

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

In the Matter of the Amended Accusation
Against:

Case No. 2011-18

SHELLEY MARTIN
8050 South Padre Island Drive, Apt. E-11
Corpus Christi, TX 78412

Field Representative No. FR 36462

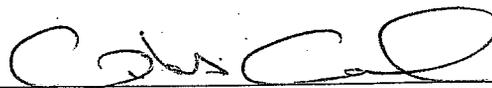
Respondent.

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 August 26, 2011.

It is so ORDERED July 27, 2011.



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CAROL ROMEO
Deputy Attorney General
4 State Bar No. 124910
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2141
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Amended Accusation
12 Against:

Case No. 2011-18

13 **SHELLEY MARTIN**
14 **8050 South Padre Island Drive, Apt. E-11**
Corpus Christi, TX 78412
Field Representative No. FR 36462

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

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. Kelli Okuma (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 Carol Romeo,
23 Deputy Attorney General.

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

26 3. On or about September 25, 2003, the Structural Pest Control Board issued Field
27 Representative No. FR 36462 to Shelley Martin (Respondent). The Field Representative was in

28 ///

1 full force and effect at all times relevant to the charges brought in Amended Accusation No.
2 2011-18 and will expire on June 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2011-28 was filed before the Structural Pest Control Board (Board),
5 Department of Pesticide Regulation. The Accusation and all other statutorily required documents
6 were properly served on Respondent on December 16, 2010. Respondent timely filed his Notice
7 of Defense contesting the Accusation. Amended Accusation No. 2011-18 was filed before the
8 Board, Department of Pesticide Regulation, and is currently pending against Respondent. A copy
9 of Amended Accusation No. 2011-18 is attached as Exhibit A and incorporated by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Amended Accusation No. 2011-18. Respondent has also carefully read, and understands the
13 effects of this Stipulated Settlement and Disciplinary Order.

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

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

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Amended
25 Accusation No. 2011-18.

26 9. Respondent agrees that his Field Representative is subject to discipline and he agrees
27 to be bound by the Structural Pest Control Board's probationary terms as set forth in the
28 Disciplinary Order below.

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Structural Pest Control Board.
3 Respondent understands and agrees that counsel for Complainant and the staff of the Structural
4 Pest Control Board may communicate directly with the Board regarding this stipulation and
5 settlement, without notice to or participation by Respondent. By signing the stipulation,
6 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
7 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
8 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
9 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
10 the parties, and the Board shall not be disqualified from further action by having considered this
11 matter.

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

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

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

24 ///

25 ///

26 ///

27 ///

28 ///

DISCIPLINARY ORDER

1
2 IT IS HEREBY ORDERED that Field Representative No. FR 36462 issued to Respondent
3 Shelley Martin (Respondent) is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for three (3) years on the following terms and conditions.

5 1. **Obey All Laws.** Respondent shall obey all laws and rules relating to the practice of
6 structural pest control.

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

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

12 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
13 of the decision in Case No. 2011-18 and the terms, conditions and restriction imposed on
14 Respondent by said decision.

15 Within 30 days of the effective date of this decision, and within 15 days of Respondent
16 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
17 writing acknowledging the employer has read the decision in Case No. 2011-18.

18 5. **Completion of Probation.** Upon successful completion of probation, Respondent's
19 license/certificate will be fully restored.

20 6. **Violation of Probation.** Should Respondent violate probation in any respect, the
21 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
22 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
23 Respondent during probation, the Board shall have continuing jurisdiction until the matter is final,
24 and the period of probation shall be extended until the matter is final.

25 ///

26 ///

27 ///

28 ///

Exhibit A

Amended Accusation No. 2011-18

FILED

1 EDMUND G. BROWN JR.
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CAROL ROMEO
Deputy Attorney General
4 State Bar No. 124910
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2141
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

Date 3/10/11

By *Kelli Okuma*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-18

12 **SHELLEY MARTIN**
13 **8050 South Padre Island Drive, Suite P-11**
Corpus Christi, TX 78412

AMENDED ACCUSATION

14 **Field Representative License No. FR 36462,**
15 **Branches 2 and 3**

Respondent.

16
17
18 Complainant alleges:

19 PARTIES

20 1. Kelli Okuma (Complainant) brings this Amended Accusation solely in her official
21 capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of
22 Pesticide Regulation.

23 2. On or about September 25, 2003, the Structural Pest Control Board issued Field
24 Representative License No. FR 36462, Branch 3, to Shelley Martin (Respondent). On or about
25 December 4, 2003, Field Representative License No. FR 36462 was upgraded to Branches 2 and
26 3. Field Representative License No. FR 36462 was in full force and effect at all times relevant to
27 the charges brought herein and will expire on June 30, 2012, unless renewed.

28 ///

1 contained in the application was true and correct, including information regarding continuing
2 education requirements. In order to assure compliance with the continuing education
3 requirements for the 2009 renewal period, Respondent was instructed by letters dated December
4 3, 2009, March 24, 2010, and April 22, 2010, to submit to the Board copies of continuing
5 education completion certificates for the renewal period of July 1, 2006 through June 30, 2009.

6 FIRST CAUSE FOR DISCIPLINARY ACTION
7 (Failure to Provide Proof of Continuing Education)
8 (Bus. & Prof. Code § 8641)

9 14. Respondent has subjected his Field Representative License to disciplinary action
10 under Code section 8641 in that he failed to comply with the requirements of Title 16, California
11 Code of Regulations, section 1950, subdivision (d). Specifically, Respondent failed to provide
12 proof of having acquired 20 hours of continuing education, as he claimed on his renewal
13 application dated September 24, 2009. On or about December 3, 2009 and March 24, 2009, the
14 Board directed Respondent to submit copies of his continuing education certificates for the three
15 year renewal period of July 1, 2006 through June 30, 2009. On or about April 13, 2010,
16 Respondent admitted to the Board that he only completed two continuing education hours for the
17 renewal period of July 1, 2006 through June 30, 2009.

18 SECOND CAUSE FOR DISCIPLINARY ACTION
19 (Misrepresentation)
20 (Bus. & Prof. Code § 8637)

21 15. Respondent has subjected his Field Representative License to disciplinary action
22 under Code section 8637 in that he obtained the renewal of her license by misrepresenting the
23 material fact that he had acquired 20 hours of continuing education, when, in fact, he had not.

24 THIRD CAUSE FOR DISCIPLINARY ACTION
25 (Fraudulent Act)
26 (Bus. & Prof. Code § 8642)

27 16. Respondent has subjected his Field Representative License to disciplinary action
28 under Code section 8642 in that he committed a fraudulent act by certifying under penalty of
perjury on his renewal application that he had acquired and could demonstrate 20 hours of
continuing education in order to meet the license renewal requirements pursuant to Title 16,

///

1 California Code of Regulations, section 1950, subdivision (d), when, in fact, he failed to obtain
2 20 hours of continuing education and/or failed to demonstrate that he had done so.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Structural Pest Control Board issue a decision:

- 6 1. Revoking or suspending Field Representative Number FR 36462, issued to Shelley
7 Martin;
- 8 2. Ordering Shelley Martin to pay the Structural Pest Control Board the reasonable costs
9 of the investigation and enforcement of this case, pursuant to Business and Professions Code
10 section 125.3; and
- 11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 3/10/11

Kelli Okuma
KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

14
15
16
17 SF2010900404
18 CR: 03/10/11
19
20
21
22
23
24
25
26
27
28