

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

In the Matter of the Accusation Against:

**FOXX TERMITE, INC.; ALONZO
SILLAS;
324 S. Diamond Bar Blvd., Unit #400
Diamond Bar, CA 91765
Company Registration Certificate No. PR
6265**

Respondents.

Case No. 2014-29

OAH No. 2013120767

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 August 15, 2014.

It is so ORDERED July 16, 2014



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

10 In the Matter of the Accusation Against:

Case No. 2014-29

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12 **SILLAS;**
13 **324 S. Diamond Bar Blvd., Unit #400**
Diamond Bar, CA 91765
14 **Company Registration Certificate No. PR**
6265

OAH No. 2013120767
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondents.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:
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21 **PARTIES**

22 1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest
23 Control Board. She brought this action solely in her official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, by Langston M.
25 Edwards, Deputy Attorney General.
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CONTINGENCY

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8. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

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DISCIPLINARY ORDER

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2 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 6265 issued to
3 Respondent Foxx Termite, Inc.; Alonzo Sillas; (Respondent) is revoked. However, the
4 revocation is stayed and Respondent is placed on probation for five (5) years on the following
5 terms and conditions.

6 1. **Obey All Laws.** Respondent shall obey all Federal, State and local laws along with
7 all laws and rules relating to the practice of structural pest control. To permit monitoring of
8 compliance with this term, respondent shall submit fingerprints through the Department of Justice
9 and Federal Bureau of Investigation within 30 days of the effective date of the decision, unless
10 previously submitted as part of the licensure application process. Respondent shall pay the cost
11 associated with the fingerprint process.

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

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

17 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
18 of the decision in Accusation No. 2014-29 and the terms, conditions and restriction imposed on
19 Respondent by said decision.

20 Within 30 days of the effective date of this decision, and within 15 days of Respondent
21 undertaking new employment, Respondent shall cause his employer to report to the Board in
22 writing acknowledging the employer has read the decision in Accusation No. 2014-29.

23 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this
24 decision, post or circulate a notice to all employees involved in structural pest control operations
25 which accurately recite the terms and conditions of probation. Respondent shall be responsible
26 for said notice being immediately available to said employees. "Employees" as used in this
27 provision includes all full-time, part-time, temporary and relief employees, the current or any
28 newly associated qualifying manager and independent contractors employed or hired at any time

1 during probation. Acknowledgement by each employee shall be in writing with the qualifying
2 manager acknowledging and initialing each probation term.

3 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
4 license/certificate will be fully restored.

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

10 8. **Correspondence Course - Branch 3.** Respondent, Alonzo Sillas, shall complete
11 with a final grade of C Minus (C-) or better within eighteen (18) months of the effective date of
12 this decision, continuing education courses for pest control in Branch 3, wood destroying pests
13 and organisms, which includes 4 hours of rules and regulations, 4 hours of Branch 3 technical and
14 4 hours of business ethics.

15 9. **Random Inspections.** Respondent shall reimburse the Board for 2 random
16 inspections per quarter by Board specialists during the period of probation not to exceed \$125
17 per inspection.

18 10. **Reimbursement to Consumer.** Respondent shall submit proof to the Registrar that
19 restitution has been made to consumers D.K. and S.K., residents of the property located at 21543
20 Running Branch Road, Diamond Bar, CA 91765 (Running Branch). Specifically, Respondent
21 Foxx Termite, Inc.; Alonzo Sillas, President shall pay two-thirds (2/3) of the balance remaining,
22 if any, necessary to complete the required repairs to the Running Branch property within six (6)
23 months prior to the end of probation.

24 11. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
25 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
26 qualifying manager or branch office manager of any registered company other than Foxx
27 Termite, Inc. during the period that discipline is imposed on Company Registration Certificate
28 No. PR 6265.

1 **12. No Interest In Any Registered Company.** Respondent shall not have any legal or
2 beneficial interest in any company currently or hereinafter registered by the Board other than
3 Foxx Termite, Inc. during the period that discipline is imposed on Company Registration
4 Certificate No. PR 6265.

5 **13. Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions
6 Code, Respondent shall pay to the Board investigation and enforcement costs in the amount of
7 \$9,315.14, according to a payment schedule that has been approved by the Board. Investigation
8 and enforcement costs must be paid in full within six (6) months of the effective date of the
9 decision in this matter. Failure to pay the enforcement costs in full within six (6) months of the
10 effective date of the decision will constitute grounds for revocation.

11 **14. Qualifying Manager.** Respondent accepts and agrees that notwithstanding
12 Respondent's current anticipated Qualifying Manager, Clarence Elva Williams, Jr., Operator
13 License No. OPR 11131, any newly associated Qualifying Manager for Respondent, Foxx
14 Termite, Inc. shall reside within 100 miles of the Respondent's principal place of registration.
15 Failure to obtain a Qualifying Manager that meets the criteria set forth herein shall be considered
16 a violation of probation and will constitute grounds for revocation.

17 **15. Bond Requirement.** Pursuant to Bus. & Prof. Code § 8697, Respondent will be
18 required to maintain a bond executed by an admitted surety insurer in the amount of twelve
19 thousand five hundred dollars (\$12,500.00) prior to July 1, 2014.

20 **16. Restoration Bond.** Pursuant to Bus. & Prof. Code § 8697.3, Respondent will be
21 required, as a condition to the restoration of the company registration, to file a surety bond in the
22 sum of twelve thousand five hundred dollars (\$12,500.00) within thirty days of the effective date
23 of this decision. The bond required by this section shall be in addition to the bond required by §
24 8697 as identified in paragraph 17. Respondent shall post such bond with the Registrar for a
25 period of at least two (2) years and during such additional time as there may be unsatisfied claims
26 outstanding against the same.

27 **17. WDO Activities.** Prior to the effective date of this decision, Respondent shall file
28 with the Board all wood destroying organisms activities beginning from March 2013 through the

1 present. Failure to provide any or all records shall be considered a violation of probation and will
2 constitute grounds for revocation.

3 18. **Citation and Fines.** Respondent shall pay one-half (1/2) of Citation and Fine No. CF
4 2013-33 issued on November 14, 2012 in the amount of \$2,500.00 and one-half (1/2) of Citation
5 and Fine No. CF 2013-74 issued on January 31, 2013 in the amount of \$3,500 no later than
6 August 1, 2014.

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ACCEPTANCE

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

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DATED: 6-10-14



FOXX TERMITE, INC.; ALONZO SILLAS;
Respondent

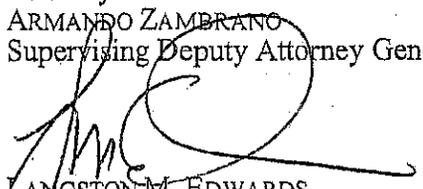
ENDORSEMENT

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

Dated: 6/10/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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