1	Kamala D. Harris	· .
2	Attorney General of California GREGORY J. SALUTE	
3	Supervising Deputy Attorney General DESIREE TULLENERS	
. 4	Deputy Attorney General State Bar No. 157464	
5	300 So. Spring Street, Suite 1702	
	Los Angeles, CA 90013 Telephone: (213) 897-2578	
6	Facsimile: (213) 897-2804 Attorneys for Complainant	
7		
8	BEFORE THE STRUCTURAL PEST CONTROL BOARD	
9	DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA	
10		
- 11	In the Matter of the Accusation/Petition to	Case No. 2011-12
. 12	Revoke Probation Against:	
13	ZAPPEN EXTERMINATING JOSEPH W. ZAPPEN, Owner and QM	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER
14	511 South 1 st Avenue #476 Arcadia, California 91006	Re: John Charles Strom only
15	Company Registration License No. PR 3982	
16	Operator License No. OPR 10234	
17	and	
18	JOHN CHARLES STROM	
19.	1424 South Sandsprings Drive West Covina, CA 91790	
20	Operator License No. OPR 11528, Branch 3	
21	Respondents.	
22	In the Motter of the Statement of T	
22	In the Matter of the Statement of Issues Against:	Case No. 2013-4
	JOHN CHARLES STROM	Re: John Charles Strom
24	STROM'S TERMITE SERVICES P.O. Box 1415	Strom's Termite Services
25	West Covina, CA 91793	
26	Applicant for Registration of Company	
27	Respondent.	
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		STIPULATED SETTLEMENT (2011-

STIPULATED SETTLEMENT (2011-12)

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IT IS HEREBY STIPULATED AND AGREED by and between the parties to the aboveentitled proceedings that the following matters are true:

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PARTIES ·

 William H. Douglas (Complainant) was the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, and he brought this action solely in his official capacity. The Board is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Desiree Tulleners, Deputy Attorney General.

2. Respondent John Charles Strom is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel. This stipulation pertains only to Respondent John Charles Strom's Operator's License in Branch 3 and to his Application for Registration of Company.

On or about May 29, 2007, the Structural Pest Control Board (Board) issued
 Operator's License Number OPR 11528 in Branch 3 to John Charles Strom. The license expired
 during the pendency of these proceedings on June 30, 2012.

4. On or about January 17, 2012, the Board received an application for Registration of
Company from John Charles Strom. On or about January 9, 2012, Respondent certified under
penalty of perjury as to the truth and accuracy of all statements and representations made in the
application, and acknowledged that falsifying information on the application may result in denial
of the application or the revocation of the license. The Board denied the application on February
15, 2012.

5. On or about August 31, 2012, the Board received an Application for Operator's
 License from John Charles Strom. On or about August 27, 2012, Respondent certified under
 penalty of perjury as to the truth and accuracy of all statements and representations made in the
 application, and acknowledged that falsifying information on the application may result in denial
 of the application or the revocation of the license.

Respondent John Charles Strom stipulates and agrees that the pending discipline in
 Accusation Case No. 2011-12 against his former Operator License No. OPR 11528, which
 expired on June 30, 2012, applies and remains pending against the new Operator License issued

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

JURISDICTION

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 Accusation/Petition to Revoke Probation Case No. 2011-12¹ was filed before the Board, and is currently pending against Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on September 12, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.
 8. A copy of Accusation/Petition to Revoke Probation No. 2011-12 is attached as

11 Exhibit A, and incorporated herein by reference.

Statement of Issues Case No. 2013-4 was filed before the Board, and is currently
 pending against Respondent. The Statement of Issues and all other statutorily required
 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.

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ADVISEMENT AND WAIVERS

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

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

¹ Only the Accusation portion of the Accusation and Petition to Revoke Probation pertains to Respondent John Charles Strom. The Petition to Revoke Probation and majority of the 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.

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

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

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.

CONTINGENCY

16. This stipulation shall be subject to approval by the Structural Pest Control Board. 16 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.

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

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18. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an 1 integrated writing representing the complete, final, and exclusive embodiment of their agreement. ·2 It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary 4 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a 5 writing executed by an authorized representative of each of the parties. 6

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In consideration of the foregoing admissions and stipulations, the parties agree that 19. the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Operator's License No. OPR 12410 issued to Respondent 11 John Charles Strom is revoked. However, the revocation is stayed, and Respondent is placed on 12 probation for three (3) years on the following terms and conditions. .13

IT IS FURTHER HERBY ORDERED that Strom's Termite Services (Respondent STS) shall 14 be issued a Company Registration and revoked. However, the revocation is stayed and 15 Respondent STS is placed on probation for three (3) years on the following terms and conditions: 16 Obey All Laws. Respondent shall obey all laws and rules relating to the practice of .1. 17 structural pest control. 18

Quarterly Reports. Respondent shall file quarterly reports with the Board during 2. 19 20 the period of probation.

Tolling of Probation. Should Respondent leave California to reside outside this 3. 21 state, Respondent must notify the Board in writing of the dates of departure and return. Periods 22 of residency or practice outside the state shall not apply to reduction of the probationary period. 23

Notice to Employers. Respondent shall notify all present and prospective employers 4. 24 of the decision in Case Nos. 2011-12 and 2013-4 and the terms, conditions and restriction 25 imposed on Respondent and Respondent STS by said decision. 26

Within 30 days of the effective date of this decision, and within 15 days of Respondent 27 undertaking new employment, Respondent shall cause his/her employer to report to the Board in 28

STIPULATED SETTLEMENT (2011-12)

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

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

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

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

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

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

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

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

ACCEPTANCE

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

DATED 14

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JOHN STROM Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully 18 submitted for consideration by the Structural Pest Control Board of the Department of Pesticide 19 20 Regulation. Respectfully submitted, 21Dated: 22 KAMALA D. HARRIS Attomey General of California 23 GREGORY J. SALUTE Supervising Deputy Attorney General 24 25 DESIREE TULLENERS 26 Deputy Attorney General Attorneys for Complainant 27 28 7 STIPULATED SETTLEMENT (2011-12)

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

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

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.

DATED:

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JOHN STROM Respondent

16 ENDORSEMENT 17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully 18 submitted for consideration by the Structural Pest Control Board of the Department of Pesticide 19 20 Regulation. Dated September 27, 2012 21 Respectfully submitted, 22 Kamala D. Harris Attorney General of California 23 GREGORY J. SALUTE Supervising Deputy Attorney General 24 25 DESIREE TULLENERS 26 Deputy Attorney General Attorneys for Complainant 27 28

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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

FOR THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION