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

12 In the Matter of the Accusation Against:

Case No.

13 **FRANK ANDERSON MARSHALL**
14 **4119 Don Jose Drive**
Los Angeles, California 90008-2805
15 ***Operator's License No. OPR 7983,***

ACCUSATION

16 **STORMIES PEST CONTROL**
17 **4119 Don Jose Drive**
Los Angeles, California 90008-2805
18 ***Company Registration No. PR 2212***
(Cancelled),

19 **OZELL ALLEN**
20 **16215 Thorson Avenue**
Compton, CA 90221
21 ***Operator's License No. OPR 8777,***

22 **ALLEN'S EXTERMINATORS, OZELL**
ALLEN - OWNER AND QUALIFYING
MANAGER
23 **16215 Thorson Avenue**
Compton, CA 90221
24 ***Company Registration No. PR 2080,***

25 **FIDEL DELGADILLO**
26 **5606 Rawlings Avenue**
South Gate, CA 90280
27 ***Operator's License No. OPR 7855***

28 **and,**

AAA FUME, INC., FIDEL DELGADILLO
- VICE PRESIDENT AND QUALIFYING
MANAGER
5606 Rawlings Avenue
South Gate, CA 90280
Company Registration No. PR 1533,

Respondents.

PARTIES

1. Susan Saylor (“Complainant”) brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs (the “Board”).

Frank Marshall

2. On or about December 8, 1987, the Structural Pest Control Board issued Operator's License Number OPR 7983 to Frank Anderson Marshall ("Respondent Marshall"). Respondent Marshall Operator's License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.

3. On or about March 6, 1992, the Structural Pest Control Board issued Company Registration Number PR2212 to Stormies Pest Control (“Respondent Stormies”). Respondent Stormies Company Registration number was cancelled on January 10, 2014.

Ozell Allen

4. On or about July 15, 1991, the Structural Pest Control Board issued Operator's License Number OPR 8777 to Ozell Allen ("Respondent Allen"). The Operator's License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2021, unless renewed.

5. On or about July 15, 1991, the Structural Pest Control Board issued Company Registration Number PR 2080 to Allen's Exterminators ("Respondent AE"). The licensed qualified manager is Respondent Allen. Respondent Allen and Respondent Marshall are listed on Respondent AE's registration as operators. The business registration was in full force and effect at all times relevant to the charges brought herein and will not expire unless revoked or otherwise cancelled.

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SCOPE OF DISCIPLINARY AUTHORITY

11. Section 8624 in relevant part provides for vicarious liability for qualifying managers:

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

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

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

12. Section 8654 provides that if discipline is imposed on a company registration, it may also be imposed if a company's officers, qualifying managers, directors, or associates if they knew of or participated in the prohibited acts:

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 revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or registration was denied, suspended or revoked, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing

employee of a registered company, and the employment, election or association of such person by a registered company is a ground for disciplinary action.

STATUTORY PROVISIONS

13. Section 480 of the Code states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

...

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.”

14. Section 8506.2 of the Code states:

A “qualifying manager” is the licensed operator or operators designated by a registered company to supervise the daily business of the company and to be physically present at the principal office or branch office location for a minimum of nine days every three consecutive calendar months to supervise and assist the company's employees. These days shall be documented and provided to the board upon request.

15. Section 8516 of the Code states:

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

“(b) No registered company or licensee shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator. The address of each property inspected or upon which work is 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 the commencement of an inspection or upon completed work.

...

“Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section 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 “A written inspection report conforming to this section and on a form approved by the
2 board shall be prepared and delivered to the person requesting the inspection or to the person’s
3 designated agent within 10 business days of the inspection, except that an inspection report
4 prepared for use by an attorney for litigation purposes is not required to be reported to the board.
5 The report shall be delivered before work is commenced on any property. The registered
6 company shall retain for three years all original inspection reports, field notes, and activity forms.

7 ... The following shall be set forth in the report:

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

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

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

12 (4) The address or location of the property.

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

14 (6) A foundation diagram or sketch of the structure or structures or portions of the
15 structure or structures inspected, indicating thereon the approximate location of any infested or
16 infected areas evident, and the parts of the structure where conditions that would ordinarily
17 subject those parts to attack by wood destroying pests or organisms exist.

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

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

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

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

7 (10) Recommendations for corrective measures.

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

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

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

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

22 16. Section 8518 of the Code states:

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

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

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

6 “(d) Failure of a registered company to report and file with the board the address of any
7 property upon which work was completed pursuant to subdivision (b) of Section 8516 or Section
8 8518 is grounds for disciplinary action and shall subject the registered company to a fine of not
9 more than two thousand five hundred dollars (\$2,500).

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

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

16 17. Section 8538 of the Code states:

17 “(a) A registered structural pest control company shall provide the owner, or owner’s
18 agent, and tenant of the premises for which the work is to be done with clear written notice which
19 contains the following statements and information using words with common and everyday
20 meaning:

21 (1) The pest to be controlled.

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

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

25 CAUTION PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control
26 Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides
27 which are registered and approved for use by the Department of Pesticide Regulation and the
28 United States Environmental Protection Agency. Registration is granted when the state finds that

1 based on existing scientific evidence there are no appreciable risks if proper use conditions are
2 followed or that the risks are outweighed by the benefits. The degree of risk depends upon the
3 degree of exposure, so exposure should be minimized.' 'If within 24 hours following application
4 you experience symptoms similar to common seasonal illness comparable to the flu, contact your
5 physician or poison control center (telephone number) and your pest control company
6 immediately." (This statement shall be modified to include any other symptoms of overexposure
7 which are not typical of influenza.) 'For further information, contact any of the following: Your
8 Pest Control Company (telephone number); for Health Questions the County Health Department
9 (telephone number); for Application Information the County Agricultural Commissioner
10 (telephone number) and for Regulatory Information the Structural Pest Control Board (telephone
11 number and address).

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

14 "(b) In the case of Branch 1 applications, the notice prescribed by subdivision (a) shall be
15 provided at least 48 hours prior to application unless fumigation follows inspection by less than
16 48 hours.

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

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

21 (1) First-class or electronic mail, if an electronic mail address has been provided.

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

23 (3) Personal delivery.

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

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

4 “(c) Any person or licensee who, or registered company which, violates any provision of
5 this section is guilty of a misdemeanor punishable as set forth in Section 8553.”

6 18. Section 8550 of the Code states:

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

10 “(b) Notwithstanding subdivision (a), an unlicensed individual may solicit pest control
11 work on behalf of a structural pest control company only if the company is registered pursuant to
12 this chapter, and the unlicensed individual does not perform or offer to perform any act for which
13 an operator, field representative, or applicator license is required pursuant to this chapter. As
14 used in this subdivision, to “solicit pest control work” means to introduce consumers to a
15 registered company and the services it provides, to distribute advertising literature, and to set
16 appointments on behalf of a licensed operator or field representative.

17 “(c) It is unlawful for an unlicensed individual, soliciting pest control work on behalf of a
18 registered structural pest control company pursuant to subdivision (b), to perform or offer to
19 perform any act for which an operator, field representative, or applicator license is required,
20 including, but not limited to, performing or offering pest control evaluations or inspections, pest
21 identification, making any claims of pest control safety or pest control efficacy, or to offer price
22 quotes other than what is provided and printed on the company advertising or literature, or both.

23 “(d) It is also unlawful for any unlicensed individual to offer any opinion, or to make any
24 recommendations, concerning the need for structural pest control work in general, or in
25 connection with a particular structure.

26 “(e) It is unlawful for any firm, sole proprietorship, partnership, corporation, association, or
27 other organization or combination thereof to engage or offer to engage in the practice of structural
28 pest control, unless registered in accordance with Article 6 (commencing with Section 8610).”

1 19. Section 8552 of the Code states:

2 “It is unlawful for any person to advertise or represent in any manner that any pest control
3 work, in whole or in part, has been done upon any structure, unless the work has been performed
4 by a registered company, except as otherwise provided in this chapter.”

5 20. Section 8610, subdivision (c) of the Code states:

6 “(c) Each registered company shall designate an individual or individuals who hold an
7 operator’s license to act as its qualifying manager or managers. The qualifying manager or
8 managers must be licensed in each branch of pest control in which the company engages in
9 business. The designated qualifying manager or managers shall supervise the daily business of
10 the company and shall be available to supervise and assist all employees of the company, in
11 accordance with regulations which the board may establish.”

12 21. Section 8636 of the Code states:

13 “Disregard and violation of the buildings laws of the state, or of any of its political
14 subdivisions, or of the safety laws, labor laws, health laws, or compensation insurance laws of the
15 state relating to the practice of structural pest control is a ground for disciplinary action.

