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

11 In the Matter of the Accusation/Petition to  
12 Revoke Probation Against:

Case No. 2011-12

13 **ZAPPEN EXTERMINATING**  
14 **JOSEPH W. ZAPPEN, Owner and QM**  
511 South 1<sup>st</sup> Avenue #476  
Arcadia, California 91006  
15 **Company Registration License No. PR 3982**  
16 **Operator License No. OPR 10234**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

Re: John Charles Strom only

17 and

18 **JOHN CHARLES STROM**  
1424 South Sand Springs Drive  
19 West Covina, CA 91790  
20 **Operator License No. OPR 11528, Branch 3**

Respondents.

21  
22 In the Matter of the Statement of Issues  
23 Against:

Case No. 2013-4

24 **JOHN CHARLES STROM**  
**STROM'S TERMITE SERVICES**  
25 P.O. Box 1415  
West Covina, CA 91793  
26 **Applicant for Registration of Company**

Re: John Charles Strom  
Strom's Termite Services

27 Respondent.  
28



1 in his name. On September 5, 2012, the Board issued Operator License No. OPR 12410 to John  
2 Charles Strom. Operator License No. OPR 12410 is subject to the discipline set forth in the  
3 Disciplinary Order in place of expired Operator License No. OPR License No. 11528. Operator  
4 License No. OPR 12410 will expire on June 30, 2015 unless renewed.

#### 5 JURISDICTION

6 7. Accusation/Petition to Revoke Probation Case No. 2011-12<sup>1</sup> was filed before the  
7 Board, and is currently pending against Respondent. The Accusation/Petition to Revoke  
8 Probation and all other statutorily required documents were properly served on Respondent on  
9 September 12, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

10 8. A copy of Accusation/Petition to Revoke Probation No. 2011-12 is attached as  
11 Exhibit A, and incorporated herein by reference.

12 9. Statement of Issues Case No. 2013-4 was filed before the Board, and is currently  
13 pending against Respondent. The Statement of Issues and all other statutorily required  
14 documents were properly served on Respondent on July 17, 2012.

15 10. A copy of the Statement of Issues Case No. 2013-4 is attached as Exhibit B, and  
16 incorporated herein by reference.

#### 17 ADVISEMENT AND WAIVERS

18 11. Respondent has carefully read, and understands the charges and allegations in  
19 Accusation/Petition to Revoke Probation Case No. 2011-12 and Statement of Issues Case No.  
20 2013-4. Respondent has also carefully read, and understands the effects of this Stipulated  
21 Settlement and Disciplinary Order.

22 12. Respondent is fully aware of his legal rights in this matter, including the right to a  
23 hearing on the charges and allegations in the Accusation/Petition to Revoke Probation and the  
24 Statement of Issues; the right to be represented by counsel at his own expense; the right to

25 \_\_\_\_\_  
26 <sup>1</sup> Only the Accusation portion of the Accusation and Petition to Revoke Probation pertains  
27 to Respondent John Charles Strom. The Petition to Revoke Probation and majority of the  
28 Accusation pertains to Zappen Exterminating and Joseph Zappen. This stipulation resolves the  
causes for discipline pertaining only to John Charles Strom and the cause for denial in the  
Statement of Issues pertaining to Strom's Termite Services.

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

6 13. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
7 every right set forth above.

### 8 CULPABILITY

9 14. Respondent admits the truth of each and every charge and allegation in  
10 Accusation/Petition to Revoke Probation Case No. 2011-12 and Statement of Issues Case No.  
11 2013-4.

12 15. Respondent agrees that his Operator's License and his Application for Registration of  
13 Company are subject to discipline, and he agrees to be bound by the Board's probationary terms  
14 as set forth in the Disciplinary Order below.

### 15 CONTINGENCY

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

26 17. The parties understand and agree that facsimile copies of this Stipulated Settlement  
27 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
28 effect as the originals.



1 writing acknowledging the employer has read the decision in Case Nos. 2011-12 and 2013-4.

2       **5. Notice to Employees.** Respondent shall, upon or before the effective date of this  
3 decision, post or circulate a notice to all employees involved in structural pest control operations  
4 which accurately recite the terms and conditions of probation. Respondent shall be responsible  
5 for said notice being immediately available to said employees. "Employees" as used in this  
6 provision includes all full-time, part-time, temporary and relief employees and independent  
7 contractors employed or hired at any time during probation.

8       **6. Random Inspections.** Respondent shall reimburse the Board for one random  
9 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per  
10 inspection.

11       **7. Prohibited From Serving as Officer, Director, Associate, Partner or Qualifying**  
12 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,  
13 qualifying manager or branch office manager of any registered company other than Strom's  
14 Termite Services during the period that discipline is imposed on the Operator's License and the  
15 Company Registration.

16       **8. No Interest In Any Registered Company.** Respondent shall not have any legal or  
17 beneficial interest in any company currently or hereinafter registered by the Board other than  
18 Strom's Termite Services.

19       **9. Prohibited From Associating With Certain Business and/or Persons.** Respondent  
20 agrees that he will not associate with anyone formerly or currently associated with Zappen  
21 Exterminating including, but not limited to, Joseph Zappen.

22       **10. Costs Reimbursement.** Respondent shall pay to the Board, pursuant to Business and  
23 Professions Code section 125.3, the cost of investigation and enforcement of the investigation in  
24 this matter in the amount of \$1,000. Respondent shall be permitted to pay these costs pursuant to  
25 a payment plan approved by the Board. Failure to make a timely payment according to the  
26 payment schedule, and/or failure to complete payment of costs recovery, shall constitute a  
27 violation of probation, which may subject Respondent's license and registration to outright  
28 revocation.


1 11. **Completion of Probation.** Upon successful completion of probation, Respondent's  
2 license and registration will be fully restored.

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

8 **ACCEPTANCE**

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

14 DATED: 9/27/12

  
15 JOHN STROM  
16 Respondent

17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Structural Pest Control Board of the Department of Pesticide  
20 Regulation.

21 Dated:

Respectfully submitted,

22 KAMALA D. HARRIS  
23 Attorney General of California  
24 GREGORY J. SALUTE  
25 Supervising Deputy Attorney General

26 DESIREE TULLENERS  
27 Deputy Attorney General  
28 Attorneys for Complainant





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

In the Matters of the First Amended  
Accusation and Petition to Revoke Probation  
and the Statement of Issues Against:

**JOHN CHARLES STROM**  
P.O. Box 1415  
West Covina, CA 91790  
**Operator's License Number OPR 12410,  
Branch 3**  
[formerly Operator's License Number OPR  
11528, Branch 3]

and

**STROM'S TERMITE SERVICES**  
Applicant for Registration of Company

Respondent.

Case Nos. 2011-12 and 2013-4

OAH No. 2012080680


[Re: John Charles Strom and Strom's Termite  
Services Only]

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the  
Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

This Decision shall become effective on November 30, 2012.

It is so ORDERED October 31, 2012.

  
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FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF PESTICIDE REGULATION