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FILED
Date 1/31/12 By William H. Douglas

**BEFORE THE**
**STRUCTURAL PEST CONTROL BOARD**
**DEPARTMENT OF PESTICIDE REGULATION**
**STATE OF CALIFORNIA**

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|---|---|
| In the Matter of the Accusation Against:<br><br>**5 STAR FUMIGATION, INC.; STEVE J. LOZADA, PRESIDENT**<br>**5640 Shull Street, Unit B**<br>**Bell Gardens, CA 90201**<br><br>**Post Office Box 4922**<br>**Downey, CA 90241**<br><br>**Probationary Company Registration Certificate No. PR 6157,**<br><br>**STEVE J. LOZADA, FIELD REPRESENTATIVE, BRANCH 1**<br>**5640 Shull Street, Unit B**<br>**Bell Gardens, CA 90201**<br>**4927 Firestone Blvd.**<br>**South Gate, CA 90280**<br>**Field Representative License No. FR 43646,**<br><br>**LA EXTERMINATOR CORP. dba GOLD STAR PEST CONTROL, BRANCHES 2 AND 3; KI BUM NAM, BRANCH 2 QUALIFYING MANAGER; ZANE SZOB KIM, BRANCH 3 QUALIFYING MANAGER**<br>**215 West Pomona Boulevard, Unit 310**<br>**Monterey Park, CA 91754**<br>**Company Registration No. PR 5773**<br><br>**ZANE SZOB KIM**<br>**215 West Pomona Boulevard, Unit 310**<br>**Monterey Park, CA 91754**<br>**Operator License No. OPR 11889,** | Case No. 2012-32<br><br>**ACCUSATION** |

**KI BUM NAM aka KEVIN NAM**
**215 West Pomona Boulevard, Unit 310**
**Monterey Park, CA 91754**
**Field Representative License No. FR 44519**
**Operator's License No. OPR 11789,**

**AMADOR G. HERNANDEZ**
**2518 South Tiara Avenue**
**Ontario, CA 91761**
**Field Representative License No. FR 33755,**

**DEDICATED TERMITE EXTERMINATORS; ERNESTO GUERRA, OWNER AND QUALIFYING MANAGER**
**4728 North Peck Road, Unit B**
**El Monte, CA 91732**
**Company Registration No. PR 2492,**

**ERNESTO GUERRA**
**4728 North Peck Road, Unit B**
**El Monte, CA 91732**
**Operator's License No. OPR 9088,**

**and**

**MATTHEW A. WALDEN**
**7322 Walnut Avenue**
**Buena Park, CA 90620-1760**
**Field Representative License No. FR 34106,**

Respondents.

Complainant alleges:

PARTIES

1. William H. Douglas (Complainant) brings this Accusation solely in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of Pesticide Regulation.

2. On or about May 5, 2009, the Board issued Company Registration Certificate Number PR 5832, Branch 1, to 5 Star Fumigation, with Andrea Gutierrez as Owner and Raymundo Esteban Gill (Gill) as Qualifying Manager. On May 6, 2010, the registration certificate was suspended. On September 13, 2010, the registration certificate reflected the disassociation of Gill as Qualifying Manager. On October 20, 2010, the registration certificate was cancelled from the Board's files.

3. On or about October 20, 2010, the Board issued Probationary Company Registration Certificate Number PR 6157, Branch 1, with a three-year probationary period, to 5 Star Fumigation, Inc. (Respondent 5 Star), with Steve J. Lozada (Respondent Lozada) as President, and Gill as Qualifying Manager. On or about December 20, 2010, the probationary company registration certificate was suspended, following Gill's disassociation on December 5, 2010. On or about January 28, 2011, the company registration certificate was suspended for failure to maintain general liability insurance required by Business and Professions Code section 8690. On or about May 4, 2011, the company registration certificate was suspended for failure to maintain a $4,000 surety bond required by Business and Professions Code section 8697.

4. On or about October 2, 2008, the Board issued Field Representative License Number FR 43646, Branch 1, to Respondent Lozada. On or about June 30, 2011, the license was cancelled from the Board's files.

5. On or about February 23, 2009, the Board issued Company Registration Certificate Number PR 5773, Branch 2, to LA Exterminator Corp. (Respondent LA Exterminator), dba Gold Star Pest Control, with Ki Bum Nam (Respondent Nam, aka Kevin) as Branch 2 Qualifying Manager. On or about October 27, 2009, Company Registration Certificate No. PR 5773 was upgraded to include Branches 2 and 3, and reflected Zane Szob Kim (Respondent Kim) as Branch 3 Qualifying Manager. The license was in full force and effect at all times relevant to the charges brought herein.

6. On or about July 30, 2009, the Board issued Operator License Number OPR 11889, Branch 3, to Respondent Kim. On or about October 27, 2009, the license reflected employment with Respondent LA Exterminator, with Respondent Kim as Branch 3 Qualifying Manager. On or about January 4, 2011, the license was upgraded to include Branch 2. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

7. On or about July 18, 2005, the Board issued Field Representative License Number FR 38958, Branch 3, to Respondent Kim. On or about January 4, 2011, Field Representative License No. FR 38958 was cancelled from the Board's files due to issuance of an Operator's License.

8. On or about July 8, 2009, the Board issued Field Representative License Number FR 44519, Branch 3, to Respondent Nam. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

9. On or about December 23, 2008, the Board issued Operator's License Number OPR 11789, Branch 2, to Respondent Nam. On or about February 23, 2009, Operator's License No. OPR 11789 reflected employment as Qualifying Manager for LA Exterminator Corp. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2014, unless renewed.

