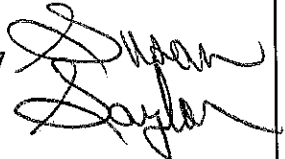


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**FILED**

Date 7/8/14 By 

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

12 In the Matter of the Accusation Against:

Case Number 2015-1

13 **ONE STOP TERMITE, INC.**  
14 **James Noh, a.k.a. Yun Han, President**  
15 **1128 South Mariposa Avenue**  
16 **Los Angeles, California 90006**

**ACCUSATION**

17 **Company Registration Certificate Number**  
18 **PR 3808, Branch 3**

19 Respondent.

20 Complainant Susan Saylor alleges:

21 **PARTIES**

22 1. Complainant brings this accusation solely in her official capacity as the  
23 Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of  
24 Consumer Affairs.

25 2. On or about December 6, 2000, the Structural Pest Control Board issued Company  
26 Registration Certificate Number PR 3808, Branch 3, to respondent One Stop Termite, Inc.; James  
27 Noh, a.k.a. Yun Han, President.

28 **JURISDICTION**

3. This accusation is brought before the Board under the authority of the following  
laws. All section references are to the Business and Professions Code unless otherwise indicated.

1           4.       Section 8620 states in part:

2           "After a hearing, the board may temporarily suspend or permanently revoke a license  
3 issued under this chapter if the holder, while a licensee or applicant, is guilty of or commits any  
4 one or more of the acts or omissions constituting grounds for disciplinary action. In addition to  
5 its authority to suspend or revoke a license, the board may assess a civil penalty."

6           5.       Section 8625 states:

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

12          6.       Section 8632 states:

13          "The suspension or revocation of a license or a company registration as in this chapter  
14 provided may also be ordered in any action otherwise proper in any court involving the licensee's  
15 or a company's performance of a legal obligation as a licensee or registrant under this chapter."

16                               **STATUTORY AND REGULATORY PROVISIONS**

17          7.       Section 125.9, subdivision (b)(5), states in part:

18          "Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the  
19 citation is being appealed, may result in disciplinary action being taken by the board, bureau, or  
20 commission."

21          8.       Section 8505.17, subdivision (c), states:

22          "Registered structural pest control companies shall prepare and submit to the county  
23 agricultural commissioner a monthly report of all pesticides used in that county. The report shall  
24 be on a form approved by the Director of Pesticide Regulation and shall contain the name and  
25 registration number of each pesticide, the amount used, and the number of applications made.  
26 The report shall be submitted to the commissioner by the 10th day of the month following the  
27 month of application. Each pesticide use report or combination of use reports representing a  
28 registered structural pest control company's total county pesticide use for the month shall have

1 affixed thereto a pesticide use stamp issued by the board in the denomination fixed by the board  
2 in accordance with Section 8674 as the pesticide use report filing fee. The board shall provide for  
3 the sale of these stamps and for the refund of moneys paid for stamps which are returned to it  
4 unused. When a registered structural pest control company performs no pest control during a  
5 month in a county in which it has given notice pursuant to Section 15204 of the Food and  
6 Agricultural Code, the registered company shall submit a use report stating this fact to the  
7 commissioner. No pesticide use stamp is required on negative use reports.”

8 9. Section 8550 states in part:

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

12 ...

13 “(e) It is unlawful for any firm, sole proprietorship, partnership, corporation, association,  
14 or other organization or combination thereof to engage or offer to engage in the practice of  
15 structural pest control, unless registered in accordance with Article 6 (commencing with Section  
16 8610).”

17 10. Section 8571 states:

18 “If the licensed operator who is designated as the qualifying manager for a registered  
19 company ceases for any reason whatsoever to be connected with the company, the company shall  
20 notify the registrar in writing within 10 days from such cessation. If the notice is given the  
21 registration shall remain in force for a reasonable length of time, to be determined by rules of the  
22 board, during which period the company must submit to the registrar in writing the name of  
23 another qualified, or to be qualified, qualifying manager to replace the qualifying manager who  
24 has ceased to be connected with it, and who shall qualify as such within the time allowed by rules  
25 and regulations of the board.

26 “If the company fails to notify the registrar within the 10-day period, or fails to replace  
27 with a qualifying manager within the period fixed by the regulations of the board, at the end of  
28 the period the registration shall be ipso facto suspended. The registration shall be reinstated upon

1 the filing of an affidavit, executed by a representative of the company, and filed with the registrar,  
2 to the effect that the qualifying manager who ceased to be connected with the company has been  
3 replaced by another operator who is authorized by this chapter to act in such capacity, and that  
4 such operator has not had his or her license suspended or revoked or that he or she has not been  
5 connected with a company which has had its registration suspended or revoked."

