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

In the Matter of the Accusation Against:

Case No. 2015-2

JAMES ALLEN WERNLI P.O. Box 1660

OAH No. 2014090351

Claremont, CA 91711

Field Representative License No. FR 33331

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 May 30, 2015

It is so ORDERED April 30, 2015

STRUCTURAL PEST CONTROL BOARD

DEPARTMENT OF CONSUMER AFFAIRS

	•	
1 2 3 4 5 6 7 8	KAMALA D. HARRIS Attorney General of California THOMAS RINALDI Supervising Deputy Attorney General CRISTINA FELIX Deputy Attorney General State Bar No. 195663 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2455 Facsimile: (213) 897-2804 E-mail; Cristina.Felix@doj.ca.gov Attorneys for Complainant  BEFOR	CONTROL BOARD
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	STATE OF C	ALIFORNIA
11	In the Matter of the Accusation Against:	Case No. 2015-2
12	JAMES ALLEN WERNLI	OAH No. 2014090351
13	P.O. Box 1660 Claremont, CA 91711	STIPULATED SURRENDER OF LICENSE AND ORDER
14	Field Representative License No. FR 33331	Incertal Arts State
15	Respondent.	
16		
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	<u>PARTIES</u>	
20	1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest	
21	Control Board. She brought this action solely in her official capacity and is represented in this	
22	matter by Kamala D. Harris, Attorney General of the State of California, by Cristina Felix,	
23	Deputy Attorney General,	
24	2. James Allen Wernli (Respondent) is representing himself in this proceeding and has	
25	chosen not to exercise his right to be represented by counsel.	
26	<i>///</i>	
27	.     ///	
28	3	
		1

3. On or about April 12, 2001, the Structural Pest Control Board issued Field Representative License No. FR 33331 to James Allen Wernli (Respondent). The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-2 and will expire on June 30, 2015, unless renewed.

#### JURISDICTION

4. Accusation No. 2015-2 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 July 31, 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2015-2 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in
   Accusation No. 2015-2. 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.
- 7. 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. 2015-2, agrees that cause exists for discipline and hereby surrenders his Field Representative License No. FR 33331 for the Board's formal acceptance.

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.

#### CONTINGENCY

- Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an 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 Surrender of License and 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.
- 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:

27 | ///

///

///

///

7 8

10

9

11 12

13

14 15

16

17 18

19

20 21

22

23

24

25 26

27

28

#### **ORDER**

IT IS HEREBY ORDERED that Field Representative License No. FR 33331, issued to Respondent James Allen Wernli, is surrendered and accepted by the Structural Pest Control Board.

- The surrender of Respondent's Field Representative License and the acceptance of 1. 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.
- Respondent shall lose all rights and privileges as a Field Representative in California 2. as of the effective date of the Board's Decision and Order.
- Respondent shall cause to be delivered to the Board his pocket license and, if one was 3. issued, his wall certificate on or before the effective date of the Decision and Order.
- If Respondent ever files an application for licensure or a petition for reinstatement in 4. 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 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in ... Accusation No. 2015-2 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$1,690.00 prior to issuance of a new or reinstated license.

///

III

/// ///

1//

2015-01-30 17:58

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

**ACCEPTANCE** stipulation and the effect it will have on my Field Representative License. Lenter into this Stipulated Surrender of License and Order voluntarily, knowingly, and Board. elen Werne Respondent **ENDORSEMENT** The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted Respectfully submitted, Dated: KAMALA D. HARRIS THOMAS RINALDI 18 CRISTINA FELIX 19 20 21 22 LA2014511992 51687590.doc 23 24 26

I have carefully read the Stipulated Surrender of License and Order. I understand the

CA DOI

intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control

for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

Attorney General of California Supervising Deputy Attorney General

Deputy Attorney General Attorneys for Complainant

25

27

28

5

Stipulated Surrender of Licenso (Case No. 2015-2)

### **ACCEPTANCE** 1 I have carefully read the Stipulated Surrender of License and Order. I understand the 2 stipulation and the effect it will have on my Field Representative License. 3 I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and 4 intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control 5 Board. 6 7 DATED: 8 JAMES ALLEN WERNLI 9 Respondent 10 ENDORSEMENT 11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 12 for consideration by the Structural Pest Control Board of the Department of Consumer Affairs. 13 Respectfully submitted, 14 KAMALA D. HARRIS 15 Attorney General of California THOMAS RINALDI Supervising Deputy Attorney General 16 17 18 CRISTINA FELIX Deputy Attorney General 19 Attorneys for Complainant 20 21 22 LA2014511992 51687590.doc 23 24 25 26 .27 28

5