10. On or about August 20, 2001, the Board issued Field Representative License Number FR 33755, Branch 1, to Amador G. Hernandez (Respondent Hernandez). The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

11. On or about November 5, 1993, the Board issued Company Registration Certificate Number PR 2492, Branch 3, to Dedicated Termite Exterminators (Respondent Dedicated Termite Exterminators), with Ernesto Guerra listed as Owner and Qualifying Manager (Respondent Guerra). The license was in full force and effect at all times relevant to the charges brought herein.

12. On or about February 24, 1993, the Board issued Operator's License Number OPR 9088, Branch 3, to Respondent Guerra. On or about November 5, 1993, Respondent Guerra became the Owner and Qualifying Manager of Dedicated Termite Exterminators. The Operator's License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

13. On or about December 27, 2001, the Board issued Field Representative License Number FR 34106, Branch 3, to Matthew A. Walden (Respondent Walden). The Field Representative License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

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| Lic. # | Date Issued | Date Action Taken | Action | Respondent's Name |
|---|---|---|---|---|
| PR 6157, Branch 1 (probationary co. regis. cert.) | 10/20/10 | 12/5/10 | Qualifying manager (QM) disassociated | 5 Star Fumigation, Inc., with Steve J. Lozada as President. |
| PR 6157 | | 12/20/10 | Probationary company registration certificate suspended due to absence of QM | 5 Star Fumigation, Inc. |
| PR 6157 | | 1/28/10 | Certificate suspended for failure to maintain insurance | |
| PR 6157 | | 5/4/11 | Certificate suspended for failure to maintain surety bond | |
| FR 43646, Branch 1 | 10/2/08 | 6/30/11 | License cancelled | Steve J. Lozada |
| PR 5773, initially Branch 2 | 2/23/09 | | | LA Exterminator Corp. dba Gold Star Pest Conrtrol, with Ki Bum Nam as Branch 2 QM |
| PR 5773, upgraded to Branches 2 and 3 | | 10/27/09 | Company registration certificate upgraded to include Branch 3 | LA Exterminator Corp., with Zane Szob Kim (Respondent Kim) as Branch 3 QM |

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|---|---|---|---|---|
| OPR 11889, Branch 3 | 7/30/09 | 1/4/11 | License upgraded to include Branch 2 | Zane Szob Kim |
| FR 38958, Branch 3 | 7/18/05 | 1/4/11 | License cancelled. | Zane Szob Kim |
| FR 44519, Branch 3 | 7/8/09 | | | Ki Bum Nam (aka Kevin Nam) |
| OPR 11789, Branch 2 | 12/23/08 | 2/23/09 | Employment as Qualifying Mgr. for LA Exterminator Corp. | Ki Bum Nam (aka Kevin Nam) |
| FR 33755, Branch 1 | 8/20/01 | | | Amador G. Hernandez |
| PR 2492, Branch 3 | 11/5/93 | | | Dedicated Termite Exterminators, with Ernesto Guerra as Owner & QM |
| OPR 9088, Branch 3 | 2/24/93 | | | Ernesto Guerra |
| FR 34106, Branch 3 | 12/27/01 | | | Matthew A. Walden |

## JURISDICTION

14. 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.

15. Section 118, subdivision (b) of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

16. Section 8625 of the Code states:

"The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or

company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration."

STATUTORY PROVISIONS

17. Section 8506.2 of the Code defines the term "qualifying manager" as "the licensed operator or operators designated by a registered company to supervise the daily business of the company and to be available to supervise and assist the company's employees."

18. Section 8516, subdivision (b) of the Code states, in pertinent part:

. . . .

"No registered company or licensee shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

"Every property inspected pursuant to subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

"Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars ($2,500).

"A written inspection report conforming to this section and on a form approved by the board shall be prepared and delivered to the person requesting the inspection or to the person's designated agent within 10 business days of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board. The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all original inspection reports, field notes, and activity forms.

"Reports shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. Original inspection reports or copies thereof shall be submitted to the board upon request within two business days. The following shall be set forth in the report:

. . . .

"(6) A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, indicating thereon the approximate location of any infested or infected areas evident, and the parts of the structure where conditions that would ordinarily subject those parts to attack by wood destroying pests or organisms exist.

"(7) Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.

. . . .

"(10) Recommendations for corrective measures.

. . . .

"(13) The inspection report shall contain the following statement, printed in boldface type:

"'NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.'

"An estimate or bid for repairs shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing corrective measures.

"If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

"A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled 'Reinspection' in capital letters by rubber stamp or typewritten. Each reinspection shall also identify the original report by date.

"After four months from an original inspection, all inspections shall be original inspections and not reinspections.

"Any reinspection shall be performed for not more than the price of the registered company's original inspection price and shall be completed within 10 working days after a reinspection has been ordered."

19. Section 8518 of the Code states:

"When a registered company completes work under a contract, it shall prepare, on a form prescribed by the board, a notice of work completed and not completed, and shall furnish that notice to the owner of the property or the owner's agent within 10 working days after completing the work. The notice shall include a statement of the cost of the completed work and estimated cost of work not completed.

"The address of each property inspected or upon which work was completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 working days after completed work.

"Every property upon which work is completed shall be assessed a filing fee pursuant to Section 8674.

"Failure of a registered company to report and file with the board the address of any property upon which work was completed pursuant to subdivision (b) of Section 8516 or Section 8518 is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars ($2,500).