6 11. Section 8641 states:

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

12 12. California Code of Regulations, title 16, section 1920, subdivision (d) states

13 "Compliance with Orders of Abatement:

14 "When a citation is not contested or if the citation is appealed and the person cited does  
15 not prevail, failure to comply with the order of abatement or to pay the fine in the citation within  
16 the time allowed by a licensee may result in disciplinary action being taken by the Board against  
17 the person cited, or where the cited person is unlicensed in appropriate judicial relief being taken  
18 against the person cited."

19 **OTHER MATTERS**

20 13. Under section 8624, if the Board suspends or revokes an operator's license and  
21 one or more branch offices are registered under the name of the operator, the suspension or  
22 revocation may be applied to each branch office.

23 14. Under section 8624, if the Board suspends or revokes an operator's license and the  
24 operator is the qualifying manager, a partner, responsible officer, or owner of a registered  
25 structural pest control company, the suspension or revocation may be applied to the company  
26 registration.

27 15. Under section 8624, the performance by any partnership, corporation, firm,  
28 association, or registered company of any act or omission constituting a cause for disciplinary

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

5 16. Under section 8654, if discipline is imposed on respondent, any individual, while  
6 acting as such member, officer, director, associate, qualifying manager, or responsible managing  
7 employee who had knowledge of or participated in any of the prohibited acts for which the  
8 license or registration was denied, suspended or revoked, shall be prohibited from serving as an  
9 officer, director, associate, partner, qualifying manager, or responsible managing employee for  
10 any registered company during the time the discipline is imposed, and any registered company  
11 which employs, elects, or associates that individual shall be subject to disciplinary action.

#### 12 COST RECOVERY

13 17. Section 125.3 states in part:

14 “(a) Except as otherwise provided by law, in any order issued in resolution of a  
15 disciplinary proceeding before any board within the department or before the Osteopathic  
16 Medical Board, upon request of the entity bringing the proceeding may request the administrative  
17 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
18 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
19 case.

20 ...

21 “(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the  
22 license of any licentiate who has failed to pay all of the costs ordered under this section.

23 “(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew  
24 or reinstate for a maximum of one year the license of any licentiate who demonstrates financial  
25 hardship and who enters into a formal agreement with the board to reimburse the board within  
26 that one-year period for the unpaid costs.

27 ...

28 ///

“(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.”

## FACTUAL BACKGROUND

18. On August 7, 2012, the Board issued a \$2,550.00 citation fine against respondent's company registration certificate for violating Business and Professions Code sections 8516, subdivision (b), and 8518. The Board also issued an order of abatement for respondent to file within 30 days of the citation 20 outstanding unreported wood destroying organisms activities that respondent conducted from December 1 to December 10, 2010. On or about July 12, 2013, the Board received a \$200.00 payment toward the fine. To date respondent has not paid the fine in full or complied with the order of abatement.

19. Respondent filed a "Wood Destroying Pest and Organisms Inspection Report" with the Board on January 16, 2013, and a "Standard Notice of Work Completed and Not Completed" on January 17, 2013, indicating that respondent used pesticides at a property in Chino Hills, California. Respondent did not submit any pesticide use report for January 2013 with San Bernardino County agricultural commissioner.

20. On or about March 18, 2013, an outside party informed the Board that respondent's qualifying manager had died on January 10, 2013. On March 21, 2013, the Board suspended respondent's company registration certificate for no qualifying manager. On June 28, 2013, the Board reinstated the certificate after respondent registered a qualifying manager with the Board. During that suspension, respondent reported to the Board that it conducted wood-destroying organisms activities for the following dates:

- March 22, 2013
- April 6, 2013
- April 8, 2013
- April 10, 2013
- April 13, 2013 (3 activities)
- April 20, 2013
- April 22, 2013

- April 23, 2013
- May 24, 2013
- May 28, 2013
- June 7, 2013 (2 activities)
- June 18, 2013

### **CAUSES FOR DISCIPLINE**

#### **FIRST CAUSE FOR DISCIPLINE**

##### **Failure to Pay Citation Fine Section 125.9, subdivision (b)(5), and California Code of Regulations, title 16, section 1920, subdivision (d)**

21. The allegations of paragraph 18 are realleged and incorporated by reference as if fully set forth.

22. Respondent has subjected its company registration certificate to discipline for failing to pay a citation fine issued by the Board (Bus. & Prof. Code, § 125.9, subd. (b)(5); Cal. Code Regs., tit. 16, § 1920, subd. (d)). Respondent failed to pay the \$2,550.00 citation fine issued by the Board on August 7, 2012.

