

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

In the Matter of the Accusation Against:

**ANDRE L. WELLES**  
1766 Daggett Way  
Sacramento, CA 95835

**Field Representative's License No. FR 27227**

Respondent.

Case No. 2013-31

OAH No. 2013031018

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 November 23, 2013.

It is so ORDERED October 24, 2013.



FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **ANDRE L. WELLES**  
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**Sacramento, CA 95835**

14 **Field Representative's License No. FR 27227**

15 Respondent.

Case No. 2013-31

OAH No. 2013031018

16 **STIPULATED SETTLEMENT AND**  
17 **DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Susan Saylor (Complainant) is the Interim Registrar/Executive Officer of the  
21 Structural Pest Control Board. She brought this action solely in her official capacity and is  
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
23 Anahita S. Crawford, Deputy Attorney General.

24 2. Respondent Andre L. Welles, (Respondent) is representing himself in this proceeding  
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about November 18, 1996, the Structural Pest Control Board issued Field  
27 Representative's License No. FR 27227 to Andre L. Welles. The Field Representative's License  
28 was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-31

1 and will expire on June 30, 2014, unless renewed.

2 **JURISDICTION**

3 4. Accusation No. 2013-31 was filed before the Structural Pest Control Board (Board),  
4 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
5 and all other statutorily required documents were properly served on Respondent on February 13,  
6 2013. Respondent timely filed his Notice of Defense contesting the Accusation.

7 5. A copy of Accusation No. 2013-31 is attached as exhibit A and incorporated herein  
8 by reference.

9 **ADVISEMENT AND WAIVERS**

10 6. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 2013-31. Respondent has also carefully read, and understands the effects of this  
12 Stipulated Settlement and Disciplinary Order.

13 7. 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 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
21 every right set forth above.

22 **CULPABILITY**

23 9. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 2013-31.

25 10. Respondent agrees that his Field Representative's License is subject to discipline and  
26 he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
27 below.

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1 CIRCUMSTANCES IN MITIGATION

2 11. Respondent Andre L. Welles, Andre L. Welles has never been the subject of any  
3 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

4 CONTINGENCY

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

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

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

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

27 //

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**DISCIPLINARY ORDER**

1  
2 IT IS HEREBY ORDERED that Field Representative's License No. FR 27227 issued to  
3 Respondent Andre L. Welles, Andre L. Welles (Respondent) is revoked. However, the  
4 revocation is stayed and Respondent is placed on probation for three (3) years on the following  
5 terms and conditions.

6 1. **Obey All Laws.** Respondent shall obey all Federal, State and Local law along with  
7 all laws and rules relating to the practice of structural pest control.

8 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during  
9 the period of probation.

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

13 4. **Notice to Employers.** Respondent shall notify all present and prospective employers  
14 of the decision in case no. 2013-31 and the terms, conditions and restriction imposed on  
15 Respondent by said decision.

16 Within 30 days of the effective date of this decision, and within 15 days of Respondent  
17 undertaking new employment, Respondent shall cause his employer to report to the Board in  
18 writing acknowledging the employer has read the decision in case No. 2013-31.

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

25 6. **Completion of Probation.** Upon successful completion of probation, Respondent's  
26 license will be fully restored.

27 7. **Violation of Probation.** Should Respondent violate probation in any respect, the  
28 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and

1 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against  
2 Respondent during probation, the Board shall have continuing jurisdiction until the matter is final,  
3 and the period of probation shall be extended until the matter is final.

4 **8. Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
5 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,  
6 qualifying manager or branch office manager of any registered company during the period that  
7 discipline is imposed on Field Representative's License No. FR 27227.

8 **9. Continuing Education Courses:** During the period of probation, Respondent must  
9 take continuing education courses to qualify for a renewal of license. The continuing education  
10 courses completed on June 5, 2013 and June 7, 2013 will not be considered for purposes of  
11 renewal of his license in June of 2014 or thereafter.

12 **10. Costs.** Respondent is to reimburse the board for its costs of investigation and  
13 prosecution of this matter in the amount of \$1,532.50. Costs may be made in monthly payments  
14 as arranged by the Board. Probation shall not terminate until all costs are paid in full. Costs are  
15 to be paid in full no later than 6 months prior to the scheduled date for probation termination.

16 **11. Additional License.** Any additional license issued to Respondent during the  
17 probationary period of Field Representative License No. FR 27227, shall be placed on probation  
18 under the same terms and conditions.

19 **ACCEPTANCE**

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

24  
25  
26 DATED: 7/25/13

Andre L Welles  
27 ANDRE L. WELLES, ANDRE L. WELLES  
28 Respondent

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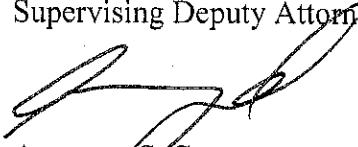
ENDORSEMENT

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

Dated: 8.7.13

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General



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Deputy Attorney General  
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