16 22. Section 8639 of the Code states:

17 “Aiding or abetting an unlicensed individual or unregistered company to evade the
18 provisions of this chapter [the Structural Pest Control Act] or knowingly combining or conspiring
19 with an unlicensed individual or unregistered company, or allowing one’s license or company
20 registration to be used by an unlicensed individual or unregistered company, or acting as agent or
21 partner or associate, or otherwise, of an unlicensed individual or unregistered company to evade
22 the provisions of this chapter is a ground for disciplinary action.”

23 23. Section 8642 of the Code states that “[t]he commission of any grossly negligent or
24 fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a
25 registered company is a ground for disciplinary action.”

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1 24. Section 8646 of the Code states:

2 “Disregard and violation of pesticide use and application, structural pest control device,
3 fumigation, or extermination laws of the state or of any of its political subdivisions, or regulations
4 adopted pursuant to those laws, is a ground for disciplinary action.”

5 25. Section 8647 of the Code states:

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

9 26. Section 8648 of the Code states:

10 “Authorizing, directing, conniving at or aiding in the publication, advertisement,
11 distribution or circulation of any material by false statement or representation concerning a
12 registered company’s business is a ground for disciplinary action.”

13 27. Section 8651 of the Code states:

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

19 28. Section 8666 of the Code states:

20 “It shall be unlawful for any licensee under this chapter to recommend or to perform any
21 pest control corrective work under any contract or agreement that the licensee knows or has
22 reason to know is in excess of that required to eliminate the condition for which the licensee was
23 employed.

24 A violation of this section is a public offense and is punishable upon the first conviction by
25 imprisonment in the county jail for not more than six months, or by a fine not to exceed ten
26 thousand dollars (\$10,000), or by both that imprisonment and fine.

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REGULATORY PROVISIONS

29. California Code of Regulations, title 16, section 1918, states:

““Supervise” as used in Business and Professions Code Sections 8506.2, 8610 and 8611 means the oversight, direction, control, and inspection of the daily business of the company and its employees, and the availability to observe, assist, and instruct company employees, as needed to secure full compliance with all laws and regulations governing structural pest control.

“In cases of ownership of more than one registered company by the same sole owner, corporation or partnership where the qualifying manager or managers cannot supervise each registered company because of the location of the companies, the qualifying manager or managers may designate an individual or individuals licensed as an operator or as a field representative in the branch or branches of business being conducted to supervise the company. This designated supervisor or supervisors must be under the direct supervision of the qualifying manager or managers. Any such designation of supervisors does not relieve the qualifying manager or managers of responsibility to supervise as required in sections 8506.2 and 8610.”

30. California Code of Regulations, title 16, section 1970(a) and (c), states:

“For the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a log for each fumigation job and for each pesticide control operation in which a pesticide is used by the registered company or the registered company's employee. If the fumigation is to be performed by a fumigation subcontractor, the subcontractor shall complete the fumigation log and forward a copy of the log to the primary contractor within ten business days.

(a) The log (See Form 43M-47 (Rev. 5/07) at the end of this section) for each fumigation job shall contain the following information:

Name, address and company registration certificate number of prime contractor.

Name, address and company registration certificate number of subcontractor, if any.

Address of property.

Date of fumigation.

1 Name and address of owner or his or her agent.

2 Date and hour fire department was notified pursuant to Business and Professions Code
3 section 8505.5.

4 Date and hour county agricultural commissioner was notified and method of notification,
5 where required.

6 Property description including type of structure as to details of roofing, walls, and the
7 presence of construction elements, conduits, drains, air ducts, or vacuum systems that could allow
8 the passage of fumigant from the structure to be fumigated to any adjacent or adjoining
9 structure(s), thereby connecting them, and method(s) used to prevent passage of the fumigant.

10 Cubic feet fumigated.

11 Target pest(s).

12 Kind of fumigant(s) used.

13 United States Environmental Protection Agency registration number(s) of fumigant(s).

14 Name of warning agent and amount used.

15 Type of sealing method used.

16 Weather conditions as to temperature and wind.

17 Date and hour fumigant introduced.

18 Cylinder number of each fumigant used.

19 Weight of each fumigant cylinder before introduction of gas.

20 Pounds of fumigant used from each cylinder.

21 Total pounds of fumigant used.

22 List of any extraordinary safety precautions taken.

23 Name, signature and license number of operator or field representative releasing fumigant.

24 First name and surname of crew when fumigant was released, when aeration commenced
25 and when the property was released for occupancy.

26 Indication of whether or not safety equipment was available at the fumigation site at the
27 time the fumigant was introduced, when ventilation commenced and when the property was
28 released for occupancy.

1 Date and hour aeration commenced.

2 Conditions of tarp and seal.

3 Name, signature and license number of operator or field representative commencing
4 ventilation.

5 Type of device(s) used to test for re-entry.

6 Date and hour ready for occupancy.

7 Name, signature and license number of operator or field representative releasing property
8 for occupancy.

9 Method used to calculate amount of fumigant used.

10 Factors used in calculation of fumigant.

11 Special notes or comments pertinent to fumigation.

12 . . .

13 (c) The term “fraudulent act” as used in Section 8642 includes but is not limited to the
14 falsification of any records pertaining to fumigation jobs or other pest control operations in which
15 a pesticide other than a fumigant is used.

16 31. California Code of Regulations, title 16, section 1970.4(a), states:

17 “The primary contractor for fumigation shall have in his or her possession and shall provide
18 to any subcontractor for fumigation a form (See Form 43M-48 (Rev. 5/07) at the end of this
19 section) signed by the occupants or designated agent of a structure. The primary contractor for
20 fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation
21 notice for a period of at least three years. In case of multiple-family dwellings, the owner,
22 manager or designated agent of the building may obtain signatures and/or verify the notification
23 of the occupants.

24 “The form shall state the name of the pest to be controlled, the pesticide(s)/fumigant(s)
25 proposed to be used, the active ingredient(s) and the health cautionary statement as required under
26 section 8538 of the code. The form shall also state that a lethal gas (poison) will be used in the
27 building on indicated dates and that it is unsafe to return to the building until a certification notice
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1 for reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has
2 received the prime contractor's information regarding the procedures for leaving the structure.

3 32. California Code of Regulations, title 16, section 1970.4(d)states:

4 “All pest control operators, field representatives, applicators and employees in all branches
5 shall comply in every respect with the requirements of section 8538 of the code. Failure to
6 comply with section 8538 of the code is a misdemeanor and shall constitute grounds for
7 discipline.

8 33. California Code of Regulations, title 16, section 1996.3 states in pertinent part:

9 (a) The address of each property inspected and/or upon which work was completed shall be
10 reported on a form prescribed by the Board and designated as the WDO Inspection and
11 Completion Activity Report Form (see Form No. 43M-52 Rev. 5/09). . . This form shall be
12 prepared by each registered company and shall comply with all of the requirements pursuant to
13 Section 8516(b), and 8518.

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

16 . . .

17 (4) Date of Activity. . .

18 **FOOD AND AGRICULTURAL CODE**

19 34. Food and Agricultural Code, section 12973 states

20 “The use of any pesticide shall not conflict with labeling registered pursuant to this chapter
21 which is delivered with the pesticide or with any additional limitations applicable to the
22 conditions of any permit issued by the director or commissioner.”

23 **COST RECOVERY**

24 35. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
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1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 36. Section 11519(d) of the Government Code provides, in pertinent part, that the Board
4 may require restitution of damages suffered as a condition of probation in the event probation is
5 ordered.

6 **DEFINITIONS**

7 37. The three (3) structural pest control categories (branches) are as follows:

8 Branch 1: Fumigation – the practice relating to the control of household and wood
9 destroying pests or organisms by fumigation with poisonous or lethal gases.

10 Branch 2: General Pest – the practice relating to the control of household pests
11 excluding fumigation with poisonous or lethal gases.

12 Branch 3: Termite – the practice relating to the control of wood destroying pests or
13 organisms by the use of pesticides, or structural repairs and corrections, excluding
14 fumigation with poisonous or lethal gases.

15 **FACTUAL ALLEGATIONS**

16 38. On March 13, 2019, the Board received an email correspondence from the Los
17 Angeles County Agricultural Commissioner's ("LA CAC") office indicating that a Complaint of
18 Human Exposure or Unsafe Condition was received from consumer S.S., an elderly homeowner
19 who hired Respondent Marshall of Respondent Stormies to tent and fumigate her entire house
20 located on Thurman Ave., Los Angeles (the "Thurman Property"). Consumer S.S. informed LA
21 CAC's office that she was not notified of the pesticides used in the fumigation and she started
22 feeling sick after fumigation was completed. Upon forwarding the matter, the Board investigated
23 the issues stemming from the Thurman Property.