"The registered company shall retain for three years all original notices of work completed, work not completed, and activity forms.

"Notices of work completed and not completed shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. Original notices of work completed or not completed or copies thereof shall be submitted to the board upon request within two business days."

20. Section 8610, subdivision (c) of the Code states:

"Each registered company shall designate an individual or individuals who hold an operator's license to act as its qualifying manager or managers. The qualifying manager or managers must be licensed in each branch of pest control in which the company engages in business. The designated qualifying manager or managers shall supervise the daily business of the company and shall be available to supervise and assist all employees of the company, in accordance with regulations which the board may establish."

21. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty. The statute also provides that a respondent may request that a civil penalty of not more than $5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or not more than $10,000 for an actual suspension of 20 to 45 days. Such request must be made at the time of the hearing and must be noted in the proposed decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

22. Section 8624 of the Code states:

"If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office.

"If the operator is the qualifying manager, a partner, responsible officer, or owner of a registered structural pest control company, the suspension or revocation may be applied to the company registration.

"The performance by any partnership, corporation, firm, association, or registered company of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for

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

23. Section 8638 of the Code states that "[f]ailure on the part of a registered company to complete any operation or construction repairs for the price stated in the contract for such operation or construction repairs or in any modification of such contract is a ground for disciplinary action."

24. Section 8639 of the Code states:

"Aiding or abetting an unlicensed individual or unregistered company to evade the provisions of this chapter [the Structural Pest Control Act, Bus. & Prof. Code, § 8500 et seq.] or knowingly combining or conspiring with an unlicensed individual or unregistered company, or allowing one's license or company registration to be used by an unlicensed individual or unregistered company, or acting as agent or partner or associate, or otherwise, of an unlicensed individual or unregistered company to evade the provisions of this chapter is a ground for disciplinary action."

25. Section 8641 of the Code states:

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

26. Section 8642 of the Code states that "[t]he commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, . . . or by a registered company is a ground for disciplinary action."

27. Section 8650 of the Code states, in pertinent part:

"Acting in the capacity of a licensee or registered company under any of the licenses or registrations issued hereunder except:

"(a) In the name of the licensee or registered company as set forth upon the license or registration . . . ."

28. Section 8652 of the Code states:

"Failure of a registered company to make and keep all inspection reports, field notes, contracts, documents, notices of work completed, and records, other than financial records, for a period of not less than three years after completion of any work or operation for the control of structural pests or organisms, is a ground for disciplinary action. These records shall be made available to the executive officer of the board or his or her duly authorized representative during business hours."

29. Section 8654 of the Code states, in pertinent part:

"Any individual who . . . has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or registration was denied, suspended or revoked, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is a ground for disciplinary action."

30. Section 8666 of the Code states, in pertinent part:

"It shall be unlawful for any licensee under this chapter to recommend or to perform any pest control corrective work under any contract or agreement that the licensee knows or has reason to know is in excess of that required to eliminate the condition for which the licensee was employed."

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31. Section 8690 of the Code states, in pertinent part:

"The board shall not issue any company registration under this chapter unless the applicant shall have filed with the board on a form prescribed by the board written evidence of an insurance policy approved by the board or a bond as specified in this article, being in effect at the time of the issuance of the company registration."

32. Section 8691 of the Code states:

"No registered company shall engage in any of the practices for which it is required to be registered by this chapter unless it maintains such insurance policy or bond as specified in this article."

33. Section 8695 of the Code states, in pertinent part:

"The violation of any provision of this article . . . shall be grounds for the suspension or revocation by the board of the operator's license of the owner or qualifying manager or managers of the registered company and of the company registration."

34. Section 8697 of the Code requires, "Each company registered under the provisions of this chapter shall maintain a bond executed by an admitted surety insurer in the amount of four thousand dollars ($4,000)."

35. Section 11519, subdivision (d) of the Government Code authorizes the Board to require restitution of damages suffered as a condition of probation in the event probation is ordered.

REGULATORY PROVISIONS

36. California Code of Regulations, title 16, section 1911 states:

"Each operator, field representative and applicator shall file his or her address of record with the board and shall notify the board of any change in address within ten (10) days of such change. The address of record of a field representative, an operator or an applicator shall be the address of the registered company by which he or she is employed or with which he or she is associated or his or her residence address if he or she is not employed and associated.

"Each licensee shall also file his or her address for mailing purposes with the board and shall notify the board of any change in address within ten (10) days of such change."

37. California Code of Regulations, title 16, section 1990 states, in pertinent part:

"(a) All reports shall be completed as prescribed by the board. Copies filed with the board shall be clear and legible. All reports must supply the information required by Section 8516 of the Code and the information regarding the pesticide or pesticides used as set forth in Section 8538 of the Code, and shall contain or describe the following:

. . . .

"(3) Infestations, infections or evidence thereof.

"(4) Wood members found to be damaged by wood destroying pests or organisms.

"(b) Conditions usually deemed likely to lead to infestation or infection include, but are not limited to:

. . . .

"(3) Excessive Cellulose Debris. This is defined as any cellulose debris of a size that can be raked or larger. Stumps and wood imbedded in footings in earth contact shall be reported.

"(4) Earth-wood contacts.

"(5) Commonly controllable moisture conditions which would foster the growth of a fungus infection materially damaging to woodwork.

. . . .

