

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

In the Matter of the First Amended Accusation
Against:

**BLACKOUT TERMITE AND PEST
CONTROL, ALONZO G. CONTRERAS,
III**

19197 Golden Valley Rd. #929
Santa Clarita, CA 91387

Company Registration Certificate No. PR
6902

ALONZO G. CONTRERAS, III
19197 Golden Valley Rd. #929
Santa Clarita, CA 91387

Operator's License No. OPR 11760

Respondents.

Case No. 2016-9

OAH No. 2015100364

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 17, 2016.

It is so ORDERED July 18, 2016.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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7 Attorneys for Complainant

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

11 In the Matter of the First Amended Accusation
Against:

12 **BLACKOUT TERMITE AND PEST**
13 **CONTROL, ALONZO G. CONTRERAS,**
14 **III**

15 19197 Golden Valley Rd. #929
16 Santa Clarita, CA 91387

17 Company Registration Certificate No. PR
18 6902

19 **ALONZO G. CONTRERAS, III**
20 19197 Golden Valley Rd. #929
21 Santa Clarita, CA 91387

22 Operator's License No. OPR 11760

23 and

24 **MARCOS GASTELUM MORALES**
25 5867 Pine Avenue
26 Chino Hills, CA 91709

27 Operator's License No. OPR 12089
28 Field Representative's License No. FR 47056

Respondents.

Case No. 2016-9

OAH No. 2015100364

**STIPULATED SURRENDER OF
LICENSE AND ORDER (AS TO
RESPONDENT BLACKOUT TERMITE
AND RESPONDENT CONTRERAS
ONLY)**

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 **PARTIES**

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

8 2. Blackout Termite and Pest Control and Alonzo G. Contreras, III (Respondents) are
9 represented in this proceeding by attorney Seth Weinstein, whose address is Law Offices of Seth
10 Weinstein, P.C., 15260 Ventura Blvd. Suite 1200, Sherman Oaks, CA 91403.

11 **Company Registration Certificate No. PR 6902**

12 3. On or about November 12, 2013, the Structural Pest Control Board ("Board") issued
13 Company Registration Certificate Number PR 6902 to Blackout Termite and Pest Control
14 ("Respondent Blackout") in Branches 2 and 3¹ with Alonzo G. Contreras, III ("Respondent
15 Contreras") as owner and Branch 3 Qualifying Manager and Canderlario Gastelum as Branch 2
16 Qualifying Manager.²

17 4. On January 8, 2015, Company Registration Certificate No. PR 6902 was suspended
18 for failure to maintain general liability insurance as required by Business and Professions Code
19 section 8690. On January 21, 2015, Company Registration Certificate No. PR 6902 was
20 reinstated after posting the required general liability insurance.

21 5. On March 10, 2015, Company Registration Certificate No. PR 6902 was suspended
22 for not having a Branch 2 Qualifying Manager due to the suspension of Mr. Gastelum's Operator
23 License for failure to maintain general liability insurance for Redline Pest Control Management.

24 ¹ Branch 2 refers to the practice of the control of household pests, excluding fumigation with
25 poisonous or lethal gases. Branch 3 refers to the practice of controlling wood destroying pests or
26 organisms by the use of insecticides, or structural repairs and corrections, excluding fumigation
with poisonous or lethal gases.

27 ² Prior to issuance of Company Registration Certificate Number PR 6902, the Board had issued
28 Company Registration Certificate No. PR 5895 to Blackout Termite Control on July 27, 2009
with Frank F. Martínez as Partner and Respondent Contreras as Partner and Qualifying Manager.
Company Registration Certificate No. PR 5895 was cancelled on November 12, 2013, when the
business was re-registered to Respondent Contreras as sole owner.

1 On March 18, 2015, Company Registration Certificate No. PR 6902 was reinstated due to the
2 cancelation of the company registration for Redline Pest Control Management.

3 6. On July 1, 2015, Mr. Gastelum disassociated as Branch 2 Qualifying Manager of
4 Company Registration Certificate No. PR 6902. On July 21, 2015, Company Registration
5 Certificate No. PR 6902 was suspended for not having a Branch 2 Qualifying Manager.