24 39. Towards the end of 2018, consumer S.S. sought pest control services due to flying
25 insects in her home – the Thurman Property. S.S. was provided the name of Respondent Marshall,
26 who conducted an inspection of the Thurman Property. Following the inspection, Respondent
27 Marshall notified S.S. that she needed to fumigate (tent) her home for moths that were biting her.
28 S.S. received a single page "Contract Proposal" on Respondent Marshall and Respondent

1 Stormies shared letterhead which stated “fumigate house in order to kill all pest control” along
2 with the price “\$1850.00.” The document was signed “Thank you, Marshall”. Respondent
3 Marshall also left a business card that contains a picture of his face along with the title
4 “STORMIES”. No other documents were provided to the homeowner. Upon later investigation, it
5 was determined the pest present at the Thurman Property was the Indian Meal Moth.

6 40. Respondent Marshall contacted Respondent AAA Fume and Respondent Delgadillo
7 to complete the fumigation of the Thurman Property for drywood termites. Respondent Marshall
8 had an ongoing working relationship with Respondent Allen Exterminators, and the work was
9 booked under the name of Respondent Allen Exterminators. Indeed, Respondent Marshall was
10 conducting side jobs by and through his business relationship with Respondent AE and
11 Respondent AO. Respondent AO, as the qualifying manager, allowed employees to conduct side
12 jobs, and would pay those employees, including Respondent Marshall, thirty-five (35) percent of
13 the profits for any work the employee brought in. Respondent Marshall was enabled to use the
14 name of Respondent AE to book fumigation business of Respondent AAA Fume.

15 **The Thurman Property Work**

16 41. Respondent AAA Fume and Respondent Delgadillo conducted tenting and
17 fumigation from December 31, 2018 through January 3, 2019 for the Thurman Property. During
18 the fumigation, Respondent AAA Fume and Respondent Delgadillo used Vikane; however, that
19 fumigant is labeled for drywood termites but not labeled for the extermination of Indian Meal
20 Moths. Investigation revealed the required fume logs and occupant notices failed to include
21 required information.

22 42. Further, Respondent AAA Fume and Respondent Delgadillo did not properly secure
23 the Thurman Property, as S.S. returned to her home on 1/3/19, was able to gain entry into the
24 home prior to the home being certified safe for re-entry. She did not see any notice restricting
25 entry and came across fans still running inside her home. S.S. started to feel sick, had headaches,
26 felt a strange taste on her tongue, and had numbness in her mouth. As of April 2019, S.S. was still
27 complaining of bug bites.

43. Upon investigation, the Board found violations, including those related to failure to maintain proper fumigation standards of safety, and activities in disregard of state and local business and safety laws. Investigators also found Vikane fumigant was used inconsistent with the label; Occupants Fumigation Notices and Pesticide Disclosures (occupants notice) were not provided, the fumigation logs were not completed correctly as required by Board regulations, fumigant was undershot, a Wood Destroying Pests and Organisms Report (WDO Report) was not submitted, and other violations.

The 126th St. Property Work

44. While investigating Thurman Property, Respondent AE provided that Marshall was involved in another problematic fumigation at a property located at E. 126th Street in Los Angeles (the “126th St. Property”). Respondent Marshall had inspected the 126th Street Property on behalf of Respondent AE and found subterranean termites, drywood termites, and cellulose debris. Respondent AAA Fume was contracted to conduct the fumigation of 126th St. Property. Investigators found Respondent AAA Fume used an incorrect dosage rate of Zythor for the structure. Respondent AAA Fume also failed to provide information for the 126th St. Property fumigation, including correct EPA registration numbers, information about owner or agent, time notification to the fire department, and time notification to LA CAC.

FIRST CAUSE FOR DISCIPLINE

(Failure to Provide Notice)

(As to Respondent Stormies Pest Control and Respondent Frank Anderson Marshall)

45. Respondent Frank Anderson Marshall is subject to disciplinary action under Code sections 8538(a)(1-3) and 8538(b), and Title 16 California Code of Regulations 1970.4(a), in that Respondent Marshall failed to have in his possession or provide to any subcontractor for fumigation a form signed by the occupants or designated agents of the structure being fumigated. The occupant of the Thurman Property did not sign the required forms, including Fumigation Occupants Notice. The properly signed form or a copy thereof shall be in the possession of the licensed fumigator when the fumigant is released. Complainant refers to and incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set forth herein.

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Unlicensed Activity)

3 (As to Respondent Stormies Pest Control and Respondent Frank Anderson Marshall)

4 46. Respondent Frank Anderson Marshall is subject to disciplinary action under Code
5 section 8550 and 8651, in that Respondent Marshall and Respondent Stormies did inspect, render
6 opinions, submit estimates, apply pesticides, and perform structural pest control at the Thurman
7 property on his own behalf while not licensed or registered by the Board. Complainant refers to
8 and incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set
9 forth herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 (Improper Advertising of Work)

12 (As to Respondent Stormies Pest Control and Respondent Frank Anderson Marshall)

13 47. Respondent Frank Anderson Marshall is subject to disciplinary action under Code
14 section 8552 and 8648 in that Respondent Marshall unlawfully advertised and represented that
15 pest control work, in whole or in part, has been done upon structures by Stormies, an unregistered
16 company. Complainant refers to and incorporates the allegations contained in paragraphs 38-44,
17 inclusive above, as though set forth herein.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 (Disregard State and Local Laws)

20 (As to Respondent Stormies Pest Control and Respondent Frank Anderson Marshall)

21 48. Respondent Frank Anderson Marshall is subject to disciplinary action under Code
22 section 8636 and Food and Agricultural Code section 12973 in that Respondent Marshall received
23 money for his own person, in a scheme to defraud consumers of the true facts of licensing,
24 company registration, insurance, and bonding, by acting as the owner/operator of Stormies,
25 performed structural pest control for his benefit in disregard and in violation of state and local
26 building laws, or of other safety laws, labor laws, health laws, or compensation insurance laws.
27 Complainant refers to and incorporates the allegations contained in paragraphs 38-44, inclusive
28 above, as though set forth herein.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Gross Negligence/Fraud)

3 (As to Respondent Stormies Pest Control and Respondent Frank Anderson Marshall)

4 49. Respondent Frank Anderson Marshall is subject to disciplinary action under Code
5 section 8642, and Title 16 California Code of Regulations 1970(a) and (c), and Food and
6 Agricultural Code section 12973 in that he committed gross negligent or fraudulent acts as a
7 licensee and pest control operator, field representative, or applicator or by a registered company.
8 According to the Standard Structural Fumigation Log stated that the Thurman Property was
9 fumigated for the extermination of drywood termites, where the target pest was Indian Meal
10 Moths. Further, Respondent Marshall and Stormies failed to use the correct dosage of Zythor
11 fumigant at the 126th Street Property, in that Respondent used seventeen (17) pounds of Zythor
12 fumigant for a target pest of “drywood termites” where the correct dosage would have been 28.7
13 pounds of fumigant. Complainant refers to and incorporates the allegations contained in
14 paragraphs 38-44, inclusive above, as though set forth herein.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 (Disregard of State or Local Laws)

17 (As to Respondent Stormies Pest Control and Respondent Frank Anderson Marshall)

18 50. Respondent Frank Anderson Marshall is subject to disciplinary action under Code
19 sections 8646 and 8647, and Title 16 California Code of Regulations 1970.4(d), and Food and
20 Agricultural Code section 12973, in that Respondent Marshall disregarded and violated pesticide
21 use and application, structural pest control devise, fumigation, or extermination laws of the State
22 or of its political subdivisions, or regulations adopted pursuant to those laws. Complainant refers
23 to and incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set
24 forth herein.

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 (Work Exceeds Amount Required to Eliminate Condition)

27 (As to Respondent Stormies Pest Control and Respondent Frank Anderson Marshall)

51. Respondent Frank Anderson Marshall is subject to disciplinary action under Code section 8666 and Food and Agricultural Code section 12973 in that he performed work that exceeded the amount required to eliminate the condition for which he was employed. At the Thurman Property, the target pest was Indian Meal Moths, however, Respondent Marshall and Stormies fumigated for the extermination of drywood termites. Further, Vikane was used as a fumigant when Indian Meal Moths are not on the label as a pest for the use of such fumigant, nor is fumigation necessary for Indian Meal Moth extermination. Complainant refers to and incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set forth herein.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Supervise Employees and Business)

(As to Respondent Allen's Exterminators and Respondent Ozell Allen)

52. Respondent Ozell Allen is subject to disciplinary action under Code section 8506.2 and 8610(c) and Title 16 California Code of Regulations 1918, in that he is designated as the qualifying manager for Respondent Allen's Exterminators and he failed to supervise employees, the daily business, and the operations of the company. During the pendency of his work on the Thurman Property and the 126th Street Property, Respondent Marshall was being paid for work completed under the business name of Respondent Allen's Exterminators, and Respondent Allen's Exterminators was paid a percentage of work completed by Respondent Marshall. Complainant refers to and incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set forth herein.