"(d) Even though the licensee may consider the following areas inaccessible for purposes of inspection, the licensee must state specifically which of these areas or any other areas were not inspected and why the inspection of these areas is not practical: furnished interiors; inaccessible attics or portions thereof; the interior of hollow walls; spaces between a floor or porch deck and the ceiling or soffit below; stall showers over finished ceilings; such structural segments as porte cocheres, enclosed bay windows, buttresses, and similar areas to which there is no access without defacing or tearing out lumber, masonry or finished work; built-in cabinet work; floors beneath coverings, areas where storage conditions or locks make inspection impracticable.

"(e) Information regarding all accessible areas of the structure including but not limited to the substructure, foundation walls and footings, porches, patios and steps, stairways, air vents, abutments, stucco walls, columns, attached structures or other parts of a structure normally subject to attack by wood-destroying pests or organisms.

"(f) The following language shall appear just prior to the first finding/recommendation on each separated report:

'This is a separated report which is defined as Section I/Section II conditions evident on the date of the inspection. Section I contains items where there is visible evidence of active infestation, infection or conditions that have resulted in or from infestation of infection. Section II items are conditions deemed likely to lead to infestation or infection but where no visible evidence of such was found. Further inspection items are defined as recommendations to inspect area(s) which during the original inspection did not allow the inspector access to complete the inspection and cannot be defined as Section I or Section II.'"

38. California Code of Regulations, title 16, section 1991 states, in pertinent part:

"(a) Recommendations for corrective measures for the conditions found shall be made as required by paragraph 10 of subdivision (b) of Section 8516 of the code and shall also conform with the provisions of Title 24 of the California Code of Regulations and any other applicable local building code, and shall accomplish the following:

. . . .

"(8) Exterminate all reported wood-destroying pests. Such extermination shall not be considered repair under section 8516(b)(12) of the code. If evidence indicates that wood-destroying pests extend into an inaccessible area(s), recommendation shall be made to either:

"(A) enclose the structure for an all encompassing treatment utilizing materials listed in Section 8505.1 of the code, or

"(B) use another all encompassing method of treatment which exterminates the infestation of the structure, or

"(C) locally treat by any or all of the following:

"1. exposing the infested area(s) for local treatment,

"2. removing the infested wood,

"3. using another method of treatment which exterminates the infestation. (If any recommendation is made for local treatment, the report must contain the following statement: 'Local treatment is not intended to be an entire structure treatment method. If infestations of wood-destroying pests extend or exist beyond the area(s) of local treatment, they may not be exterminated.')

"When a complete inspection is performed, a recommendation shall be made to remove or cover all accessible pellets and frass of wood-destroying pests.

"When a limited inspection is performed, the inspection report shall state that the inspection is limited to the area(s) described and diagrammed. A recommendation shall be made to remove or cover all accessible pellets and frass of wood-destroying pests in the limited areas. The limited inspection report shall include a recommendation for further inspection of the entire structure and that all accessible evidence of wood-destroying pests be removed or covered.

"(9) For the extermination of subterranean termite infestations, treat an infested area under the structure when subterranean termite tubes are found connected to the ground or when active infestations are found in the ground. Subterranean termite tubes shall be removed where accessible, except where a licensee is using an above ground termite bait station that requires the use of the termite tubes to be effective. Where a licensee is using an above ground termite bait station that requires the use of termite tubes to be effective, subterranean termite tubes can remain in place for the duration of the licensee=s use of the termite bait stations. At the conclusion of the treatment, the subterranean termite tubes shall be removed."

39. California Code of Regulations, title 16, section 1992 states:

"In addition to the recommendations required in section 1991, the report may suggest secondary recommendations. When secondary recommendations are made, they shall be labeled

as secondary recommendations and included as part of the inspection report with a full explanation of why they are made, with the notation that they are below standard measures. If secondary recommendations are performed, any letter of completion, billing or other document referring to the work completed, must state specifically which recommendations were secondary and below standard and specify the name of the person or agency requesting completion of the secondary recommendations."

40. California Code of Regulations, title 16, section 1996.1 states, in pertinent part:

"(a) An inspection tag shall be posted in the attic or sub-area, or in the garage whenever an inspection for wood-destroying pests or organisms is made. The inspection tag shall be not less than 3" by 5" and shall contain the firm's name, date of inspection and the following statement: Do not remove Structural Pest Control Board Regulation 1996.1.

. . . .

"(c) The inspection report shall indicate the location of the inspection tag. The inspection report must also indicate the presence of any other inspection or fumigation tag that is less than two years old and any similar completion tag. A registered company shall not remove any tag."

41. California Code of Regulations, title 16, section 1996.3 states, in pertinent part:

"(a) The address of each property inspected and/or upon which work was completed shall be reported on a form prescribed by the Board and designated as the WDO Inspection and Completion Activity Report Form (see Form No. 43M-52 Rev. 5/09) at the end of this section. This form shall be prepared by each registered company and shall comply with all of the requirements pursuant to Section 8516(b), and 8518.

. . . .

"(c) Failure of a registered company to report and file with the Board the address of any property inspected or upon which work was completed pursuant to Section 8516(b) or 8518 are grounds for disciplinary action and subject to a fine of not more then two thousand five hundred dollars ($2,500)."