6 7. On August 5, 2015, Accusation No. 2016-9 was filed against Company Registration
7 No. PR 6902.

8 8. On August 13, 2015, Company Registration Certificate No. PR. 6902 was issued a
9 \$300 fine levied by the Los Angeles County Agricultural Commissioner for violation of section
10 8505.17(c) of the Business and Professions Code and section 15204(a) of the Food and
11 Agricultural Code. The fine was paid on October 21, 2015.

12 9. On September 18, 2015, Company Registration Certificate No. PR 6902 was
13 reinstated and reflected Marcos Gastelum Morales as the Branch 2 Qualifying Manager.

14 10. On September 18, 2015, Company Registration No. PR 6902 reflected a change of
15 address to 19197 Golden Valley Road, Unit #929, Santa Clarita, California 91387.

16 **Operator's License No. OPR 11760**

17 11. On or about October 10, 2008, the Structural Pest Control Board issued Operator's
18 License Number OPR 11760 in Branch 3 to Respondent Contreras.

19 12. On June 8, 2009, Operator's License No. OPR 11760 was suspended pursuant to
20 Family Code section 17520. On June 17, 2009, Operator's License No. OPR 11760 was
21 reinstated after compliance with Family Code section 17520.

22 13. On February 17, 2010, Operator's License No. OPR 11760 was suspended pursuant to
23 Family Code section 17520. On March 16, 2010, Operator's License No. OPR 11760 was
24 reinstated after compliance with Family Code section 17520.

25 14. On July 21, 2010, Operator's License No. OPR 11760 was suspended pursuant to
26 Family Code section 17520. On August 30, 2010, Operator's License No. OPR 11760 was
27 reinstated after compliance with Family Code section 17520.

28

1 Amended Accusation and all other statutorily required documents were properly served on
2 Respondent on April 8, 2016. Respondents timely filed their Notice of Defense contesting the
3 Accusation. A copy of First Amended Accusation No. 2016-9 is attached as Exhibit A and
4 incorporated by reference.

5 **ADVISEMENT AND WAIVERS**

6 24. Respondents have carefully read, fully discussed with counsel, and understands the
7 charges and allegations in First Amended Accusation No. 2016-9. Respondents have also
8 carefully read, fully discussed with counsel, and understand the effects of this Stipulated
9 Surrender of License and Order.

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

17 26. Respondents voluntarily, knowingly, and intelligently waives and gives up each and
18 every right set forth above.

19 **CULPABILITY**

20 27. Respondent Blackout admits the truth of each and every charge and allegation in First
21 Amended Accusation No. 2016-9, agrees that cause exists for discipline and hereby surrenders its
22 Company Registration Certificate No. PR 6902 for the Board's formal acceptance.

23 28. Respondent Contreras admits the truth of each and every charge and allegation in
24 First Amended Accusation No. 2016-9, agrees that cause exists for discipline and hereby
25 surrenders his Operator's License No. OPR 11760 for the Board's formal acceptance.

26 29. Respondents understand that by signing this stipulation, they enable the Board to
27 issue an order accepting the surrender of the Company Registration Certificate and Operator's
28 License without further process.

1 CONTINGENCY

2 30. This stipulation shall be subject to approval by the Structural Pest Control Board.
3 Respondents understand and agree that counsel for Complainant and the staff of the Structural
4 Pest Control Board may communicate directly with the Board regarding this stipulation and
5 surrender, without notice to or participation by Respondents or their counsel. By signing the
6 stipulation, Respondents understand and agree that they may not withdraw this agreement or seek
7 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
8 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
9 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
10 action between the parties, and the Board shall not be disqualified from further action by having
11 considered this matter.

