

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

In the Matter of the Accusation Against:

PRUDENT TERMITE CONTROL, INC., RUTH PEREZ, PRESIDENT/ BRANCH 2 AND 3 AND HECTOR P. LARA AKA HECTOR LARA PEREZ, VICE PRESIDENT
1 Butterfly
Irvine, CA 92604

Company Registration Certificate No. PR 5422,
Br. 2 and 3
Branch Office Registration No. BR 5347, Br.
2 and 3

Respondents.

Case No. 2014-13

OAH No. 2013110174

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 26, 2015.

It is so ORDERED January 27, 2015



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

12 In the Matter of the Accusation Against:

Case No. 2014-13
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14 **PRUDENT TERMITE CONTROL, INC.,**
15 **RUTH PEREZ, PRESIDENT, AND HECTOR**
16 **P. LARA, AKA HECTOR LARA PEREZ,**
17 **VICE PRESIDENT**
1 **Butterfly**
Irvine, CA 92604

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18 **Company Registration Certificate No. PR 5422,**
19 **Br. 2 and 3**
Branch Office Registration No. BR 5347,
20 **Br. 2 and 3**

21 Respondent.

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24 In the interest of a prompt and speedy settlement of this matter, consistent with the public
25 interest and the responsibility of the Structural Pest Control Board of the Department of
26 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
27 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
28 disposition of the Accusation solely with respect to Ruth Perez and Hector Lara Perez.

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PARTIES

1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural Pest Control Board. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Manuel Arambula, Deputy Attorney General.

2. Respondent Prudent Termite Control, Inc., Ruth Perez, President, and Hector P. Lara AKA Hector Lara Perez, Vice -President/Branch 2 and 3 ("Respondent") is representing itself in this proceeding and has chosen not to exercise its right to be represented by counsel.

3. On or about September 10, 2007, the Structural Pest Control Board issued Company Registration Certificate No. PR 5422 to Prudent Termite Control, Inc., Ruth Perez, President and Hector P. Lara AKA Hector Lara Perez, Vice -President / Branch 2 and 3 (Respondents). The Company Registration Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-13.

4. On or about February 5, 2013, the Structural Pest Control Board issued Branch Office Registration No. BR 5347 to Prudent Termite Control, Inc., Ruth Perez, President and Hector P. Lara AKA Hector Lara Perez, Vice -President / Branch 2 and 3 (Respondents). The Branch Office Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-13.

JURISDICTION

5. Accusation No. 2014-13 was filed before the Structural Pest Control Board ("Board"), Department of Consumer Affairs, and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on September 9, 2013. Respondents timely filed their Notice of Defense contesting the Accusation.

6. A copy of Accusation No. 2014-13 is attached as Exhibit A and incorporated herein by reference.

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1 ADVISEMENT AND WAIVERS

2 7. Respondents have carefully read, and understand the charges and allegations in
3 Accusation No. 2014-13. Respondents have also carefully read, and understand the effects of this
4 Stipulated Settlement and Disciplinary Order.

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

12 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
13 every right set forth above.

14 CULPABILITY

15 10. Respondents admit the truth of each and every charge and allegation in Accusation
16 No. 2014-13.

17 11. Respondents agree that their Company Registration Certificate and Branch Office
18 Registration are subject to discipline and they agree to be bound by the Board's probationary
19 terms as set forth in the Disciplinary Order below.

20 CONTINGENCY

21 12. This stipulation shall be subject to approval by the Structural Pest Control Board.
22 Respondents understand and agree that counsel for Complainant and the staff of the Structural
23 Pest Control Board may communicate directly with the Board regarding this stipulation and
24 settlement, without notice to or participation by Respondents. By signing the stipulation,
25 Respondents understand and agree that they may not withdraw their agreement or seek to rescind
26 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
27 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
28 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action

1 between the parties, and the Board shall not be disqualified from further action by having
2 considered this matter.

3 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
4 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
5 signatures thereto, shall have the same force and effect as the originals.

6 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
7 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
8 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
9 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
10 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
11 writing executed by an authorized representative of each of the parties.

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

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 5422 / Branch 2
17 and 3 issued to Respondent Prudent Termite Control, Inc., with Respondent Ruth Perez as
18 President, Hector P. Lara AKA Hector Lara Perez, Vice President, and Branch Office
19 Registration No. BR 5347 issued to Respondent Prudent Termite Control, Inc., Ruth Perez,
20 President and Hector P. Lara AKA Hector Lara Perez, Vice -President / Branch 2 and 3 are
21 revoked. However, the revocations are stayed and Respondents are placed on probation for three
22 (3) years on the following terms and conditions.