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REASONABLE COSTS

42. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Engaging in Structural Pest Control Practice Without Qualifying Manager)

43. Respondents 5 Star and Lozada are subject to disciplinary action under Code sections 8506.2, 8610, subdivision (c), and 8620, in that Respondents engaged in the practice of structural pest control without a qualifying manager. The circumstances are as follows:

a. After on or about December 8, 2010, when Respondent Star's Qualifying Manager Gill disassociated from the company, leaving the company without a Qualifying Manager, Respondent 5 Star fumigated multiple California properties as follows:

| **Projects** | **Approximate Dates** |
|---|---|
| 3729 Capetown Street, Lakewood (Capetown Property) | 2/3-2/5/11 |
| 3516 Hollydale Drive, Los Angeles (Hollydale Property) | 3/9/11 |
| 5525 Alessandro Avenue, Temple City (Alessandro Property) | 1/6 or 1/7/11 |
| 12224 Maple Avenue, Los Angeles (Maple Property) | 1/10/11 |
| 2740 Gilpin Way, Arcadia (Gilpin Property) | 1/11 or 2/11 |
| 5841 Saloma Avenue, Van Nuys (Saloma Property) | 2/2/11 |
| 6901 Orchard Avenue, Bell (Orchard Property) | 2/4/11 |
| 838 Camillo Street, Sierra Madre (Camillo Property) | 2/5, 2/7 or 2/11/11 |
| 102 Jeffries Avenue, Arcadia (Jeffries Property) | 12/20/10 |

| | |
|---|---|
| 1200 and 1202 Ninth Street, Alhambra (Ninth Street Properties) | 12/27/10 |

SECOND CAUSE FOR DISCIPLINE

(Engaging in Structural Pest Control Practice Without Liability Insurance)

44. Respondents 5 Star and Lozada are subject to disciplinary action under Code sections 8620, 8691 and 8695, in that Respondents engaged in the practice of structural pest control without liability insurance. The circumstances are as follows:

a. After on or about January 14, 2011, when Respondent 5 Star's insurance policy was canceled, Respondent 5 Star fumigated multiple properties. Complainant refers to and by this reference incorporates the allegations set forth in paragraph 42, subparagraph a, inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply With Act or Regulations)

45. Respondents 5 Star and Lozada are subject to disciplinary action under Code sections 8620 and 8641 in that Respondents failed to comply with the Structural Pest Control Act, set forth in Chapter 14 of the Code (Code § 8500, et al.), or the rules and regulations adopted by the Board, including section 1911 [timely notifying Board of address changes] of title 16 of the California Code of Regulations. Complainant refers to and by this reference incorporates the allegations set forth in paragraph 42, subparagraph a, and paragraph 43, subparagraph a, inclusive, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Acting in Capacity of Registered Company Under Name Not Appearing on Registration)

46. Respondents LA Exterminator and Kim are subject to disciplinary action under Code sections 8620 and 8650, subdivision (a) in that Respondents acted in the capacity of a registered company under a name that does not appear on the company registration with the Board. The circumstances are as follows:

a. The Field Work Sheet I dated July 19, 2010 for the Jeffries Property for Respondent LA Exterminator indicated that LA Exterminator was a "DBA" (doing business as) of Gold Star

Pest Control, a cancelled company whose name does not appear on Respondent LA Exterminator's company registration with the Board.

b. The Field Work Sheet I dated August 17, 2010 for the Ninth Street and Jeffries Properties for Respondent LA Exterminator indicated that LA Exterminator was a DBA of Gold Star Pest Control, a cancelled company whose name does not appear on Respondent LA Exterminator's company registration with the Board.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Complete Work)

47. Respondents LA Exterminator and Kim are subject to disciplinary action under Code sections 8620 and 8638, in that Respondents failed to complete structural pest control work. The circumstances are as follows:

a. On or about January 28, 2011, Respondents reported as a "complete" inspection about the evidence of subterranean termites and drywood termites in the substructure and garage at the Capetown Property. On or about February 5, 2011, Respondents reported on the completion notice that chemical treatment of the property was completed. However, after the reporting, subterranean termite evidence remained at the reported areas, and there was no sign of treatment having been performed.

SIXTH CAUSE FOR DISCIPLINE

(Failure to File WDO Activities)

48. Respondents LA Exterminator and Kim are subject to disciplinary action under Code sections 8620 and 8638 in that Respondents failed to file wood destroying organisms (WDO) activities with the Board. The circumstances are as follows:

a. On or about July 19, 2010, Respondents completed an inspection report for the Jeffries Property, but did not file this report with the Board.

b. On or about December 22, 2010, Respondents completed a completion notice for the Jeffries Property, but did not file this report with the Board.

c. On or about February 5, 2011, Respondents completed a completion notice for the Capetown Property, but did not file this report with the Board.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Maintain Records)

49. Respondents LA Exterminator and Kim are subject to disciplinary action under Code sections 8620 and 8652 in that Respondents failed to maintain records. The circumstances are as follows:

a. On or about April 6, 2011, Respondents were unable to provide the Board specialist investigating Respondents with a copy of the July 19, 2010 inspection report and December 22, 2010 completion notice for the Jeffries Property.

EIGHTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Company)

50. Respondents LA Exterminator and Kim are subject to disciplinary action under Code sections 8620 and 8639 in that Respondents aided and abetted an unlicensed company by subcontracting to and using Respondent 5 Star to perform fumigations at the Capetown, Saloma, Orchard, Camillo, Jeffries, and Ninth Street Properties, even though Respondent 5 Star was on suspension for not having a qualifying manager and failing to maintain an insurance policy.

NINTH CAUSE FOR DISCIPLINE

(Failure to Make Proper Recommendation)

51. Respondent Nam is subject to disciplinary action under Code sections 8620 and 8641 in that Respondent failed to make a proper recommendation, in violation of section 1992 of title 16 of the California Code of Regulations. The circumstances are as follows:

a. On or about January 28, 2011, there was a purportedly "complete" and "separated" inspection report for the Capetown Property. Respondent Nam made a recommendation which failed to indicate it was secondary and below standard measures, and which failed to contain a full explanation of why the recommendation was made.

