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FILED

Date 10/9/13 By Susan Saylor

7
8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 2010-73

12 **BRONCO FUME, INC.**
13 **RUBEN DE LA TORRE, PRES.**
14 **4572 La Madera Avenue**
El Monte, California 91732

PETITION TO REVOKE PROBATION

15 **Company Registration Certificate No. PR**
4510

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Susan Saylor (Complainant) brings this Petition to Revoke Probation solely in her
20 official capacity as the Registrar / Executive Officer of the Structural Pest Control Board,
21 Department of Consumer Affairs.

22 **Company Registration Certificate No. PR 4510**

23 2. On or about April 15, 2004, the Board issued Company Registration Certificate
24 Number PR 4510 (hereinafter "registration") in Branch 1 (fumigation) to Bronco Fume, Inc.
25 ("Respondent Bronco Fume") with Merced Gonzalez as owner and Daniel Saucedo as qualifying
26 manager. On July 12, 2006, Ramon De La Torre became president of Bronco Fume. On
27 November 7, 2007, Ruben De La Torre replaced Ramon De La Torre as president. On April 12,
28 2010, Jesus Chavez Calderon became the qualifying manager. On May 24, 2011, Jesus Chavez

1 Calderon disassociated as qualifying manager. Bronco Fume's registration was suspended on
 2 June 3, 2011 for failure to replace the qualifying manager. Bronco Fume's registration was
 3 suspended on the dates indicated below and remains under suspension.

4	<u>Suspension Date</u>	<u>Violation</u>	<u>Status</u>
5	03/12/2007	Failure to replace the qualifying manager	Registration reinstated 05/01/2007
6	07/17/2007	Failure to maintain \$4,000 surety bond as 7 required by Business and Professions Code (Code) section 8697	Registration reinstated 07/19/2007
8	10/29/2007	Failure to maintain general liability 9 insurance as required by Code section 8690	Registration reinstated 11/30/2007 after general liability insurance posted
10	04/03/2008	Failure to maintain general liability 11 insurance as required by Code section 8690	Registration reinstated 04/16/2008 after general liability insurance posted
12	09/16/2008	Failure to replace the qualifying manager	Registration reinstated 10/09/2008
13	09/17/2008	Failure to maintain general liability 14 insurance as required by Code section 8690	Registration reinstated 10/09/2008 after general liability insurance posted
15	07/20/2009	Failure to maintain general liability 16 insurance as required by Code section 8690	Registration reinstated 07/21/2009 after general liability insurance posted
17	08/25/2009	Failure to replace the qualifying manager	Registration reinstated 11/25/2009
18	10/07/2009	Failure to maintain general liability 19 insurance as required by Code section 8690	Registration reinstated 11/25/2009 after general liability insurance posted
20	02/16/2010	Failure to replace the qualifying manager	Registration reinstated 04/12/2010
21	04/25/2011	Failure to maintain general liability 22 insurance as required by Code section 8690	Registration remains suspended
23	06/03/2011	Failure to replace the qualifying manager	Registration remains suspended
24	06/10/2011	Failure to maintain general liability 25 insurance as required by Code section 8690	Registration remains suspended
26	///		

1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1937.12 states, in pertinent part:

3 “(a) Whenever a proposed decision places a licensee or registered company on probation as
4 a condition of staying a revocation or staying all or any portion of a suspension, the order
5 granting such probation shall include at least the following conditions:

6 “(1) That the licensee or registered company shall file quarterly reports with the board
7 during the period of probation;

8 “(2) Such other terms and conditions as may be appropriate in light of the number and
9 nature of the violations proven;”

10

11 **COST RECOVERY**

12 14. Code section 125.3 states, in pertinent part, that a Board may request the
13 administrative law judge to direct a licentiate found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case.

16 **PETITION TO REVOKE PROBATION**

17 9. At all times after the effective date of Respondent’s probation, Condition H stated:

18 “Should any respondent violate probation in any respect, the Board, after giving
19 respondent(s) notice and an opportunity to be heard, may revoke probation and carry out the
20 disciplinary order which was stayed. If a petition to revoke probation is filed against
21 respondent(s) during probation, the Board shall have continuing jurisdiction until the matter is
22 final, and the period of probation shall be extended until the matter is final.”

23 10. Grounds exist to revoke the probation and reimpose the order of revocation of
24 Respondent Bronco Fume’s Company Registration Certificate Number PR 4510, in that
25 Respondent Bronco Fume failed to comply with its probation terms and conditions as follows:

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FIRST CAUSE TO REVOKE PROBATION

(Failure to File Quarterly Reports)

11. At all times after the effective date of Respondent’s probation, Condition B stated:
"Respondent shall file quarterly reports with the Board during the period of probation."

12. Respondent’s probation is subject to revocation because it failed to comply with Probation Condition B, referenced above, in that Respondent Bronco Fume failed to file Quarterly Reports for the period of November 2011 to August 2013.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Pay Restitution)

13. At all times after the effective date of Respondent’s probation, Condition K stated:
"Respondent Bronco Fume shall submit proof to the Registrar that Restitution in the amount of \$1,000 has been made to the Los Angeles County Agricultural Commissioner within 120 days of the effective date of this Decision."

14. On or about July 27, 2011, the Board sent Respondent Bronco Fume a letter, along with the Decision and Order in Case No. 2010-73, indicating that Respondent was required to submit proof to the Board that restitution in the amount of \$1,000 had been made to the Los Angeles County Agricultural Commissioner, by December 26, 2011. To date, Respondent Bronco Fume has failed to submit proof of payment.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Pay Costs)

15. At all times after the effective date of Respondent’s probation, and as a further condition of probation, the Board’s Decision stated, in pertinent part, that:

"Respondent Bronco Fume, Inc. , and Sergio Valdovinos shall each pay costs to the Structural Pest Control Board in the amount of \$3,500."

16. On or about July 27, 2011, the Board sent Respondent Bronco Fume a letter, along with the Decision and Order in Case No. 2010-73, indicating that reimbursement of costs to the Board in the amount of \$3,500 was due. To date, Respondent Bronco Fume has failed to pay the Board the costs associated with this Decision.

1 OTHER MATTERS

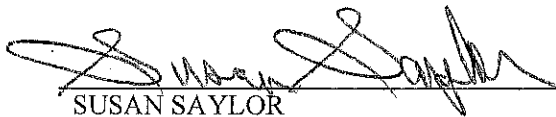
2 17. Section 8620 of the Code provides, in pertinent part, that a respondent may request
3 that a civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19
4 days, or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be
5 made at the time of the hearing and must be noted in the proposed decision. The proposed
6 decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Structural Pest Control Board issue a decision:

- 10 1. Revoking or suspending Respondent Bronco Fume's Company Registration
11 Certificate No. PR 4510;
- 12 2. Revoking the probation that was granted by the Structural Pest Control Board in Case
13 No. 2010-73 and imposing the disciplinary order that was stayed thereby revoking Respondent
14 Bronco Fume's Company Registration Certificate No. PR 4510;
- 15 3. Ordering Respondent Bronco Fume to pay the Structural Pest Control Board the
16 reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3 of the
17 Code; and
- 18 4. Taking such other and further action as deemed necessary and proper.
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20 DATED: 10/9/13

21 
22 SUSAN SAYLOR
23 Registrar / Executive Officer
24 Structural Pest Control Board
25 Department of Consumer Affairs
26 State of California
27 Complainant

28 DOJ Matter ID: LA2013509183
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