NINTH CAUSE FOR DISCIPLINE

(Failure to Report WDO Activities)

(As to Respondent Allen's Exterminators and Respondent Ozell Allen)

53. Respondent Ozell Allen and Respondent Allen's Exterminators are subject to disciplinary action under Code 8516(b) and 8518 and Title 16 California Code of Regulations 1996.3, in that they failed to report WDO activities, and failed to submit inspection and completion of WDO activities. Respondents failed to report the address for the inspection or work

1 completed – regarding the Thurman Property – on a Board prescribed form, within ten (10) days
2 after the commencement of inspection of completion of the work. Complainant refers to and
3 incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set forth
4 herein.

5 **TENTH CAUSE FOR DISCIPLINE**

6 (Aiding and Abetting)

7 (As to Respondent Allen’s Exterminators and Respondent Ozell Allen)

8 54. Respondent Ozell Allen and Respondent Allen’s Exterminators are subject to
9 disciplinary action under Code 8639 in that they were aiding and abetting unlicensed individuals
10 or unregistered companies to evade legal requirements or knowingly combining or conspiring
11 with unlicensed individuals or unregistered companies, or allowing one’s license or company
12 registration to be used by unlicensed individuals or unregistered companies, or acting as agent or
13 partner or associate, or otherwise, or an unlicensed individual or unregistered company to evade
14 requirements of the Business and Professions Code. Complainant refers to and incorporates the
15 allegations contained in paragraphs 38-44, inclusive above, as though set forth herein.

16 **ELEVENTH CAUSE FOR DISCIPLINE**

17 (Disregard Use and Application Laws)

18 (As to Respondent Allen’s Exterminators and Respondent Ozell Allen)

19 55. Respondent Ozell Allen and Respondent Allen’s Exterminators are subject to
20 disciplinary action under Code section 8646 and 8647, Title 16 California Code of Regulations
21 section 1970.4(d), and Food and Agricultural Code 12973 in that they disregarded and violated
22 pesticide use and application, structural pest control device, fumigation, or extermination laws of
23 the state or its political subdivisions, or regulations adopted pursuant to those laws, in that they
24 failed to comply in the sale or use regulations for pesticides. Complainant refers to and
25 incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set forth
26 herein.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 (Failure to Supervise Employees and Business)

3 (As to Respondent AAA Fume Inc. and Respondent Fidel Delgadillo)

4 56. Respondent Fidel Delgadillo is the qualifying manager of AAA Fume Inc. and is
5 subject to disciplinary action under Code section 8506.2 and 8610(c) and Title 16 California Code
6 of Regulations section 1918, in that he is designated as the qualifying manager for Respondent
7 AAA Fume Inc. and he failed to supervise employees, the daily business, and the operations of
8 the company. Complainant refers to and incorporates the allegations contained in paragraphs 38-
9 44, inclusive above, as though set forth herein.

10 **THIRTEENTH CAUSE FOR DISCIPLINE**

11 (Aiding and Abetting)

12 (As to Respondent AAA Fume Inc. and Respondent Fidel Delgadillo)

13 57. Respondent Fidel Delgadillo and Respondent AAA Fume Inc. are subject to
14 disciplinary action under Code 8639 in that they were aiding and abetting unlicensed individuals
15 or unregistered companies to evade legal requirements or knowingly combining or conspiring
16 with unlicensed individuals or unregistered companies, or allowing one's license or company
17 registration to be used by unlicensed individuals or unregistered companies, or acting as agent or
18 partner or associate, or otherwise, or an unlicensed individual or unregistered company to evade
19 requirements of the Business and Professions Code. Complainant refers to and incorporates the
20 allegations contained in paragraphs 38-44, inclusive above, as though set forth herein.

21 **FOURTEENTH CAUSE FOR DISCIPLINE**

22 (Gross Negligence/Fraud)

23 (As to Respondent AAA Fume Inc. and Respondent Fidel Delgadillo)

24 58. Respondent Fidel Delgadillo and Respondent AAA Fume Inc. are subject to
25 disciplinary action under Code section 8642, Title 16 California Code of Regulations 1970(a) and
26 (c), and Food and Agriculture Code section 12973 in that they committed gross negligence or
27 fraudulent acts as a licensee and pest control operator, filed representative, or applicator or by a
28 registered company in that they failed to use the correct dosage of Zythor fumigant at the 126th

Street Property, in that Respondent used seventeen (17) pounds of Zythor fumigant for a target pest of “drywood termites” where the correct dosage would have been 28.7 pounds of fumigant. Complainant refers to and incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set forth herein.

FIFTEENTH CAUSE FOR DISCIPLINE

(Disregard Use and Application Laws)

(As to Respondent AAA Fume Inc. and Respondent Fidel Delgadillo)

59. Respondent Fidel Delgadillo and Respondent AAA Fume Inc. are subject to disciplinary action under Code section 8646 and 8647, Title 16 California Code of Regulations section 1970.4(d), and Food and Agricultural Code 12973 in that they disregarded and violated pesticide use and application, structural pest control device, fumigation, or extermination laws of the state or its political subdivisions, or regulations adopted pursuant to those laws, in that they failed to comply in the sale or use regulations for pesticides. Complainant refers to and incorporates the allegations contained in paragraphs 38-44, inclusive above, as though set forth herein.

DISCIPLINARY CONSIDERATIONS

60. Respondent Frank Anderson Marshall (Operator's License No. OPR 7983)

- a. On June 22, 1989, Accusation and Petition to Revoke Probation No. 89-33 was filed against Operator's License No. OPR 7983.
- b. On July 30, 1992, Operator's License No. OPR 7983 paid a \$100 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 12973 of the Food and Agricultural Code.
- c. On April 4, 1993, the Stipulation, Order and Decision in Accusation No. 89-33 revoked Operator's License No. OPR 7983 in Branch 1 only, Branch 3 was placed on 3 years probation, obey all laws and rules relating to the practice of structural pest control, file quarterly reports with the Board and complete a Branch 3 correspondence course within 18 months of the effective date of this decision. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.
- d. On July 28, 1993, Operator's License No. OPR 7983 paid a \$100 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 15204 of the Food and Agricultural Code.

- 1 e. On October 26, 1993, Operator's License No. OPR 7983 paid a \$350 fine levied by the
2 Los Angeles County Agricultural Commissioner for violation of section 1970.3 of the
3 California Code of Regulations and section 8505.10 of the Business and Professions
4 Code.
- 5 f. On August 18, 1994, the Decision rendered in the Matter of the Petition for Reinstatement
6 of Branch 1 for Operator's License No. OPR 7983 is denied.
- 7 g. On December 13, 1995, the Decision rendered in the Matter of the Petition for
8 Reinstatement of Branch 1 for Operator's License No. OPR 7983 is granted and placed on
9 probation for 2 years, obey all laws and rules relating to the practice of structural pest
10 control, file quarterly reports with the Board and within 18 months of the effective date of
11 this decision complete with a C- or better the Branch 1 correspondence course offered by
12 University of California Extension, Berkley. Periods of residency or practice outside the
13 state shall not apply to reduction of the probationary period.
- 14 h. On March 3, 1997, Operator's License No. OPR 7983 paid a \$50.00 fine levied by the Los
15 Angeles County Agricultural Commissioner for violation of section 8698.1 of the
16 Business and Professions Code.
- 17 i. On April 16, 1997, Operator's License No. OPR 7983 paid a \$150 fine levied by the Los
18 Angeles County Agricultural Commissioner for violation of section 8505.10 of the
19 Business and Professions Code.
- 20 j. On January 27, 1998, Operator's License No. OPR 7983 paid a \$200 fine levied by the
21 Los Angeles County Agricultural Commissioner for violation of section 6780(c) of the
22 California Code of Regulations.
- 23 k. On August 12, 1998, Operator's License No. OPR 7983 paid a \$100 fine levied by the Los
24 Angeles County Agricultural Commissioner for violation of section 8698.1 of the Business
25 and Professions Code.
- 26 l. On August 14, 1998, Operator's License No. OPR 7983 paid a \$50.00 fine levied by the
27 Los Angeles County Agricultural Commissioner for violation of section 6674 of the
28 California Code of Regulations.
- m. On January 15, 1999, Operator's License No. OPR 7983 paid a \$50.00 fine levied by the
Los Angeles County Agricultural Commissioner for violation of section 1974(b) of the
California Code of Regulations.
- n. On October 17, 2000, Operator's License No. OPR 7983 paid a \$400 fine levied by the
Los Angeles County Agricultural Commissioner for violation of sections 6602 and 6780
of the California Code of Regulations and section 8505.15 of the Business and Professions
Code.
- o. On September 6, 2001, Operator's License No. OPR 7983 paid a \$200 fine levied by the
Los Angeles County Agricultural Commissioner for violation of section 8505.15 of the

Business and Professions Code.