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TENTH CAUSE FOR DISCIPLINE

(Failure to Report)

52. Respondent Nam is subject to disciplinary action under Code sections 8516, subdivisions (b)(6) and (b)(7), and 8620, in that Respondent failed to report items in a purportedly "complete" inspection report dated January 28, 2011 regarding the Capetown Property. The circumstances are as follows:

a. Respondent failed to report the cellulose debris and form board in the substructure of the subject property, in violation of section 1990, subdivision (b)(3), of title 16 of the California Code of Regulations.

b. Respondent failed to report the full extent of the evidence of subterranean termites in the substructure of the subject property, in violation of section 1990, subdivision (a)(3), of title 16 of the California Code of Regulations.

c. Respondent failed to report the subterranean termite damage in the substructure framing of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

d. Respondent failed to report the evidence of drywood termites and drywood termite damage in the substructure framing of the subject property, in violation of section 1990, subdivisions (a)(3) and (a)(4), of title 16 of the California Code of Regulations.

e. Respondent failed to report the decay fungi in the substructure framing of the subject property, in violation of section 1990, subdivision (a)(3), of title 16 of the California Code of Regulations.

f. Respondent failed to report the evidence of a bathtub's excessive moisture condition (i.e., a plumbing leak) at the subject property, in violation of section 1990, subdivision (b)(5), of title 16 of the California Code of Regulations.

g. Respondent failed to report the drywood termite damage in the garage of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

h. Respondent failed to report the inaccessible areas in the garage of the subject property, in violation of section 1990, subdivision (d), of title 16 of the California Code of Regulations.

i. Respondent failed to report the inaccessible areas at the north and east exterior walls of the garage of the subject property, in violation of section 1990, subdivisions (d) and (e), of title 16 of the California Code of Regulations.

j. Respondent failed to report the full extent of the evidence of drywood termites at the storeroom attached to the garage of the subject property, in violation of section 1990, subdivision (a)(3), of title 16 of the California Code of Regulations.

k. Respondent failed to report drywood termite damage at the storeroom attached to the garage of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

l. Respondent failed to report the decay fungi damage to the storeroom to the garage of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

m. Respondent failed to report the inaccessible area at the north exterior wall of the storeroom attached to the garage of the subject property, in violation of section 1990, subdivisions (d) and (e), of title 16 of the California Code of Regulations.

n. Respondent failed to report the full extent of the evidence of drywood termites and drywood termite damage in the patio of the subject property, in violation of section 1990, subdivisions (a)(3) and (a)(4), of title 16 of the California Code of Regulations.

o. Respondent failed to report the decay fungi damage at the back doorsill of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

p. Respondent failed to report the inaccessible areas of the subject house, due to boxed eaves, in violation of section 1990, subdivision (d), of title 16 of the California Code of Regulations.

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ELEVENTH CAUSE FOR DISCIPLINE

(Aiding or Abetting Unlicensed Company)

53. Respondent Hernandez is subject to disciplinary action under Code sections 8620 and 8639, in that Respondent aided and abetted an unlicensed company by performing fumigations on the Capetown Property for Respondent 5 Star, even though Respondent 5 Star was on suspension for not having a qualifying manager and failing to maintain an insurance policy.

TWELFTH CAUSE FOR DISCIPLINE

(Failure to Notify of Address Change)

54. Respondent Hernandez is subject to disciplinary action under Code sections 8620 and 8641, in that Respondent failed to notify the Board of his change of address within 10 days of the change, in violation of section 1911 of title 16 of the California Code of Regulations. The circumstances are as follows:

a. On or about July 6, 2011, the Board specialist went to Respondent's address of record, on Santa Ana Street in Cudahy, and learned that Respondent no longer lived there.

THIRTEENTH CAUSE FOR DISCIPLINE

(Aiding or Abetting Unlicensed Company)

55. Respondents Dedicated Termite Exterminators and Guerra are subject to disciplinary action under Code sections 8620 and 8639, in that Respondents aided and abetted an unlicensed company by subcontracting to and using Respondent 5 Star to perform fumigations, including at the Alessandro, Gilpin, Hollydale and Maple Properties, even though Respondent 5 Star was on suspension for not having a qualifying manager and failing to maintain an insurance policy.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to File WDO Activities)

56. Respondents Dedicated Termite Exterminators and Guerra are subject to disciplinary action under Code sections 8516, subdivision (b), and 8620, in that Respondents failed to file WDO activities with the Board, in violation of subdivisions (a) and (c) of section 1996.3 of title 16 of the California Code of Regulations. The circumstances are as follows:

a. On or about January 10, 2011, Respondents completed a completion notice for the Alessandro Property, but did not file the completion notice with the Board.

b. On or about February 4, 2011, Respondents completed a completion notice for the Gilpin Property, but did not file the completion notice with the Board.

