

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

In the Matter of the First Amended Accusation  
Against:

Case No. 2008-67

OAH No. 2008080258

ARISTON TERMITE  
14913 Gwen Chris Court  
Paramount, California 90723  
JERRY WALKER, Qualifying Manager  
(Disassociated on 12/27/05)  
DONALD LEVELL QUINN SR., Qualifying  
Manager, Br. 3  
(Disassociated on 3/3/08)  
Operator's License No. OPR 11110, Br. 3  
WILFREDO PINEDA, Qualifying Manager, Br. 3  
CARLOS MONCADA, Partner  
MAYRA LEON, Partner  
Company Registration Certificate No. PR 4476, Br. 3  
Operator's License No. OPR 11474

JEFFREY MATTHEW EBEL  
8526 10th Street  
Downey, California 90241  
Field Representative's License No. FR 35090, Br. 3

JOSE CARRILLO  
205 North Santa Fe Avenue  
Compton, California 90221  
Field Representative's License No. FR 17136, Br. 3

Respondents.

COAST 2 COAST FUMIGATION COMPANY  
14913 Gwen Chris Court  
Paramount, California 90723  
DONALD LEVELL QUINN SR., Qualifying  
Manager, Br. 1  
CARLOS MONCADA, Partner  
MAYRA LEON, Partner  
Company Registration Certificate No. PR 4917, Br. 1  
Operator's License No. OPR 11110, Br. 3

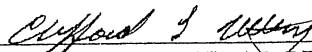
Affiliated License.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order re Ariston Termite, with Carlos Moncada and Mayra Leon, as Partners, and Coast 2 Coast Fumigation Company, with Carlos Moncada and Mayra Leon, as Partners, Only is hereby adopted by the Structural Pest Control Board, as its Decision in this matter.

This Decision shall become effective on November 25, 2009.

It is so ORDERED October 26, 2009.

  
\_\_\_\_\_  
FOR THE STRUCTURAL PEST CONTROL  
BOARD

1 EDMUND G. BROWN JR:  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

12 In the Matter of the First Amended Accusation  
Against:

13 ARISTON TERMITE  
14 14913 Gwen Chris Court  
Paramount, California 90723  
15 JERRY WALKER, Qualifying Manager  
(Disassociated on 12/27/05)  
16 DONALD LEVELL QUINN SR., Qualifying  
Manager, Br. 3  
17 (Disassociated on 3/3/08)  
Operator's License No. OPR 11110, Br. 3  
18 WILFREDO PINEDA, Qualifying Manager, Br. 3  
CARLOS MONCADA, Partner  
19 MAYRA LEON, Partner  
Company Registration Certificate No. PR 4476, Br. 3  
20 Operator's License No. OPR 11474  
  
21 JEFFREY MATTHEW EBEL  
8526 10th Street  
22 Downey, California 90241  
Field Representative's License No. FR 35090, Br. 3  
23  
24 JOSE CARRILLO  
205 North Santa Fe Avenue  
Compton, California 90221  
25 Field Representative's License No. FR 17136, Br. 3

26 Respondents.

Case No. 2008-67

OAH No. 2008080258

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER re  
Ariston Termite, with Carlos  
Moncada and Mayra Leon, as  
Partners, and Coast 2 Coast  
Fumigation Company, with Carlos  
Moncada and Mayra Leon, as  
Partners, and Wilfredo Pineda, Only**

1 COAST 2 COAST FUMIGATION COMPANY  
14913 Gwen Chris Court  
2 Paramount, California 90723  
DONALD LEVELL QUINN SR., Qualifying  
3 Manager, Br. 1  
CARLOS MONCADA, Partner  
4 MAYRA LEON, Partner  
Company Registration Certificate No. PR 4917, Br. 1  
5 Operator's License No. OPR 11110, Br. 3  
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Affiliated License.

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Structural Pest Control Board, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation No. 2008-67 re Ariston Termite, with Carlos Moncada and Mayra Leon, as Partners, and Coast 2 Coast Fumigation Company, with Carlos Moncada and Mayra Leon, as Partners, and Wilfredo Pineda, only.

PARTIES

1. Kelli Okuma ("Complainant") is the Registrar/Executive Officer of the Structural Pest Control Board. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Nancy A. Kaiser, Deputy Attorney General.

2. Respondents Ariston Termite, with Mayra Leon and Carlos Moncada as Partners, Coast 2 Coast Fumigation Company, with Mayra Leon and Carlos Moncada as Partners, and Wilfredo Pineda are represented in this proceeding by attorney James L. Frederick, whose address is James L. Frederick, Goeltz & Frederick, 504 West Mission Avenue, Suite 103, Escondido, California 92025.

3. On or about February 6, 2004, the Structural Pest Control Board issued Company Registration Certificate No. PR 4476 in Branch 3 to Ariston Termite, with Mayra Leon and Carlos Moncada as Partners, and Jerry Walker as the Qualifying Manager ("Respondent Ariston Termite"). On December 27, 2005, Jerry Walker disassociated as the Qualifying Manager. On January 9, 2006, Donald Levell Quinn Sr. became the Qualifying Manager. On March 3, 2008,

1 Donald Levell Quinn Sr. disassociated as Qualifying Manager. On May 16, 2008, Wilfred Pineda  
2 became the Qualifying Manager. Company Registration Certificate No. PR 4476 will expire on  
3 December 31, 2035, unless renewed.