12 31. The parties understand and agree that Portable Document Format (PDF) and facsimile
13 copies of this Stipulated Surrender of License and Order, including Portable Document Format
14 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

23 ORDER

24 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 6902, issued to
25 Respondents Blackout Teimite and Pest Control, with Alonzo G. Contreras, III as owner, and
26 Operator's License No. OPR 11760 in Branch 3, issued to Alonzo G. Contreras, III are
27 surrendered and accepted by the Structural Pest Control Board.
28

1 1. The surrender of Respondents' Company Registration Certificate No. PR 6902 and
2 Operator's License No. OPR 11760 in Branch 3 and the acceptance of the surrendered licenses by
3 the Board shall constitute the imposition of discipline against Respondents. This stipulation
4 constitutes a record of the discipline and shall become a part of Respondents' license history with
5 the Structural Pest Control Board.

6 2. Respondents shall lose all rights and privileges in California as of the effective date of
7 the Board's Decision and Order.

8 3. Respondents shall cause to be delivered to the Board their pocket licenses and, if one
9 was issued, its wall certificate on or before the effective date of the Decision and Order.

10 4. If Respondents ever file an application for licensure or a petition for reinstatement in
11 the State of California, the Board shall treat it as a petition for reinstatement. Respondents must
12 comply with all the laws, regulations and procedures for reinstatement of a revoked license or
13 company registration in effect at the time the petition is filed, and all of the charges and
14 allegations contained in First Amended Accusation No. 2016-9 shall be deemed to be true, correct
15 and admitted by Respondents when the Board determines whether to grant or deny the petition.

16 5. Respondents shall pay the agency its costs of investigation and enforcement in the
17 amount of \$6,000.00 prior to issuance of a new or reinstated license or company registration.

18 6. Respondents shall submit proof to the registrar that restitution in the amount of
19 \$2,422.00 has been made to Mr. John Chang prior to issuance of a new or reinstated license or
20 company registration.

21 7. Respondents shall submit proof to the registrar that restitution in the amount of
22 \$2,422.00 has been made to Ms. May Wang prior to issuance of a new or reinstated license or
23 company registration.

24 8. Respondents shall submit proof to the registrar that restitution in the amount of
25 \$750.00 has been made to Ms. Terry Chen prior to issuance of a new or reinstated license or
26 company registration.


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1 9. Respondents shall submit proof to the registrar that restitution in the amount of
2 \$1,330.00 has been made to Mr. Freddy Lee prior to issuance of a new or reinstated license or
3 company registration.

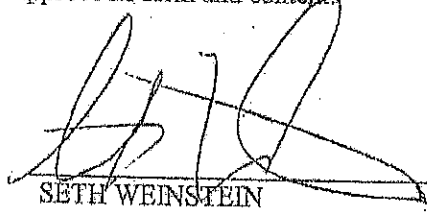
4 10. If Respondents should ever apply or reapply for a new license or company
5 registration, or petition for reinstatement of a license or company registration, by any other
6 agency in the State of California, all of the charges and allegations contained in First Amended
7 Accusation No. 2016-9 shall be deemed to be true, correct, and admitted by Respondents for the
8 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Surrender of License and Order and have fully
11 discussed it with my attorney, Seth Weinstein. I understand the stipulation and the effect it will
12 have on my Company Registration Certificate and on my Operator's License. I enter into this
13 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
14 be bound by the Decision and Order of the Structural Pest Control Board.

15
16 DATED: ^{6 AL} 5-7-16 
17 BLACKOUT TERMITE AND PEST CONTROL,
18 ALONZO G. CONTRERAS, III
19 Respondents

20 I have read and fully discussed with Respondent Blackout Termite and Pest Control and
21 Respondent Alonzo G. Contreras, III, the terms and conditions and other matters contained in this
22 Stipulated Surrender of License and Order. I approve its form and content.

23
24 DATED: 05-06-2016 
25 SETH WEINSTEIN
26 Attorney for Respondent

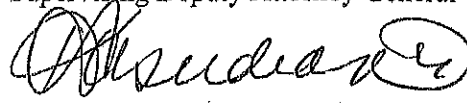
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

Dated: *May 6, 2016*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

KRITHTHIKA VASUDEVAN
Deputy Attorney General
Attorneys for Complainant

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