FIFTEENTH CAUSE FOR DISCIPLINE

(Failure to Report)

57. Respondent Walden is subject to disciplinary action under Code sections 8516, subdivisions (b)(6) and (b)(7), and 8620, in that Respondent failed to report items in two separate reports regarding the Capetown Property. The circumstances are as follows:

a. In a purportedly "complete," "separated" inspection report dated January 25, 2011, Respondent failed to report the cellulose debris and form board in the substructure of the subject property, in violation of section 1990, subdivision (b)(3), of title 16 of the California Code of Regulations.

b. In a purportedly "complete," "separated" inspection report dated January 25, 2011, Respondent failed to report the full extent of the evidence of subterranean termites in the substructure of the subject property, in violation of section 1990, subdivisions (a)(3) and (a)(9), of title 16 of the California Code of Regulations.

c. In a purportedly "complete," "separated" inspection report dated January 25, 2011, Respondent failed to report the inaccessible areas in the garage of the subject property, due to boxed eaves, in violation of section 1990, subdivision (d), of title 16 of the California Code of Regulations.

d. In a purportedly "complete," "separated" inspection report dated January 25, 2011, Respondent failed to report the full extent of the evidence of drywood termites and damage in the storeroom attached to the garage of the subject property, in violation of section 1990, subdivisions (a)(3) and (a)(4), of title 16 of the California Code of Regulations.

e. In a purportedly "complete," "separated" inspection report dated January 25, 2011, Respondent failed to report the inaccessible areas at the north exterior wall of the storeroom

attached to the garage of the subject property, in violation of section 1990, subdivisions (d) and (e), of title 16 of the California Code of Regulations.

f. In a purportedly "complete," "separated" inspection report dated January 25, 2011, Respondent failed to report the decay fungi damage at the back doorsill of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

g. In a purportedly "complete," "separated" inspection report dated January 25, 2011, Respondent failed to report the inaccessible areas of the subject house, due to boxed eaves, in violation of section 1990, subdivision (d), of title 16 of the California Code of Regulations.

h. In a purportedly "complete," "separated" inspection report dated January 25, 2011, and a purportedly "reinspection, "separated" report dated May 11, 2011, Respondent failed to report the subterranean termite damage in the substructure framing of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

i. Respondent failed to report the evidence of drywood termites and drywood termite damage in the substructure framing on the January 2011 report and evidence of drywood termite damage in the substructure on the May 2011 report, in violation of section 1990, subdivisions (a)(3) and (a)(4), of title 16 of the California Code of Regulations.

j. In the inspection report dated January 25, 2011, and the re-inspection report dated May 11, 2011, Respondent failed to report the decay fungi damage in the substructure framing of the subject property, in violation of section 1990, subdivision (a)(3), of title 16 of the California Code of Regulations.

k. In the inspection report dated January 25, 2011, and the re-inspection report dated May 11, 2011, Respondent failed to report the evidence of a bathtub's excessive moisture condition (i.e., a plumbing leak) at the subject property, in violation of section 1990, subdivision (b)(5), of title 16 of the California Code of Regulations.

l. In the inspection report dated January 25, 2011, and the re-inspection report dated May 11, 2011, Respondent failed to provide stall shower information regarding the subject property, in violation of section 1990, subdivision (e), of title 16 of the California Code of Regulations.

m. In the inspection report dated January 25, 2011, and the re-inspection report dated May 11, 2011, Respondent failed to report the decay fungi damage to the storeroom attached to the garage of the subject property, in violation of section 1990, subdivision (a)(4), of title 16 of the California Code of Regulations.

SIXTEENTH CAUSE FOR DISCIPLINE

(Failure to Make Proper Recommendation)

58. Respondent Walden is subject to disciplinary action under Code sections 8516, subdivision (b)(10), and 8620, in that Respondent failed to make a proper recommendation, in violation of section 1991, subdivision (a)(9) of title 16 of the California Code of Regulations. The circumstances are as follows:

a. On or about January 25, 2011, there was a purportedly "complete" and "separated" inspection report for the Capetown Property. Respondent Walden failed to include a recommendation to remove the accessible evidence of infestation.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Gross Negligence or Fraud)

59. Respondent Walden is subject to disciplinary action under Code sections 8620, 8642 and 8666 in that Respondent committed gross negligence or fraud. The circumstances are as follows:

a. On or about January 25, 2011, Respondent prepared a purportedly "complete," "separated" report that discussed evidence of subterranean termites around the perimeter of the house and attached patio of the Capetown Property, despite the absence of visible evidence of subterranean termites around the exterior of either structure.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Failure to Issue Proper Report)

60. Respondent Walden is subject to disciplinary action under Code sections 8516, subdivision (b)(13), and 8620, in that Respondent failed to issue a proper "separated" inspection report for the Capetown Property, in violation of subdivision (f) of section 1990 of title 16 of the California Code of Regulations. The circumstances are as follows:

a. Respondent's May 11, 2011 "reinspection" "separated" inspection report identifies the cellulose debris as a Section II finding and recommendation, even though the cellulose debris is infested with evidence of subterranean termites.

b. Respondent's May 11, 20011 "reinspection" "separated" inspection report identifies the inaccessible areas of the garage, storeroom and house as Section III findings and recommendations, but Section III does not exist.