- p. On November 5, 2002, Operator's License No. OPR 7983 paid a \$50.00 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 8698.1 of the Business and Professions Code.
- q. On February 4, 2003, Operator's License No. OPR 7983 paid a \$201 fine levied by the Los Angeles County Agricultural Commissioner for violation of sections 6726 and 6734 of the California Code of Regulations.
- r. On January 12, 2004, Operator's License No. OPR 7983 paid a \$50.00 fine levied by the Orange County Agricultural Commissioner for violation of section 8505.17 of the Business and Professions Code.
- s. On September 16, 2004, Operator's License No. OPR 7983 paid a \$100 fine levied by the Orange County Agricultural Commissioner for violation of section 8505.17 of the Business and Professions Code.
- t. On February 8, 2005, Operator's License No. OPR 7983 paid a \$50.00 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 8505.10 of the Business and Professions Code.
- u. On February 14, 2006, Operator's License No. OPR 7983 paid a \$7,500 fine levied by the Structural Pest Control Board for violation of section 8516 and 8518 of the Business and Professions Code.
- v. On March 13, 2007, Operator's License No. OPR 7983 paid a \$50.00 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 8505.10 of the Business and Professions Code.
- w. On October 18, 2007, Operator's License No. OPR 7983 paid a \$700 fine levied by the San Diego County Agricultural Commissioner for violation of section 8505 .3 of the Business and Professions Code.
- x. On February 25, 2008, Operator's License No. OPR 7983 paid a \$700 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 1973 of the California Code of Regulations.
- y. On January 29, 2009, Operator's License No. OPR 7983 paid a \$500 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 8505.15 of the Business and Professions Code.
- z. On June 1, 2009, Accusation No. 2009-61 was filed against Operator's License No. OPR 7983.
- aa. A hearing was scheduled for March 28, 2011. On March 8, 2010, First Supplemental Accusation No. 2009-61 was filed against Operator's License No. OPR 7983. On August 26, 2011, the Stipulated Settlement and Disciplinary Order rendered in Accusation No.

1 2009-61 ordered Operator's License No. OPR 7983 revoked, stayed, 3 years probation,
2 suspended for 20 consecutive days, obey all laws and rules relating to the practice of
3 structural pest control, file quarterly reports with the Board, post or circulate to all
4 employees a notice which accurately recites terms and conditions of probation, within 18
5 months of the effective date of this decision complete a Board approved course in
fumigation safety, reimburse the Board for 1 random inspection per quarter, within 30
days of the effective date of this decision pay a \$50.00 inspection fee and reimburse the
Board for costs of investigation and enforcement in the amount of \$10,000.

6 bb. On September 28, 2010, Operator's License No. OPR 7983 paid a \$150 fine levied by the
7 Los Angeles County Agricultural Commissioner for violation of section 8505.10 of the
Business and Professions Code.

8 cc. On June 8, 2011, Operator's License No. OPR 7983 paid a \$100 fine levied by the Los
9 Angeles County Agricultural Commissioner for violation of section 15204 of the Food
and Agricultural Code.

10 dd. On September 21, 2011, Operator's License No. OPR 7983 paid a \$5,000 fine levied by
11 the Structural Pest Control Board for violation of section 8516(b) and 8651 of the
12 Business and Professions Code.

13 ee. On September 21, 2011, Operator's License No. OPR 7983 paid a \$5,000 fine levied by
14 the Structural Pest Control Board for violation of sections 8516(b), 8518 and 8641 of the
Business and Professions Code and section 1996 of the California Code of Regulations.

15 ff. On April 2, 2014, Operator's License No. OPR 7983 paid a \$250 fine levied by the Los
16 Angeles County Agricultural Commissioner for violation of section 15204 of the Food
and Agricultural Code.

17 gg. On April 2, 2014, Operator's License No. OPR 7983 paid a \$100 fine levied by the Los
18 Angeles County Agricultural Commissioner for violation of section 1970.4 of the
19 California Code of Regulations.

20 hh. On April 2, 2014, Operator's License No. OPR 7983 paid a \$700 fine levied by the Los
21 Angeles County Agricultural Commissioner for violation of section 6780 of the California
Code of Regulations.

22 ii. On April 2, 2014, Operator's License No. OPR 7983 paid a \$1,100 fine levied by the Los
23 Angeles County Agricultural Commissioner for violation of section 6780 of the California
Code of Regulations and section 12973 of the Food and Agricultural Code.

24 jj. On April 2, 2014, Operator's License No. OPR 7983 paid a \$1,500 fine levied by the Los
25 Angeles County Agricultural Commissioner for violation of section 12973 of the Food
and Agricultural Code and section 1970.4 of the California Code of Regulations.

26 kk. On May 1, 2014, Operator's License No. OPR 7983 paid a \$750 fine levied by the Los
27 Angeles County Agricultural Commissioner for violation of sections 1970(a) and 1970.4
28 of the California Code of Regulations, section 15204 of the Food and Agricultural Code

and section 8538 of the Business and Professions Code.

ll. On May 1, 2014, Operator's License No. OPR 7983 paid a \$500 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 6780 of the California Code of Regulations and section 12973 of the Food and Agricultural Code.

mm. On May 1, 2014, Operator's License No. OPR 7983 paid a \$2,500 fine levied by the Structural Pest Control Board, Citation and Fine No. CF 2013-10, for violation of section 8651 of the Business and Professions Code.

nn. On March 23, 2017, Operator's License No. OPR 7983 was issued a \$5,000 fine levied by the Structural Pest Control Board, Citation No. CF 2017-376, for violation of sections 8550(a), 8641, 8644 and 8651 of the Business and Professions Code and section 15204 of the Food and Agricultural Code. After an informal conference held on May 24, 2017, violation of sections 8550(a), 8641, 8644 and 8651 of the Business and Professions Code were upheld and violation of section 15204 of the Food and Agricultural Code was dismissed. The fine was modified to \$4,500. The fine was paid on June 19, 2017.

61. Respondent Stormies Pest Control (Company Registration No. PR 2212)

a. On July 30, 1992, Company Registration Certificate No. PR 2212 paid a \$100 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 12973 of the Food and Agricultural Code.

b. On April 4, 1993, the Stipulation, Order and Decision rendered in Accusation No. 89-33 revoked Company Registration Certificate No. PR 2212 in Branch 1 only, Branch 3 was placed on 3 years probation, obey all laws and rules relating to the practice of structural pest control and file quarterly reports with the Board. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

c. On July 28, 1993, Company Registration Certificate No. PR 2212 paid a \$100 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 15204 of the Food and Agricultural Code.

d. On October 26, 1993, Company Registration Certificate No. PR 2212 paid a \$350 fine levied by the Los Angeles County Agricultural Commissioner for violation of section 1970.3 of the California Code of Regulations and section 8505.10 of the Business and Professions Code.

e. On August 18, 1994, the Decision rendered in the Matter of the Petition for Reinstatement of Branch 1 for Company Registration Certificate No. PR 2212 is denied.

f. On December 13, 1995, the Decision rendered in the Matter of the Petition for Reinstatement of Branch 1 for Company Registration Certificate No. PR 2212 is granted and placed on probation for 2 years, obey all laws and rules relating to the practice of structural pest control and file quarterly reports with the Board. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

g. On March 3, 1997, Company Registration Certificate No. PR 2212 paid a \$50.00 fine

1 levied by the Los Angeles County Agricultural Commissioner for violation of section
2 8698.1 of the Business and Professions Code.

3 h. On April 16, 1997, Company Registration Certificate No. PR 2212 paid a \$150 fine levied
4 by the Los Angeles County Agricultural Commissioner for violation of section 8505.10 of
5 the Business and Professions Code.

6 i. On January 27, 1998, Company Registration Certificate No. PR 2212 paid a \$200 fine
7 levied by the Los Angeles County Agricultural Commissioner for violation of section
8 6780(c) of the California Code of Regulations.

9 j. On August 12, 1998, Company Registration Certificate No. PR 2212 paid a \$100 fine
10 levied by the Los Angeles County Agricultural Commissioner for violation of section
11 8698.1 of the Business and Professions Code.

12 k. On August 14, 1998, Company Registration Certificate No. PR 2212 paid a \$50.00 fine
13 levied by the Los Angeles County Agricultural Commissioner for violation of section
14 6674 of the California Code of Regulations.

15 l. On January 15, 1999, Company Registration Certificate No. PR 2212 paid a \$50.00 fine
16 levied by the Los Angeles County Agricultural Commissioner for violation of section
17 1974(b) of the California Code of Regulations.

18 m. On October 17, 2000, Company Registration Certificate No. PR 2212 paid a \$400 fine
19 levied by the Los Angeles County Agricultural Commissioner for violation of sections
20 6602 and 6780 of the California Code of Regulations and section 8505.15 of the Business
21 and Professions Code.

