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

In the Matter of the Accusation Against:

**BENJAMIN A. MENDOZA** 

900 Courtney Street Hemet, CA 92543 Case No. 2014-23

OAH No. 2013101037

Field Representative License No. FR 22492

Respondent.

## **DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Structural

Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 16, 2014

It is so ORDERED June 16, 2014

FOR THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS

1 2 3 4 5 6 7 8 9 10 11	KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER Supervising Deputy Attorney General State Bar No. 101336 AMANDA DODDS Senior Legal Analyst 110 West "A" Street, Suite 1100 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-2141 Facsimile: (619) 645-2061 Attorneys for Complainant BEFORE THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2014-23
13	BENJAMIN A. MENDOZA OAH No. 2013101037
14	900 Courtney Street Hemet, CA 92543 STIPULATED SURRENDER OF LICENSE AND ORDER
15	Field Representative License No. FR 22492
16	Respondent.
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18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19	entitled proceedings that the following matters are true:
20	PARTIES
21	1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest
22	Control Board. She brought this action solely in her official capacity and is represented in this
23	matter by Kamala D. Harris, Attorney General of the State of California, by Amanda Dodds,
24	Senior Legal Analyst.
25	2. Benjamin A. Mendoza (Respondent) is representing himself in this proceeding and
26	has chosen not to exercise his right to be represented by counsel.
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3. On or about October 18, 1993, the Structural Pest Control Board issued Field Representative License No. FR 22492 to Benjamin A. Mendoza (Respondent). The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-23 and will expire on June 30, 2014, unless renewed.

# JURISDICTION

4. Accusation No. 2014-23 was filed before the Structural Pest Control Board (Board),
Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
and all other statutorily required documents were properly served on Respondent on October 8,
2013. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
Accusation No. 2014-23 is attached as Exhibit A and incorporated by reference.

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### ADVISEMENT AND WAIVERS

S. Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2014-23. Respondent also has carefully read, and understands the effects of this
 Stipulated Surrender of License and Order.

6. 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; the right to be represented by counsel, at
his own expense; the right to 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.

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

### CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation
No. 2014-23, agrees that cause exists for discipline and hereby surrenders his Field

27 || Representative License No. FR 22492 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Field Representative License without further process.

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### CONTINGENCY

10. This stipulation shall be subject to approval by the Structural Pest Control Board. 4 Respondent understands and agrees that counsel for Complainant and the staff of the Structural 5 Pest Control Board may communicate directly with the Board regarding this stipulation and 6 surrender, without notice to or participation by Respondent. By signing the stipulation, 7 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the 8 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this 9 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of 10 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between 11 the parties, and the Board shall not be disqualified from further action by having considered this 12 matter. 13

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
16 thereto, shall have the same force and effect as the originals.

17 12. This Stipulated Surrender of License and Order is intended by the parties to be an
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
20 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
21 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
22 executed by an authorized representative of each of the parties.

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

ORDER

IT IS HEREBY ORDERED that Field Representative License No. FR 22492, issued to
Respondent Benjamin A. Mendoza, is surrendered and accepted by the Structural Pest Control
Board.

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1	1. The surrender of Respondent's Field Representative License and the acceptance of
2	the surrendered license by the Board shall constitute the imposition of discipline against
3	Respondent. This stipulation constitutes a record of the discipline and shall become a part of
4	Respondent's license history with the Structural Pest Control Board.
5	2. Respondent shall lose all rights and privileges as a Field Representative in California
б	as of the effective date of the Board's Decision and Order.
7	3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
8	issued, his wall certificate on or before the effective date of the Decision and Order.
9	4. If Respondent ever applies for licensure or petitions for reinstatement in the State of
10	California, the Board shall treat it as a petition for reinstatement. Respondent must comply with
11	all the laws, regulations and procedures for licensure in effect at the time the application or
- 12	petition is filed, and all of the charges and allegations contained in Accusation No. 2014-23 shall
13	be deemed to be true, correct and admitted by Respondent when the Board determines whether to
14	grant or deny the application or petition.
15	5. Respondent shall pay the agency its costs of investigation and enforcement in the
16	amount of \$1,720.00 prior to issuance of a new or reinstated license.
17	ACCEPTANCE
18	I have carefully read the Stipulated Surrender of License and Order. I understand the
19	stipulation and the effect it will have on my Field Representative License. I enter into this
20	Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
21	be bound by the Decision and Order of the Structural Pest Control Board.
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23	DATED: 3.28.14
24	BENJAMIN A. MENDOZA Respondent
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(	Stipulated Surrender of License (Case No. 2014-23)

## **ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

Dated: 3/28/14 

Respectfully submitted,

KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER Supervising Deputy Attorney General

AMANDA DODDS Senior Legal Analyst Attorneys for Complainant

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