23 1. **Obey All Laws.** Respondents shall obey all Federal, State, and Local laws along
24 with all laws relating to the practice of structural pest control.

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

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

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

2 4. **Notice to Employers.** Respondents shall notify all present and prospective
3 employers of the decision in case No. 2014-13 and the terms, conditions, and restrictions imposed
4 on Respondents by said decision.

5 Within 30 days of the effective date of this decision, and within 15 days of Respondents
6 undertaking new employment, Respondents shall cause his/her employer to report to the Board in
7 writing acknowledging the employer has read the decision in case No. 2014-13.

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

14 6. **Posted Notice of Suspension.** Respondent structural pest control company shall
15 prominently post a suspension notice provided by the Board of the Board's order of suspension at
16 its principal office and each of its branch offices in a place conspicuous and readable to the
17 public. Said notice shall remain so posted during the entire period of actual suspension.

18 7. **Completion of Probation.** Upon successful completion of probation, Respondent's
19 registration and certificate will be fully restored.

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

25 9. **Actual Suspension.** Company Registration Certificate No. PR 5422 issued to
26 Respondents Ruth Perez and Hector P. Lara AKA Hector Lara Perez is suspended for 10
27 consecutive days. Branch Office Registration Certificate No. BR 5347 issued to Respondents
28 Ruth Perez and Hector P. Lara AKA Hector Lara Perez is suspended for 10 consecutive days.

1 Both suspension begin on the effective date of the decision.

2 10. **Random Inspections.** Respondents shall reimburse the Board for one random
3 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
4 inspection.

5 11. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
6 **Manager.** Respondents are prohibited from serving as officers, directors, associates, partners,
7 qualifying managers or branch office managers for any registered company other than Prudent
8 Termite Control Inc. during the period that discipline is imposed on Company Registration
9 Certificate No. PR 5422 and Branch Office Registration No. BR 5347.

10 12. **No Interest In Any Registered Company.** Respondents shall not have any legal or
11 beneficial interest in any company currently or hereafter registered by the Board other than
12 Prudent Termite Control, Inc.

13 13. **WDO Reports.** Respondents shall file with the Board all unreported Wood
14 Destroying Organisms (WDO) activities, including, but not limited to, inspection reports, limited
15 reports, corrected reports, and work completed reports, prior to the effective date of the decision.
16 Failure to provide any or all records shall be considered a violation of probation and will
17 constitute grounds for revocation.

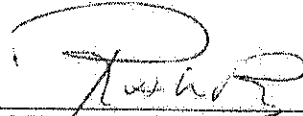
18 14. **Restoration Bond.** Pursuant to Business and Professions Code section 8697.3, as a
19 condition of reinstating the company registration and branch office registration, Respondents
20 must file a restoration bond in the sum of \$5,000 due no later than the last day of suspension. The
21 bond required by this section shall be in addition to the bond required by section 8697.
22 Respondents shall post such bond with the Registrar for a period of at least two (2) years and
23 during such additional time as there may be unsatisfied claims outstanding against the same.

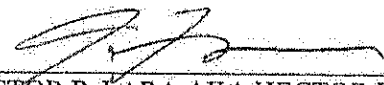
24 15. **Cost Recovery.** Pursuant to section 125.3 of the California Business and Professions
25 Code, Respondents shall, jointly and severally, pay to the Board investigation and enforcement
26 costs in the amount of \$7,520.50, according to a payment schedule that has been approved by the
27 Board. Investigation and enforcement costs must be paid in full no later than three (3) months
28 prior to the end of probation. Probation shall not be terminated until all costs are paid in full.

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ACCEPTANCE


I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Company Registration Certificate, and Branch Office Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 11-6-14 
RUTH PEREZ, PRESIDENT/ BRANCH 2 AND 3
PRUDENT TERMITE CONTROL, INC.,
RESPONDENT

DATED: 11/6/14 
HECTOR P. LARA AKA HECTOR LARA PEREZ,
VICE PRESIDENT/ BRANCH 2 AND 3
PRUDENT TERMITE CONTROL, INC.,
RESPONDENT

ENDORSEMENT

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

Dated: 11/7/14 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

MANUEL ARAMBULA
Deputy Attorney General
Attorneys for Complainant

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