22 n. On September 6, 2001, Company Registration Certificate No. PR 2212 paid a \$200 fine
23 levied by the Los Angeles County Agricultural Commissioner for violation of section
24 8505.15 of the Business and Professions Code.

25 o. On November 5, 2002, Company Registration Certificate No. PR 2212 paid a \$50.00 fine
26 levied by the Los Angeles County Agricultural Commissioner for violation of section
27 8698.1 of the Business and Professions Code.

28 p. On February 4, 2003, Company Registration Certificate No. PR 2212 paid a \$201 fine
levied by the Los Angeles County Agricultural Commissioner for violation of sections
6726 and 6734 of the California Code of Regulations.

q. On January 12, 2004, Company Registration Certificate No. PR 2212 paid a \$50.00 fine
levied by the Orange County Agricultural Commissioner for violation of section 8505.17
of the Business and Professions Code.

r. On September 16, 2004, Company Registration Certificate No. PR 2212 paid a \$100 fine
levied by the Orange County Agricultural Commissioner for violation of section 8505.17
of the Business and Professions Code.

- 1 s. On February 8, 2005, Company Registration Certificate No. PR 2212 paid a \$50.00 fine
2 levied by the Los Angeles County Agricultural Commissioner for violation of section
3 8505.10 of the Business and Professions Code.
- 4 t. On February 14, 2006, Company Registration Certificate No. PR 2212 paid a \$7,500 fine
5 levied by the Structural Pest Control Board for violation of sections 8516 and 8518 of the
6 Business and Professions Code.
- 7 u. On March 13, 2007, Company Registration Certificate No. PR 2212 paid a \$50.00 fine
8 levied by the Los Angeles County Agricultural Commissioner for violation of section
9 8505.10 of the Business and Professions Code.
- 10 v. On October 18, 2007, Company Registration Certificate No. PR 2212 paid a \$700 fine
11 levied by the San Diego County Agricultural Commissioner for violation of section
12 8505.3 of the Business and Professions Code.
- 13 w. On February 25, 2008, Company Registration Certificate No. PR 2212 paid a \$700 fine
14 levied by the Los Angeles County Agricultural Commissioner for violation of section
15 1973 of the California Code of Regulations.
- 16 x. On January 29, 2009, Company Registration Certificate No. PR 2212 paid a \$500 fine
17 levied by the Los Angeles County Agricultural Commissioner for violation of section
18 8505.15 of the Business and Professions Code.
- 19 y. On June 1, 2009, Accusation No. 2009-61 was filed against Company Registration No.
20 PR 2212. A hearing was scheduled for March 28, 2011. On March 8, 2010, First
21 Supplemental Accusation No. 2009-61 was filed against Company Registration No. PR
22 2212. On August 26, 2011, the Stipulated Settlement and Disciplinary Order rendered in
23 Accusation No. 2009-61 ordered Company Registration Certificate No. PR 2212 revoked,
24 stayed, 3 years probation, suspended for 20 consecutive days, obey all laws and rules
25 relating to the practice of structural pest control, file quarterly reports with the Board, post
26 or circulate to all employees a notice which accurately recites terms and conditions of
27 probation, reimburse the Board for 1 random inspection per quarter, within 30 days of the
28 effective date of this decision pay a \$50.00 inspection fee and reimburse the Board for
costs of investigation and enforcement in the amount of \$10,000.
- z. On September 28, 2010, Company Registration Certificate No. PR 2212 paid a \$150 fine
levied by the Los Angeles County Agricultural Commissioner for violation of section
8505.10 of the Business and Professions Code.
- aa. On June 8, 2011, Company Registration Certificate No. PR 2212 paid a \$100 fine levied
by the Los Angeles County Agricultural Commissioner for violation of section 15204 of
the Food and Agricultural Code.
- bb. On September 21, 2011, Company Registration Certificate No. PR 2212 paid a \$5,000
fine levied by the Structural Pest Control Board for violation of section 8516(b) and 8651
of the Business and Professions Code.

1 cc. On September 21, 2011, Company Registration Certificate No. PR 2212 paid a \$5,000
2 fine levied by the Structural Pest Control Board for violation of sections 8516(b), 8518
3 and 8641 of the Business and Professions Code and section 1996 of the California Code of
4 Regulations.

5 62. Respondent Allen's Exterminators (Company Registration No. PR 2080)

- 6 a. On November 3, 2004, Company Registration Certificate No. PR 2080 was issued a
7 \$3,100 fine levied by the Structural Pest Control Board, Citation No. CF 2005-45, for
8 violation of sections 8516, 8518 and 8697 of the Business and Professions Code. The fine
9 was paid on November 22, 2004.
- 10 b. On June 29, 2005, Company Registration Certificate No. PR 2080 was issued a \$251 fine
11 levied by the Los Angeles County Agricultural Commissioner, File No. 04052141, for
12 violation of sections 6630, 6670, and 6678 of Title 3 of the California Code of
13 Regulations. The fine was paid on November 29, 2005.
- 14 c. On August 7, 2012, Company Registration Certificate No. PR 2080 was issued a \$2,650
15 fine and order of abatement to file 60 unreported wood destroying organism activities
16 levied by the Structural Pest Control Board, Citation No. CF 2013-9, for violation of
17 sections 8516(b) and 8518 of the Business and Professions Code. The fine was paid on
18 April 1, 2015 and the order of abatement was complied with on April 1, 2015.
- 19 d. On September 5, 2018, Company Registration Certificate No. PR 2080 was issued a \$150
20 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-
21 18/19-004, for violation of section 8505.17(c) of the Business and Professions Code. The
22 fine was paid on October 23, 2018.

23 63. Respondent Ozell Allen (Operator License No. OPR 8777)

- 24 a. On November 3, 2004, Operator's License No. OPR 8777 was issued a \$3,100 fine levied
25 by the Structural Pest Control Board, Citation No. CF 2005-45, for violation of sections
26 8516, 8518 and 8697 of the Business and Professions Code. The fine was paid on
27 November 22, 2004.
- 28 b. On August 7, 2012, Operator's License No. OPR 8777 was issued a \$2,650 fine and order
of abatement to file 60 unreported wood destroying organism activities levied by the
Structural Pest Control Board, Citation No. CF 2013-9, for violation of sections 8516(b)
and 8518 of the Business and Professions Code. The fine was paid, and the order of
abatement was complied with on April 1, 2015.
- c. On September 5, 2018, Operator's License No. OPR 8777 was issued a \$150 fine levied
by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-18/19-004, for
violation of section 8505.17(c) of the Business and Professions Code. The fine was paid
on October 23, 2018.

64. Respondent AAA Fume Inc. (Company Registration No. PR 1533)

- a. On July 31, 1990, Company Registration Certificate No. PR 1533 was issued a \$50.00

1 fine levied by the Los Angeles County Agricultural Commissioner, File No. 22-SP-LA-
2 90/91, for violation of section 6674 of Title 3 of the California Code of Regulations. The
fine was paid on August 23, 1990.

- 3 b. On February 25, 1992, Company Registration Certificate No. PR 1533 was issued a \$150
4 fine levied by the Los Angeles County Agricultural Commissioner, File No. 155-SP-LA-
5 91/92, for violation of section 12973 of the Food and Agricultural Code. The fine was
paid on May 12, 1992.
- 6 c. On February 25, 1992, Company Registration Certificate No. PR 1533 was issued a
7 \$50.00 fine levied by the Los Angeles County Agricultural Commissioner, File No. 164-
8 SP-LA-91/92, for violation of section 6780 of Title 3 of the California Code of
Regulations. The fine was paid on May 12, 1992.
- 9 d. On September 14, 1992, Company Registration Certificate No. PR 1533 was issued a
10 \$400 fine levied by the Orange County Agricultural Commissioner, File No. 238-SP-
11 ORA-91/92, for violation of section 8505 .5 of the Business and Professions Code section
6780(a,b) of Title 3 of the California Code of Regulations and section 12973 of the Food
and Agricultural Code. The fine was paid on October 1, 1992.
- 12 e. On October 19, 1992, Company Registration Certificate No. PR 1533 was issued a \$50.00
13 fine levied by the Los Angeles County Agricultural Commissioner, File No. 80-SP-LA-
14 92/93, for violation of section 6454(c) of Title 3 of the California Code of Regulations.
The fine was paid on November 3, 1992.
- 15 f. On September 13, 1993, Company Registration Certificate No. PR 1533 was issued a
16 \$100 fine levied by the Los Angeles County Agricultural Commissioner, File No. 33-SP-
17 LA-93/94, for violation of section 8505.5 of the Business and Professions Code. The fine
was paid on September 29, 1993.
- 18 g. On March 21, 1994, Company Registration Certificate No. PR 1533 was issued a \$50.00
19 fine levied by the Los Angeles County Agricultural Commissioner, File No. 238-SP-LA-
20 93/94, for violation of section 1971(a)(2) of Title 16 of the California Code of
Regulations. The fine was paid on March 31, 1994.
- 21 h. On April 26, 1994, Company Registration Certificate No. PR 1533 was issued a \$200 fine
22 levied by the Los Angeles County Agricultural Commissioner, File No. 297-SP-LA-
23 93/94, for violation of section 6600(c) of Title 3 of the California Code of Regulations.
The fine was paid on May 10, 1994.
- 24 i. On November 14, 1994, Company Registration Certificate No. PR 1533 was issued a
25 \$150 fine levied by the Los Angeles County Agricultural Commissioner, File No. 205-SP-
26 LA-94/95, for violation of section 8505.9 of the Business and Professions Code. The fine
was paid on December 9, 1994.
- 27 j. On August 21, 1996, Company Registration Certificate No. PR 1533 was issued a \$150
28 fine levied by the Los Angeles County Agricultural Commissioner, File No. 050-SP-LA-
96/97, for violation of section 12973 of the Food and Agricultural Code. The fine was

1 paid on September 25, 1996.