DISCIPLINE CONSIDERATIONS

61. To determine the degree of discipline, if any, to be imposed on Respondents 5 Star and Lozada, Complainant refers to and by this reference incorporates the allegations set forth in paragraphs 2 and 3 as though set forth fully. In addition, during Respondents' probationary period, Respondents were fined or paid fines for multiple violations as follows:

a. On or about December 3, 2010, the Los Angeles County Agricultural Commissioner issued a $700 fine for violation of section 6600, subdivision (a) of title 3 of the California Code of Regulations.

b. On or about January 25, 2011, the Los Angeles County Agricultural Commissioner issued a $1,000 fine and a $1,250 fine for violation of Food and Agriculture Code section 15204.

c. On or about January 26, 2011, Respondent 5 Star paid a $1,000 fine levied by the Orange County Agricultural Commissioner for violation of Food and Agriculture section 15204.

d. On or about February 3, 2011, the Los Angeles County Agricultural Commissioner issued a $2,200 fine for violation of Food and Agriculture Code section 15204 and section 6600, subdivision (b) of title 3 of the California Code of Regulations.

e. On or about August 23, 2011, the Los Angeles County Agricultural Commissioner issued a $1,000 fine for violation of Food and Agriculture Code section 15204 and section 6140 of title 3 of the California Code of Regulations.

f. On or about October 26, 2011, the San Bernardino County Agricultural Commissioner issued a $1,000 fine against Respondent 5 Star for violation of Business and Professions Code section 8505.17.

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OTHER MATTERS

62. Pursuant to section 8654 of the Code, if Field Representative License No. FR 43646, issued to Respondent Lozada, is suspended or revoked, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Lozada shall be subject to disciplinary action.

63. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent 5 Star likewise constitute cause for discipline against name of owner regardless of whether name of owner had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent 5 Star.

64. Pursuant to section 8654 of the Code, if Operator's License No. OPR 11889, issued to Respondent Kim, is suspended or revoked, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Kim shall be subject to disciplinary action.

65. Pursuant to section 8624 of the Code, if Operator's License No. OPR 11889, issued to Respondent Kim, is suspended or revoked, the suspension or revocation may be applied to each branch office, and Respondent Kim shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Kim shall be subject to disciplinary action.

66. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent LA Exterminator likewise constitute cause for discipline against name of owner regardless of whether name of owner had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent LA Exterminator.

67. Pursuant to section 8654 of the Code, if Field Representative License No. FR 44519, issued to Respondent Nam, is suspended or revoked, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for

any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Nam shall be subject to disciplinary action.

68. Pursuant to section 8624 of the Code, if Field Representative License No. FR 44519, issued to Respondent Nam, is suspended or revoked, the suspension or revocation may be applied to each branch office, and Respondent Nam shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Nam shall be subject to disciplinary action.

69. Pursuant to section 8654 of the Code, if Operator's License No. OPR 11789, issued to Respondent Nam, is suspended or revoked, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Nam shall be subject to disciplinary action.

70. Pursuant to section 8624 of the Code, if Operator's License No. OPR 11789, issued to Respondent Nam, is suspended or revoked, the suspension or revocation may be applied to each branch office, and Respondent Nam shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Nam shall be subject to disciplinary action.

71. Pursuant to section 8654 of the Code, if Field Representative License No. FR 33755, issued to Respondent Hernandez, is suspended or revoked, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Hernandez shall be subject to disciplinary action.

72. Pursuant to section 8624 of the Code, if Field Representative License No. FR 33755, issued to Respondent Hernandez, is suspended or revoked, the suspension or revocation may be applied to each branch office, and Respondent Hernandez shall be prohibited from serving as an

officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Hernandez shall be subject to disciplinary action.

73. Pursuant to section 8654 of the Code, if Operator's License No. OPR 9088, issued to Respondent Guerra, is suspended or revoked, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Guerra shall be subject to disciplinary action.

74. Pursuant to section 8624 of the Code, if Operator's License No. OPR 9088, issued to Respondent Guerra, is suspended or revoked, the suspension or revocation may be applied to each branch office, and Respondent Guerra shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Guerra shall be subject to disciplinary action.

75. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent Dedicated Termite Exterminators likewise constitute cause for discipline against name of owner regardless of whether name of owner had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent Dedicated Termite Exterminators.

76. Pursuant to section 8654 of the Code, if Field Representative License No. FR 34106, issued to Respondent Walden, is suspended or revoked, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Walden shall be subject to disciplinary action.

77. Pursuant to section 8624 of the Code, if Field Representative License No. FR 34106, issued to Respondent Walden, is suspended or revoked, the suspension or revocation may be applied to each branch office, and Respondent Walden shall be prohibited from serving as an

officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Walden shall be subject to disciplinary action.

PRAYER

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

1. Revoking or suspending Probationary Company Registration Certificate Number PR 6157, issued to Respondent 5 Star.;

2. Revoking or suspending Field Representative License Number FR 43646, issued to Respondent Lozada;

3. Revoking or suspending Company Registration Number PR 5773, issued to Respondent LA Exterminator Corporation;

4. Revoking or suspending Operator License Number OPR 11889, issued to Respondent Kim;

5. Revoking or suspending Field Representative License Number FR 38958, issued to Respondent Kim;

6. Revoking or suspending Field Representative license Number FR 33755, issued to Respondent Hernandez;

7. Revoking or suspending Company Registration Number PR 2492, issued to Respondent Dedicated Termite Exterminators;

8. Revoking or suspending Operator License Number OPR 9088, issued to Respondent Guerra;

9. Revoking or suspending Field Representative License Number FR 44519, issued to Respondent Nam.;

10. Revoking or suspending Operator License Number OPR 11789, issued to Respondent Nam.;

11. Revoking or suspending Field Representative Number FR 34106, issued to Respondent Walden.;

12. Ordering Respondents to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3;

13. Ordering Respondents to pay restitution of damages suffered as a condition of probation in the event probation is ordered pursuant to Government Code section 11519, subdivision (d), and;

14. Taking such other and further action as deemed necessary and proper.

DATED: 1/31/12

William H. Douglas

WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
*Complainant*

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