4 4. On or about November 17, 2005, the Board issued Company Registration Certificate  
5 No. PR 4917 in Branch 1 to Coast 2 Coast Fumigation Company ("Respondent Coast 2 Coast"),  
6 with Mayra Leon and Carlos Moncada as Partners, and Donald Levell Quinn Sr. as the Qualifying  
7 Manager. On or about March 3, 2008, Donald Levell Quinn Sr. disassociated as Qualifying  
8 Manager. Company Registration Certificate No. PR 4917 will expire on December 31, 2035,  
9 unless renewed.

10 5. On or about March 5, 2007, the Board issued Operator's License No. OPR 11474 in  
11 Branch 3 to Wilfredo Pineda ("Respondent Pineda"). The license will expire on June 30, 2012,  
12 unless renewed. On May 16, 2008, Respondent Pineda associated with Ariston Termite as its  
13 Qualified Manager.

#### 14 JURISDICTION

15 6. Accusation No. 2008-67 was filed before the Structural Pest Control Board  
16 ("Board"), and is currently pending against Respondents. The Accusation and all other statutorily  
17 required documents were properly served on Respondents on May 13, 2008. Respondents timely  
18 filed their respective Notices of Defense contesting the Accusation. The Accusation was  
19 subsequently amended. A copy of First Amended Accusation No. 2008-67 is attached as **Exhibit**  
20 **A** and incorporated herein by reference.

#### 21 ADVISEMENT AND WAIVERS

22 7. Respondents have carefully read, fully discussed with counsel, and understand the  
23 charges and allegations in Accusation No. 2008-67. Respondents have also carefully read, fully  
24 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary  
25 Order.

26 8. Respondents are fully aware of their legal rights in this matter, including the right to a  
27 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
28 their own expense; the right to confront and cross-examine the witnesses against them; the right

1 to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to  
2 compel the attendance of witnesses and the production of documents; the right to reconsideration  
3 and court review of an adverse decision; and all other rights accorded by the California  
4 Administrative Procedure Act and other applicable laws.

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

7 CULPABILITY

8 10. Respondents admit the truth of each and every charge and allegation in Accusation  
9 No. 2008-67.

10 11. Respondents agree that their Company Registration Certificates or licenses, as  
11 applicable, are subject to discipline and they agree to be bound by the Board's imposition of  
12 discipline as set forth in the Disciplinary Order below.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Board. Respondents understand  
15 and agree that counsel for Complainant and the staff of the Board may communicate directly with  
16 the Board regarding this stipulation and settlement, without notice to or participation by  
17 Respondents. By signing the stipulation, Respondents understand and agree that they may not  
18 withdraw their agreement or seek to rescind the stipulation prior to the time the Board considers  
19 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
20 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
21 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
22 be disqualified from further action by having considered this matter.

23 13. The parties understand and agree that facsimile copies of this Stipulated Settlement  
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
25 effect as the originals.

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

1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 4476 in Branch  
3 3 issued to Respondent Ariston Termite, with Mayra Leon and Carlos Moncada as Partners  
4 ("Respondent Ariston Termite"), Company Registration Certificate No. PR 4917 issued to  
5 Respondent Coast 2 Coast Fumigation Company, with Mayra Leon and Carlos Moncada as  
6 Partners ("Respondent Coast 2 Coast"), and Operator's License No. OPR 11474 issued to  
7 Respondent Wilfredo Pineda ("Respondent Pineda"), (collectively, "Respondents") are revoked.

8 However, the revocations are stayed and Respondents are placed on probation for **three (3)**  
9 **years** on the following terms and conditions.

10 1. **Obey All Laws.** Respondents shall obey all laws and rules relating to the practice of  
11 structural pest control.

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

14 3. **Tolling of Probation.** Should Respondents leave California to reside outside this  
15 state, Respondents 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.** Respondents shall notify all present and prospective  
18 employers of the decision in Case No. 2008-67 and the terms, conditions and restriction imposed  
19 on Respondents by said decision.

20 Within 30 days of the effective date of this decision, and within 15 days of Respondents  
21 undertaking new employment, Respondents shall cause his/her employer to report to the Board in  
22 writing acknowledging the employer has read the decision in Case No. 2008-67.

23 5. **Notice to Employees.** Respondents 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. Respondents 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 and independent  
28 contractors employed or hired at any time during probation.

1           6.    **Completion of Probation.** Upon successful completion of probation, Respondents'  
2 respective license(s)/certificate(s) will be fully restored.

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

9           8.    **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
10 **Manager.** Carlos Moncada is prohibited from serving as an officer, director, associate, partner,  
11 qualifying manager or branch office manager of any registered company during the three (3) year  
12 term of probation.

13           9.    **No Interest In Any Registered Company.** Carlos Moncada shall not have any legal  
14 or beneficial interest in any company currently or hereinafter registered by the Board during the  
15 three (3) year term of probation.