- 2 k. On June 5, 1997, Company Registration Certificate No. PR 1533 was issued a \$100 fine
3 levied by the Los Angeles County Agricultural Commissioner, File No. 322-SP-LA-
4 96/97, for violation of section 1974(a) of Title 16 of the California Code of Regulations.
5 The fine was paid on July 8, 1997.
- 6 l. On July 10, 1997, Company Registration Certificate No. PR 1533 was issued a \$250 fine
7 levied by the Los Angeles County Agricultural Commissioner, File No. 018-SP-LA-
8 97/98, for violation of section 6600(b) of Title 3 of the California Code of Regulations.
9 The fine was paid on August 13, 1997.
- 10 m. On September 10, 1997, Company Registration Certificate No. PR 1533 was issued a
11 \$100 fine levied by the Los Angeles County Agricultural Commissioner, File No. 158-SP-
12 LA-97/98, for violation of section 6780(d) of Title 3 of the California Code of
13 Regulations. The fine was paid on December 31, 1997.
- 14 n. On September 30, 1999, Company Registration Certificate No. PR 1533 was issued a
15 \$300 fine levied by the Los Angeles County Agricultural Commissioner, File No.
16 99002043, for violation of section 6600(b) of Title 3 of the California Code of
17 Regulations. The fine was paid on November 9, 1999.
- 18 o. On February 9, 2000, Company Registration Certificate No. PR 1533 was issued a \$350
19 fine levied by the San Bernardino County Agricultural Commissioner, File No. 36-00-05,
20 for violation of section 8505.2 of the Business and Professions Code. The fine was paid on
21 March 20, 2000.
- 22 p. On October 23, 2003, Company Registration Certificate No. PR 1533 was issued a \$200
23 fine levied by the Los Angeles County Agricultural Commissioner, File No. 03042086,
24 for violation of section 8505.15 of the Business and Professions Code. The fine was paid
25 on March 3, 2004.
- 26 q. On March 3, 2004, Company Registration Certificate No. PR 1533 was issued a \$400 fine
27 levied by the Los Angeles County Agricultural Commissioner, File No. 03042065, for
28 violation of section 6780(c) of Title 3 of the California Code of Regulations. The fine was
paid on March 25, 2004.
- r. On June 17, 2005, Company Registration Certificate No. PR 1533 was issued a \$50.00
fine levied by the Los Angeles County Agricultural Commissioner, File No. 04052132,
for violation of section 8505.5 of the Business and Professions Code. The fine was paid on
July 8, 2005.
- s. On March 19, 2012, Company Registration Certificate No. PR 1533 was issued a \$250
fine levied by the Los Angeles County Agricultural Commissioner, File No. 11122204,
for violation of section 6780(b,c) of Title 3 of the California Code of Regulations. The
fine was paid on July 18, 2012.
- t. On July 23, 2012, Company Registration Certificate No. PR 1533 was issued a \$250 fine

1 levied by the Los Angeles County Agricultural Commissioner, File No. 11122329, for
2 violation of section 6600(a) of Title 3 of the California Code of Regulations. The fine was
paid on October 2, 2012.

- 3 u. On August 6, 2012, Company Registration Certificate No. PR 1533 was issued a \$700
4 fine levied by the Los Angeles County Agricultural Commissioner, File No. 12132012,
5 for violation of section 6780(b,c) of Title 3 of the California Code of Regulations. The
fine was paid on August 30, 2012.
- 6 v. On April 8, 2013, Company Registration Certificate No. PR 1533 was issued a \$50.00
7 fine levied by the Los Angeles County Agricultural Commissioner, File No. 12132204,
8 for violation of section 1974(b) of Title 16 of the California Code of Regulations. The fine
was paid on April 29, 2013.
- 9 w. On October 3, 2013, Company Registration Certificate No. PR 1533 was issued a \$250
10 fine levied by the Los Angeles County Agricultural Commissioner, File No. 13142007,
11 for violation of section 8505.5 of the Business and Professions Code. The fine was paid on
October 22, 2013.
- 12 x. On October 8, 2014, Company Registration Certificate No. PR 1533 was issued a \$500
13 fine levied by the Los Angeles County Agricultural Commissioner, File No. 13142197,
14 for violation of sections 6739(d)(s) and 6739(e)(p) of Title 3 of the California Code of
Regulations. The fine was paid on November 3, 2014.
- 15 y. On June 16, 2015, Company Registration Certificate No. PR 1533 was issued a \$600 fine
16 levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-14/15-
088, for violation of section 6780(b,c) of Title 3 of the California Code of Regulations.
The fine was paid on September 30, 2015.
- 17 z. On July 5, 2016, Company Registration Certificate No. PR 1533 was issued a \$650 fine
18 levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-15/16-
229, for violation of section 6780(b,c) of Title 3 of the California Code of Regulations.
19 The fine was paid on August 1, 2016.
- 20 aa. On July 5, 2016, Company Registration Certificate No. PR 1533 was issued a \$100 fine
21 levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-15/16-
231, for violation of section 1974(b) of Title 16 of the California Code of Regulations.
22 The fine was paid on August 1, 2016.
- 23 bb. On October 11, 2016, Company Registration Certificate No. PR 1533 was issued a \$700
24 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-
16/17-023, for violation of section 6780(b,c) of Title 3 of the California Code of
25 Regulations. The fine was paid on November 15, 2016.
- 26 cc. On February 14, 2018, Company Registration Certificate No. PR 1533 was issued an \$850
27 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-
17/18-077, for violation of section 6780(b) of Title 3 of the California Code of
28 Regulations. The fine was paid on March 14, 2018.

1 dd. On October 28, 2018, Company Registration Certificate No. PR 1533 was issued a \$250
2 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-
3 18/19-014, for violation of section 6739(i)(2) of Title 3 of the California Code of
4 Regulations. The fine was paid on December 17, 2018.

5 65. Respondent Fidel Delgadillo (Operator License No. OPR 7855)

- 6 a. On July 31, 1990, Operator's License No. OPR 7855 was issued a \$50.00 fine levied by
7 the Los Angeles County Agricultural Commissioner, File No. 22-SP-LA-90/91, for
8 violation of section 6674 of Title 3 of the California Code of Regulations. The fine was
9 paid on August 23, 1990.
- 10 b. On February 25, 1992, Operator's License No. OPR 7855 was issued a \$150 fine levied by
11 the Los Angeles County Agricultural Commissioner, File No. 155-SP-LA-91/92, for
12 violation of section 12973 of the Food and Agricultural Code. The fine was paid on May
13 12, 1992.
- 14 c. On February 25, 1992, Operator's License No. OPR 7855 was issued a \$50.00 fine levied
15 by the Los Angeles County Agricultural Commissioner, File No. 164-SP-LA-91/92, for
16 violation of section 6780 of Title 3 of the California Code of Regulations. The fine was
17 paid on May 12, 1992.
- 18 d. On September 14, 1992, Operator's License No. OPR 7855 was issued a \$400 fine levied
19 by the Orange County Agricultural Commissioner, File No. 238-SP-ORA-91/92, for
20 violation of section 8505 .5 of the Business and Professions Code section 6780(a,b) of
21 Title 3 of the California Code of Regulations and section 12973 of the Food and
22 Agricultural Code. The fine was paid on October 1, 1992.
- 23 e. On October 19, 1992, Operator's License No. OPR 7855 was issued a \$50.00 fine levied
24 by the Los Angeles County Agricultural Commissioner, File No. 80-SP-LA-92/93, for
25 violation of section 6454(c) of Title 3 of the California Code of Regulations. The fine was
26 paid on November 3, 1992.
- 27 f. On September 13, 1993, Operator's License No. OPR 7855 was issued a \$100 fine levied
28 by the Los Angeles County Agricultural Commissioner, File No. 33-SP-LA-93/94, for
violation of section 8505.5 of the Business and Professions Code. The fine was paid on
September 29, 1993.
- g. On March 21, 1994, Operator's License No. OPR 7855 was issued a \$50.00 fine levied by
the Los Angeles County Agricultural Commissioner, File No. 238-SP-LA-93/94, for
violation of section 1971(a)(2) of Title 16 of the California Code of Regulations. The fine
was paid on March 31, 1994.
- h. On April 26, 1994, Operator's License No. OPR 7855 was issued a \$200 fine levied by the
Los Angeles County Agricultural Commissioner, File No. 297-SP-LA-93/94, for violation
of section 6600(c) of Title 3 of the California Code of Regulations. The fine was paid on
May 10, 1994.

