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

In the Matter of the Accusation Against:

Case No. 2010-31

**TERESA VANG
P. O. Box 48642
Los Angeles, CA 90048
Registered Applicator's License No. RA-47339**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about November 24, 2009, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2010-31 against Teresa Vang (Respondent) before the Structural Pest Control Board.

2. On or about March 3, 2008, the Structural Pest Control Board (Board) issued Registered Applicator's License No. RA-47339 to Respondent. The Registered Applicator's License was in full force and effect at all times relevant to the charges brought herein and will expire on May 7, 2010, unless renewed.

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ORDER

IT IS SO ORDERED that Registered Applicator's License No. RA-47339, heretofore issued to Respondent Teresa Vang, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 26, 2010.

It is so ORDERED February 24, 2010



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

Attachment:

Exhibit A: Accusation No. 2010-31.

Exhibit A
Accusation No. 2010-31.

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Attorney General of California
2 MARC D. GREENBAUM
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Attorneys for Complainant

FILED

Date 11/24/09 By *Kelli Okuma*

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

11 In the Matter of the Accusation Against:

Case No. 2010-31

12 **TERESA M. VANG**
13 **P.O. Box 48642**
14 **Los Angeles, CA 90048**

ACCUSATION

14 **Registered Applicator's License No. RA 47339**

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as
20 the Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
21 Pesticide Regulation.

22 2. On or about May 7, 2007, the Board issued Registered Applicator's License No. RA
23 47339 in Branches 2 (general pest) and 3 (termite) to Teresa M. Vang ("Respondent"). The
24 license was in full full force and effect at all times relevant to the charges brought herein and
25 license will expire on May 7, 2010, unless renewed.

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1 5. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
2 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
3 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
4 of a suspension may assess a civil penalty.

5 6. Code section 8649 states:

6 Conviction of a crime substantially related to the qualifications, functions,
7 and duties of a structural pest control operator, field representative, applicator, or
8 registered company is a ground for disciplinary action. The certified record of
9 conviction shall be conclusive evidence thereof.

10 7. Code section 8654 states:

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

26 8. Code section 8655 states:

27 A plea or verdict of guilty or a conviction following a plea of nolo
28 contendere made to a charge substantially related to the qualifications, functions, and
duties of a structural pest control operator, field representative, applicator, or
registered company is deemed to be a conviction within the meaning of this article or
Section 8568 of this chapter. The board may order the license or registration
suspended or revoked, or may decline to issue a license, when the time for appeal has
elapsed, or the judgment of conviction has been affirmed on appeal or when an order
granting probation is made suspending the imposition of sentence, irrespective of a
subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
the individual or registered company to withdraw a plea of guilty and to enter a plea
of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
information or indictment.

COST RECOVERY

9 9. Code section 125.3 states, in pertinent part, that a Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations

1 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Conviction)**

5 10. Respondent is subject to disciplinary action pursuant to Code sections 8649 and 490,
6 subdivision (a), in that on or about May 14, 2009, in the criminal proceeding titled *People v.*
7 *Teresa Vang* (Super. Ct. Los Angeles County, 2009, Case No. 9NW02210), Respondent pled
8 nolo contendere to two (2) counts of violating Penal Code section 459 (second degree commercial
9 burglary, a misdemeanor), a crime substantially related to the qualifications, functions, and duties
10 of a registered applicator. Respondent was also charged with violating Penal Code section 476
11 (forgery); however, that charge was dismissed in view of Respondent's plea, as set forth above.
12 The imposition of Respondent's sentence was suspended and Respondent was placed on
13 summary probation for a period of 36 months under terms and conditions, including that
14 Respondent pay restitution to the victims, to wit: Respondent was ordered to pay \$496.21 to
15 Quick Stop Liquor and \$321.09 to Art's Liquor. The circumstances of the crimes are as follows:
16 On or about April 13, 2009, Respondent cashed a forged or counterfeit check in the sum of
17 \$496.21 at Quick Stop Liquor located in Sangus, California. Further, on or about April 16, 2009,
18 Respondent entered a commercial building occupied by Art's Liquor with the intent to commit
19 larceny and a felony.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Deceit, Fraud)**

22 11. Respondent is subject to disciplinary action pursuant to Code section 8620, in that her
23 violation of Penal Code sections 459 and 476, substantially relate to the qualifications, functions
24 or duties of the business or profession for which Respondent is licensed. Complainant refers to,
25 and by this reference incorporates the allegations set forth in paragraphs 10, as though set forth
26 fully.

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1 OTHER MATTERS

2 12. Pursuant to Code section 8654, if discipline is imposed on Registered Applicator's
3 License No. RA 47339, issued to Teresa M. Vang, Teresa M. Vang shall be prohibited from
4 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
5 employee for any registered company during the time the discipline is imposed, and any
6 registered company which employs, elects, or associates Teresa M. Vang shall be subject to
7 disciplinary action.

8 PRAYER

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

11 1. Revoking or suspending Registered Applicator's License No. RA 47339, issued to
12 Teresa M. Vang;

13 2. Prohibiting Teresa M. Vang from serving as an officer, director, associate, partner,
14 qualifying manager or responsible managing employee of any registered company during the
15 period that discipline is imposed on Registered Applicator's License No. RA 47339, issued to
16 Teresa M. Vang;

17 3. Ordering Teresa M. Vang to pay the Structural Pest Control Board the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3;

20 4. Taking such other and further action as deemed necessary and proper.

21
22
23 DATED: 11/24/09


24 KELLI OKUMA
25 Registrar/Executive Officer
26 Structural Pest Control Board
27 Department Pesticide Regulation
28 State of California
Complainant

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