16           10.   **New Licenses.** If any Respondent named herein successfully applies for and is  
17 granted a license by the Board at a future date, that license shall be immediately revoked, and the  
18 order of revocation stayed and Respondent's new license be placed on probation for any  
19 remaining period of the three (3) year period of probation on the same terms and conditions that  
20 continue and/or have not yet been completed.

21           11.   **Cost Recovery.** Respondents Ariston Termite and Coast 2 Coast shall jointly and  
22 severally pay to the Board costs associated with its investigation and enforcement pursuant to  
23 Business and Professions Code section 125.3 in the amount of **\$10,360.00**. Respondent Pineda  
24 shall pay to the Board costs associated with its investigation and enforcement pursuant to  
25 Business and Professions Code section 125.3 in the amount of **\$2,590**. Respondents shall be  
26 permitted to pay these costs in a payment plan approved by the Board, with payments to be  
27 completed no later than three months prior to the end of the probation term. If Respondents fail  
28 to pay costs in accordance with the payment plan approved by the Board, the Board shall have



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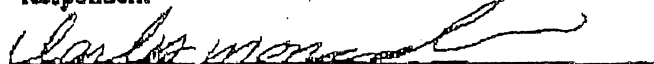
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1 continuing jurisdiction and shall not be deprived of filing a petition to revoke probation and carry  
 2 out the order revoking all licenses. The period of probation shall be extended until the matter(s)  
 3 is final.


ACCEPTANCE


5 I have carefully read the above Stipulated Settlement and Disciplinary Order and, as  
 6 applicable, have fully discussed it with my attorney, James L. Frederick. I understand the  
 7 stipulation and the effect it will have on Company Registration Certificate No. PR 4476,  
 8 Company Registration Certificate No. PR 4917, and Operator's License No. OPR 11474. I enter  
 9 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
 10 and agree to be bound by the Decision and Order of the Structural Pest Control Board.

11 DATED: 6/15/09   
 12  
 13 ARISTON TERMITE  
 Mayra Leon, Partner  
 Respondent

14 DATED: 6/15/09   
 15  
 16 ARISTON TERMITE  
 Carlos Moncada, Partner  
 Respondent

17 DATED: \_\_\_\_\_  
 18  
 19 WILFREDO PINEDA  
 Respondent

20 DATED: 6/15/09   
 21  
 22 COAST 2 COAST FUMIGATION COMPANY  
 Mayra Leon, Partner  
 Respondent

23 DATED: 6/15/09   
 24  
 25 COAST 2 COAST FUMIGATION COMPANY  
 Carlos Moncada, Partner  
 Respondent

27 I have read and fully discussed with Respondents Ariston Termite, with Mayra Leon and  
 28 Carlos Moncada as Partners, Coast 2 Coast Fumigation Company, with Mayra Leon and Carlos

1 continuing jurisdiction and shall not be deprived of filing a petition to revoke probation and carry  
 2 out the order revoking all licenses. The period of probation shall be extended until the matter(s)  
 3 is final.

ACCEPTANCE

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 8 Company Registration Certificate No. PR 4917, and Operator's License No. OPR 11474. I enter  
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 10 and agree to be bound by the Decision and Order of the Structural Pest Control Board.

11 DATED: \_\_\_\_\_  
 12 ARISTON TERMITE  
 13 Mayra Leon, Partner  
 14 Respondent

15 DATED: \_\_\_\_\_  
 16 ARISTON TERMITE  
 17 Carlos Moncada, Partner  
 18 Respondent

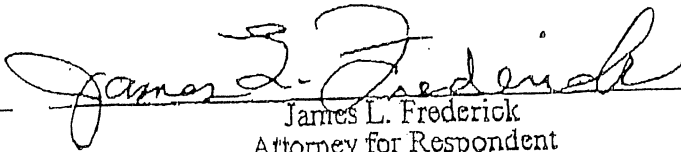
19 DATED: 6/15/09 \_\_\_\_\_  
 20 WILFREDO PINEDA  
 21 Respondent

22 DATED: \_\_\_\_\_  
 23 COAST 2 COAST FUMIGATION COMPANY  
 24 Mayra Leon, Partner  
 25 Respondent

26 DATED: \_\_\_\_\_  
 27 COAST 2 COAST FUMIGATION COMPANY  
 28 Carlos Moncada, Partner  
 Respondent

29 I have read and fully discussed with Respondents Ariston Termite, with Mayra Leon and  
 30 Carlos Moncada as Partners, Coast 2 Coast Fumigation Company, with Mayra Leon and Carlos

1 Moncada as Partners, and Wilfredo Pineda the terms and conditions and other matters contained  
2 in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

3  
4 DATED: 6-16-09   
5 James L. Frederick  
6 Attorney for Respondent

7 ENDORSEMENT

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

10  
11 Dated: \_\_\_\_\_

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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Moncada as Partners, and Wilfredo Pineda the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_  
James L. Frederick  
Attorney for Respondent

ENDORSEMENT

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

Dated: 6/16/09

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

*N. Kaiser*  
NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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