

25 **TENTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply in Sale or Use of Insecticides)**

27 45. Respondent is subject to disciplinary action under section 8647 of the Code in that he  
28 failed to comply in the sale or use of insecticides within the provisions of Chapter 2 of Division 7

1 of the Food and Agricultural Code. Specifically, Respondent failed to provide the consumer with  
2 clear, written notice of pesticides applied in or around the property prior to their respective use.  
3 The conduct is described in more particularity in paragraph 25 above, inclusive and hereby  
4 incorporated by reference.

5 46. Respondent is subject to disciplinary action under section 8647 of the Code in that he  
6 failed to comply in the sale or use of insecticides within the provisions of Chapter 2 of Division 7  
7 of the Food and Agricultural Code. Specifically, Respondent failed to provide the consumer with  
8 clear, written notice of pesticides applied in or around the property prior to their respective use.  
9 The conduct is described in more particularity in paragraph 28 above, inclusive and hereby  
10 incorporated by reference.

11 **ELEVENTH CAUSE FOR DISCIPLINE**

12 **(Furnish Notice of Completion Prior to Work Completion)**

13 47. Respondent is subject to disciplinary action under section 8641 of the Code in  
14 that he furnished a notice of work completed prior to the completion of the work specified in the  
15 contract. The conduct is described in more particularity in 26 above, inclusive and hereby  
16 incorporated by reference.

17 48. Respondent is subject to disciplinary action under section 8641 of the Code in  
18 that he furnished a notice of work completed prior to the completion of the work specified in the  
19 contract. The conduct is described in more particularity in 28 above, inclusive and hereby  
20 incorporated by reference.

21 **TWELFTH CAUSE FOR DISCIPLINE**

22 **(Unlicensed Practice of Structural Pest Control)**

23 49. Respondent is subject to disciplinary action under section 8550 of the Code in that he  
24 engaged in the unlicensed business or practice of structural pest control in Branch 2. The conduct  
25 is described in more particularity in 27-28 above, inclusive and hereby incorporated by reference.

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**THIRTEENTH CAUSE FOR DISCIPLINE**

**(Departure From or Disregard For Plans/Specifications)**

50. Respondent is subject to disciplinary action under section 8635 of the Code in that he departed from, or disregarded plans or specifications in the performance of structural pest control work when he recommended fumigation but did not fumigate. The conduct is described in more particularity in 28 above, inclusive and hereby incorporated by reference.

**FOURTEENTH CAUSE FOR DISCIPLINE**

**(Unlicensed Structural Pest Control Work)**

51. Respondent is subject to disciplinary action under section 8651 of the Code in that he engaged in the unlicensed business or practice of structural pest control in Branch 2. The conduct is described in more particularity in 28 above, inclusive and hereby incorporated by reference.

**DISCIPLINARY CONSIDERATION**

52. To determine the degree of discipline (if any) to be imposed on Respondent, Complainant alleges that the Board issued Citation No. CF 16-413 (effective April 25, 2016), ordering Respondent to pay \$700.00. The citation involved a project at 4433 Forman Avenue, Toluca Lake, CA 91602. Specifically, Respondent was hired to complete and certify termite work during an escrow transaction involving the subject property. On January 20, 2015, Respondent claimed to have found "no termite infestations in the attic" and did not issue a report. Prior to Respondent returning to the property on January 20, 2015, a second company inspected the property and found drywood termite infestations in the attic and recommended fumigation of the entire structure. Pursuant to the citation, Respondent violated section 8516 and section 8518 of the Code [failure to file required inspection reports and completion notices with the Board], violated California Code of Regulations, title 16, section 1991 [failure to comply with recommendations for corrective measures], and violated section 8516 of the Code [failure to file report within 10 business days to required party of interest].

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**PRAYER**

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

1. Revoking or suspending Company Registration Certificate Number PR 6355, Branch 3, issued to Ritech Exterminator, Inc. dba Ritech Exterminator; John Hyuk Park and Operator's License Number OPR 12127 issued to John H. Park;

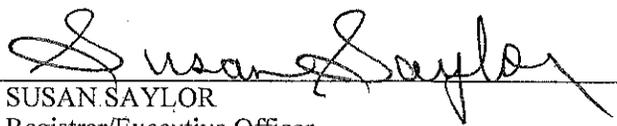
2. Prohibiting John H. Park from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company during the period that discipline is imposed on Operator License Number OPR 12127, issued to John H. Park;

3. Ordering John Hyuk Park to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Ordering John Hyuk Park to pay restitution of all damages according to proof suffered by owners of the incident properties as a condition of probation in the event probation is ordered;

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

DATED: 5/27/16



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

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