

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

In the Matter of the Accusation Against:

Case No. 2015-14

**MICHAEL J. WOLKE**  
1899 Comanche Street  
Oceanside, CA 92056

**Field Representative License No. FR 24736**

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 February 13, 2015.

It is so ORDERED January 14, 2015.

  
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FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 State Bar No. 13264  
AMANDA DODDS  
4 Senior Legal Analyst  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2141  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 2015-14

13 **MICHAEL J. WOLKE**  
1899 Comanche Street  
14 **Oceanside, CA 92056**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Field Representative License No. FR 24736**

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. Michael J. Wolke (Respondent) is representing himself in this proceeding and has  
26 chosen not to exercise his right to be represented by counsel.

27 3. On or about April 18, 1995, the Structural Pest Control Board issued Field  
28 Representative License No. FR 24736 to Michael J. Wolke (Respondent). The Field

1 Representative License was in full force and effect at all times relevant to the charges brought in  
2 Accusation No. 2015-14 and will expire on June 30, 2015, unless renewed.

### 3 JURISDICTION

4 4. Accusation No. 2015-14 was filed before the Structural Pest Control Board (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on October 15,  
7 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 2015-14 is attached as Exhibit A and incorporated by reference.

### 9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 2015-14. Respondent also has carefully read, and understands the effects of this  
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
17 the attendance of witnesses and the production of documents; the right to reconsideration and  
18 court review of an adverse decision; and all other rights accorded by the California  
19 Administrative Procedure Act and other applicable laws.

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

### 22 CULPABILITY

23 8. Respondent understands that the charges and allegations in Accusation No. 2015-14,  
24 if proven at a hearing, constitute cause for imposing discipline upon his Field Representative  
25 License.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
28 basis for the charges in the Accusation and that those charges constitute cause for discipline.

1 Respondent hereby gives up his right to contest that cause for discipline exists based on those  
2 charges.

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

5 **CONTINGENCY**

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

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

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

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

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28 ///

**ORDER**

IT IS HEREBY ORDERED that Field Representative License No. FR 24736, issued to Respondent Michael J. Wolke, is surrendered and accepted by the Structural Pest Control Board.

1. The surrender of Respondent's Field Representative License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Structural Pest Control Board.

2. Respondent shall lose all rights and privileges as a field representative in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2015-14 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$505.00 prior to the issuance of a reinstated license.

**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Field Representative License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: \_\_\_\_\_

11-5-14

  
MICHAEL J. WOLKE  
Respondent

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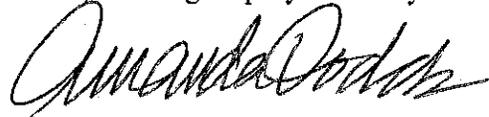
**ENDORSEMENT**

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: 11/13/14

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General



AMANDA DODDS  
Senior Legal Analyst  
*Attorneys for Complainant*

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