#### **SECOND CAUSE FOR DISCIPLINE**

##### **Failure to Comply With Order of Abatement California Code of Regulations, title 16, section 1920, subdivision (d)**

23. The allegations of paragraph 18 are realleged and incorporated by reference as if fully set forth.

24. Respondent has subjected its company registration certificate to discipline for failing to comply with an order of abatement issued by the Board (Cal. Code Regs., tit. 16, § 1920, subd. (d)). Respondent failed to file within 30 days of the citation 20 outstanding unreported wood destroying organisms activities that respondent conducted from December 1 to December 10, 2010.

#### **THIRD CAUSE FOR DISCIPLINE**

##### **Failure to Submit Monthly Report of Pesticide Use with County Agricultural Commissioner Sections 8641, 8505.17, subdivision (c)**

25. The allegations of paragraph 19 are realleged and incorporated by reference as if fully set forth.

1           26.    Respondent has subjected its company registration certificate to discipline for  
2 failing to submit a monthly report of pesticide use with the county agricultural commissioner  
3 (Bus. & Prof. Code, §§ 8641, 8505.17, subd. (c)). Respondent reported to the Board that it used  
4 pesticides at a property in Chino Hills, California, but did not submit any pesticide use report for  
5 January 2013 with San Bernardino County agricultural commissioner.

6                                   **FOURTH CAUSE FOR DISCIPLINE**  
7                   **Failure to Notify Board Within 10 Days of Change in Qualifying Manager**  
8                                   **Sections 8641, 8571**

9           27.    The allegations of paragraph 20 are realleged and incorporated by reference as if  
10 fully set forth.

11           28.    Respondent has subjected its company registration certificate to discipline for  
12 failing to inform the Board within 10 days that its qualifying manager was no longer connected  
13 with the company (Bus. & Prof. Code, §§ 8641, 8571). On or about March 18, 2013, an outside  
14 party informed the Board that respondent's qualifying manager had died on January 10, 2013.

15                                   **FIFTH CAUSE FOR DISCIPLINE**  
16                   **Individual Conducting Pest Control Activities While License Suspended**  
17                                   **Sections 8641 and 8550, subdivision (a)**

18           29.    The allegations of paragraph 20 are realleged and incorporated by reference as if  
19 fully set forth.

20           30.    Respondent has subjected its company registration certificate to discipline for an  
21 individual conducting pest control activities while its corporation's license was suspended (Bus. &  
22 Prof. Code, §§ 8641, 8550, subd. (a)). Respondent James Noh, a.k.a. Yun Han, President of One  
23 Stop Termite, Inc., reported to the Board that One Stop Termite, Inc., conducted 16 wood  
24 destroying organism activities during the time its company registration certificate was suspended.

25                                   **SIXTH CAUSE FOR DISCIPLINE**  
26                   **Corporation Conducting Pest Control Activities While License Suspended**  
27                                   **Sections 8641 and 8550, subdivision (e)**

28           31.    The allegations of paragraph 20 are realleged and incorporated by reference as if  
29 fully set forth.

30           32.    Respondent has subjected its company registration certificate to discipline for a  
31 corporation conducting pest control activities while its license was suspended (Bus. & Prof. Code,



1 §§ 8641, 8550, subd. (e)). Respondent One Stop Termite, Inc., reported to the Board that it  
2 conducted 16 wood destroying organism activities during the time its company registration  
3 certificate was suspended.

4 **OTHER DISCIPLINARY CONSIDERATIONS**

5 33. On September 10, 2003, the Orange County Agricultural Commissioner levied a  
6 \$50.00 fine against respondent's company registration certificate for violating section 8505.17,  
7 subdivision (c). The fine was paid on June 10, 2004.

8 34. On October 30, 2003, the Orange County Agricultural Commissioner levied a  
9 \$100.00 fine against respondent's company registration certificate for violating section 8505.17,  
10 subdivision (c). The fine was paid on December 17, 2003.

11 35. On February 20, 2004, the Orange County Agricultural Commissioner levied a  
12 \$150.00 fine against respondent's company registration certificate for violating section 8505.17,  
13 subdivision (c). The fine was paid on April 29, 2004.

14 **PRAYER**


15 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this  
16 accusation, and that following the hearing, the Structural Pest Control Board issues a decision:

17 1. Revoking or suspending Company Registration Certificate Number PR 3808,  
18 Branch 3, issued to One Stop Termite, Inc.; James Noh, a.k.a. Yun Han, President;

19 2. Ordering One Stop Termite, Inc.; James Noh, a.k.a. Yun Han, President, to pay the  
20 Structural Pest Control Board the reasonable costs of the investigation and enforcement of this  
21 case under to Business and Professions Code section 125.3; and

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 7/8/14

24   
25 SUSAN SAYLOR  
26 Registrar/Executive Officer  
27 Structural Pest Control Board  
28 Department of Consumer Affairs  
State of California  
Complainant

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