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

Case No. 2013-7

OAH No. 2012100191

In the Matter of the Accusation Against:

MASTERCARE TERMITE CONTROL SOUTH BAY; WILLIAM WHITE, PRESIDENT; LEONARDO J. CRUZ, JR., QUALIFYING MANAGER 24404 South Vermont Avenue, Ste. 303 Harbor City, CA 90710

Company Registration Certificate No. PR 5620, Br. 3 Operator's License No. OPR 11324, Br. 3

CESAR G. SILVANO 17341 East Hurley Street, Apt. 6 La Puente, CA 91744

Operator's License No. OPR 11237, Br. 3

and

BETTY ANN WEBSTER 2472 South Bundy Drive, Los Angeles, CA 90064

Field Representative's License No. FR 32347, Br. 2 and 3

Respondents.

## 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 July 28, 2013

It is so ORDERED June 28, 2013

FOR THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION

· 1	KAMALA D. HARRIS	<b>\$</b>	
2	Attorney General of California KAREN B. CHAPPELLE		
3	Supervising Deputy Attorney General SYDNEY M. MEHRINGER	<b>`}</b>	
4	Deputy Attorney General State Bar No. 245282		
5	300 So. Spring Street, Suite 1702	· · · · · ·	
	Los Angeles, CA 90013 Telephone: (213) 897-2537 Facsimile: (213) 897-2804	х	
6	Attorneys for Complainant		
7	BEFORE THE		
8	STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION		
9	STATE OF C	CALIFORNIA	
10			
11	In the Matter of the Accusation Against:	Case No. 2013-7	
12	MASTERCARE TERMITE CONTROL SOUTH BAY; WILLIAM WHITE,	OAH No. 2012100191	
13	PRESIDENT; LEONARDO J. CRÚZ, JR., QUALIFYING MANAGER	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	
14	24404 South Vermont Avenue, Ste. 303 Harbor City, CA 90710	(RESPONDENT BETTY ANN WEBSTER ONLY)	
15	Company Registration Certificate No. PR		
16	5620, Br. 3 Operator's License No. OPR 11324, Br. 3		
17	CESAR G. SILVANO		
18	17341 East Hurley Street, Apt. 6 La Puente, CA 91744		
19	Operator's License No. OPR 11237, Br. 3		
20	and		
21	BETTY ANN WEBSTER		
22	2472 South Bundy Drive, Los Angeles, CA 90064		
23	Field Representative's License No. FR		
24	32347, Br. 2 and 3		
25	Respondents.		
-26	IT IS HEREBY STIPULATED AND AG	REED by and between the parties to the above-	
27	entitled proceedings that the following matters are true:		
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# PARTIES

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2	1. At the time of the filing of the Accusation, William Douglas was the Interim			
3	Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide			
4	Regulation. He brought this action solely in his official capacity and was represented in this			
5	matter by Kamala D. Harris, Attorney General of the State of California, by Sydney M.	:		
6	Mehringer, Deputy Attorney General. Susan Saylor is currently the Interim Registrar/Executive			
7	Officer of the Structural Pest Control Board, Department of Pesticide Regulation ("Complainant")			
8	and continues to bring this action solely in her official capacity and is represented in this matter			
9	by Kamala D. Harris, Attorney General of the State of California, by Sydney M. Mehringer,	-		
10	Deputy Attorney General.			
11	2. Respondent Betty Ann Webster ("Respondent") is representing herself in this			
12	proceeding and has chosen not to exercise her right to be represented by counsel.			
13	3. On or about June 2, 2000, the Board issued Field Representative's License No. 32347			
14	in Branch 2 to Respondent. On or about June 20, 2000, Field Representative's License No.			
15	32347 was upgraded to include Branches 2 and 3. Field Representative's License No. 32347 was			
16	in full force and effect at all times relevant to the charges brought herein and will expire on June			
17	30, 3014, unless renewed.			
18	JURISDICTION			
19	4. Accusation No. 2013-7 was filed before the Structural Pest Control Board ("Board"),			
20	Department of Pesticide Regulation, and is currently pending against Respondent. The			
21	Accusation and all other statutorily required documents were properly served on Respondent on			
22	August 28, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.			
	5. A copy of Accusation No. 2013-7 is attached as exhibit A and incorporated herein by			
24	reference.			
25	ADVISEMENT AND WAIVERS			
26	6. Respondent has carefully read, and understands the charges and allegations in			
27	Accusation No. 2013-7. Respondent has also carefully read, and understands the effects of this			
28	Stipulated Settlement and Disciplinary Order.			
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STIPULATED SETTLEMENT (2013-7)

Respondent is fully aware of her 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
 her own expense; the right to confront and cross-examine the witnesses against her; the right to
 present evidence and to testify on her 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.

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

#### CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-7.

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

<u>CONTINGENCY</u>

This stipulation shall be subject to approval by the Structural Pest Control Board. 11. 17Respondent 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 she may not withdraw her agreement or seek to rescind 21 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt 22 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall 23 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action 24 between the parties, and the Board shall not be disqualified from further action by having 25 considered this matter. 26

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The parties understand and agree that facsimile copies of this Stipulated Settlement 12. and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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

In consideration of the foregoing admissions and stipulations, the parties agree that 10 14. the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

### DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Field Representative License No. FR 32347 issued to Respondent Betty Ann Webster is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

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

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

Tolling of Probation. Should Respondent leave California to reside outside this 3. 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 no. 2013-7 and the terms, conditions and restriction imposed on 25 Respondent 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 her employer to report to the Board in 28

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STIPULATED SETTLEMENT (2013-7)

writing acknowledging the employer has read the decision in case No. 2013-7.

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.

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

7. 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 order which was 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 period of probation shall be extended until the matter is final.

8. Correspondence Course - Branch 3. Respondent shall complete with a final grade of C Minus (C-) or better within eighteen (18) months of the effective date of this decision the correspondence course, Pest Control, Branch 3: Wood Destroying Pests and Organisms, Repairs and Corrections, offered by the University of California Extension, Berkeley. This course cannot be used towards renewal of Respondent's Field Representative License.

9. 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 during the period that
 discipline is imposed on Field Representative License's No. 32347

10. Additional License. Any additional license issued to Respondent shall be placed on
probation under the same terms and conditions during the period that discipline is imposed on
Respondent's Field Representative's License.

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## ACCEPTANCE

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

DATED

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Batter 111 Autor	
BETTY ANN WEBSTER	r
Respondent	

### ENDORSEMENT

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	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully				
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submitted for consideration by the Structural Pest Control Board of the Department of Pesti					
12	Regulation.				
13					
14	Dated: April 8, 2013	Respectfully submitted,			
15		KAMALA D. HARRIS			
16		Attorney General of California Karen B. Chappelle Supervising Deputy Attorney General			
17					
18		Mychney Hahringen			
19		SYDNEY M. MEHRINGER Deputy Attorney General			
20		Attorneys for Complainant			
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