- 1 i. On June 5, 1997, Operator's License No. OPR 7855 was issued a \$100 fine levied by the
2 Los Angeles County Agricultural Commissioner, File No. 322-SP-LA-96/97, for violation
3 of section 1974(a) of Title 16 of the California Code of Regulations. The fine was paid on
4 July 8, 1997.
- 5 j. On July 10, 1997, Operator's License No. OPR 7855 was issued a \$250 fine levied by the
6 Los Angeles County Agricultural Commissioner, File No. 018-SP-LA-97/98, for violation
7 of section 6600(b) of Title 3 of the California Code of Regulations. The fine was paid on
8 August 13, 1997.
- 9 k. On September 10, 1997, Operator's License No. OPR 7855 was issued a \$100 fine levied
10 by the Los Angeles County Agricultural Commissioner, File No. 158-SP-LA-97/98, for
11 violation of section 6780(d) of Title 3 of the California Code of Regulations. The fine was
12 paid on December 31, 1997.
- 13 l. On September 30, 1999, Operator's License No. OPR 7855 was issued a \$300 fine levied
14 by the Los Angeles County Agricultural Commissioner, File No. 99002043, for violation
15 of section 6600(b) of Title 3 of the California Code of Regulations. The fine was paid on
16 November 9, 1999.
- 17 m. On March 19, 2012, Operator's License No. OPR 7855 was issued a \$250 fine levied by
18 the Los Angeles County Agricultural Commissioner, File No. 11122204, for violation of
19 section 6780(b,c) of Title 3 of the California Code of Regulations. The fine was paid on
20 July 18, 2012.
- 21 n. On July 23, 2012, Operator's License No. OPR 7855 was issued a \$250 fine levied by the
22 Los Angeles County Agricultural Commissioner, File No. 11122329, for violation of
23 section 6600(a) of Title 3 of the California Code of Regulations. The fine was paid on
24 October 2, 2012.
- 25 o. On August 6, 2012, Operator's License No. OPR 7855 was issued a \$700 fine levied by
26 the Los Angeles County Agricultural Commissioner, File No. 12132012, for violation of
27 section 6780(b,c) of Title 3 of the California Code of Regulations. The fine was paid on
28 August 30, 2012.
- 29 p. On April 8, 2013, Operator's License No. OPR 7855 was issued a \$50.00 fine levied by
30 the Los Angeles County Agricultural Commissioner, File No. 12132204, for violation of
31 section 1974(b) of Title 16 of the California Code of Regulations. The fine was paid on
32 April 29, 2013.
- 33 q. On October 3, 2013, Operator's License No. OPR 7855 was issued a \$250 fine levied by
34 the Los Angeles County Agricultural Commissioner, File No. 13142007, for violation of
35 section 8505.5 of the Business and Professions Code. The fine was paid on October 22,
36 2013.
- 37 r. On October 8, 2014, Operator's License No. OPR 7855 was issued a \$500 fine levied by
38 the Los Angeles County Agricultural Commissioner, File No. 13142197, for violation of
39 sections 6739(d)(s) and 6739(e)(p) of Title 3 of the California Code of Regulations. The

fine was paid on November 3, 2014.

- s. On January 29, 2015, Operator's License No. OPR 7855 was issued a \$700 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-14/15-007, for violation of section 12973 of the Food and Agricultural Code. The fine was paid on March 4, 2015.
- t. On June 16, 2015, Operator's License No. OPR 7855 was issued a \$600 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-14/15-088, for violation of section 6780(b,c) of Title 3 of the California Code of Regulations. The fine was paid on September 30, 2015.
- u. On July 5, 2016, Operator's License No. OPR 7855 was issued a \$650 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-15/16-229, for violation of section 6780(b,c) of Title 3 of the California Code of Regulations. The fine was paid on August 1, 2016.
- v. On July 5, 2016, Operator's License No. OPR 7855 was issued a \$100 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-15/16-231, for violation of section 1974(b) of Title 16 of the California Code of Regulations. The fine was paid on August 1, 2016.
- w. On October 11, 2016, Operator's License No. OPR 7855 was issued a \$700 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-16/17-023, for violation of section 6780(b,c) of Title 3 of the California Code of Regulations. The fine was paid on November 15, 2016.
- x. On February 14, 2018, Operator's License No. OPR 7855 was issued an \$850 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-17/18-077, for violation of section 6780(b) of Title 3 of the California Code of Regulations. The fine was paid on March 14, 2018.
- y. On October 28, 2018, Operator's License No. OPR 7855 was issued a \$250 fine levied by the Los Angeles County Agricultural Commissioner, File No. SCP-LA-18/19-014, for violation of section 6739(i)(2) of Title 3 of the California Code of Regulations. The fine was paid on December 17, 2018.

Other Matters

66. Pursuant to section 8654 of the Code, if Operator License No. OPR 7983 issued to Respondent Frank Anderson Marshall is revoked, Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company, and any registered company which employs, elects, or associates Respondent shall be subject to disciplinary action.

67. Pursuant to section 8624 of the Code, if Operator License Number OPR 8777 issued to Respondent Ozell Allen is suspended or revoked, the Board may suspend or revoke Company Registration Certificate Number PR 2080, issued to Allen's Exterminators. Likewise, should Company Registration Certificate Number PR 2080, issued to Allen's Exterminators be found to have performed any act or omission constituting a cause for disciplinary action, then that constitutes disciplinary action to be taken against the qualified manager, Ozell Allen, whether or not he had knowledge of, or participated, in the prohibited act or omission.

68. Pursuant to section 8654 of the Code, if Operator License No OPR 8777 issued to Respondent Ozell Allen is revoked, Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company, and any registered company which employs, elects, or associates Respondent shall be subject to disciplinary action.

69. Pursuant to section 8624 of the Code, if Operator License Number OPR 7855 issued to Respondent Fidel Delgadillo is suspended or revoked, the Board may suspend or revoke Company Registration Certificate Number PR 1533, issued to AAA Fume, Inc. Likewise, should Company Registration Certificate Number PR 1553, issued to AAA Fume, Inc. be found to have performed any act or omission constituting a cause for disciplinary action, then that constitutes disciplinary action to be taken against the qualified manager, Fidel Delgadillo, whether or not he had knowledge of, or participated, in the prohibited act or omission.

70. Pursuant to section 8654 of the Code, if Operator License No OPR 7855 issued to Respondent Fidel Delgadillo is revoked, Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company, and any registered company which employs, elects, or associates Respondent shall be subject to disciplinary action.

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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 Operator's License Number OPR 7983, issued to Frank Anderson Marshall;

2. Prohibiting Frank Anderson Marshall from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company.

3. Revoking or suspending any other license for which Frank Anderson Marshall is furnishing the qualifying experience or appearance;

4. Revoking or suspending Operator's License Number OPR 8777, issued to Ozell Allen;

5. Prohibiting Ozell Allen from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company.

6. Revoking or suspending any other license for which Ozell Allen is furnishing the qualifying experience or appearance;

7. Revoking or suspending Company Registration Number PR 2080, issued to Allen's Exterminators, Ozell Allen - Owner and Qualifying Manager;

8. Revoking or suspending Operator's License Number OPR 7855, issued to Fidel Delgadillo;

9. Prohibiting Fidel Delgadillo from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company.

10. Revoking or suspending any other license for which Fidel Delgadillo is furnishing the qualifying experience or appearance;

11. Revoking or suspending Company Registration Number PR 1533, issued to AAA Fume, Inc., Fidel Delgadillo - Vice President and Qualifying Manager;

12. Ordering Frank Anderson Marshall, Ozell Allen, and Fidel Delgadillo to pay restitution, pursuant to Government Code Section 11519(d), according to proof, as a condition of probation in the event probation is ordered;

1 13. Ordering Frank Anderson Marshall, Ozell Allen, and Fidel Delgadillo to pay the
2 Structural Pest Control Board the reasonable costs of the investigation and enforcement of this
3 case, pursuant to Business and Professions Code section 125.3; and,

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

6 DATED: _____

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

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