

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

In the Matter of the Accusation Against:

**ROBERT F. ELLETT  
12004 Courser Avenue  
La Mirada, California 90638**

**Field Representative License No. FR 38541**

Respondent.

Case No. 2009-38

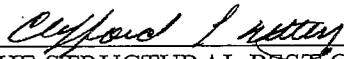
OAH No. L-2009070746

**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 25, 2009.

It is so ORDERED October 26, 2009.

  
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FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR  
Deputy Attorney General  
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*Attorneys for Complainant*

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**STRUCTURAL PEST CONTROL BOARD**  
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

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13 **12004 Courser Avenue**  
14 **La Mirada, California 90638**  
15 **Field Representative License No. FR 38541**

OAH No. L-2009070746

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 Respondent.

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18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Structural Pest Control Board of the Department of  
20 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and  
21 Disciplinary Order which will be submitted to the Board for approval and adoption as the final  
22 disposition of the Accusation.

23 PARTIES

24 1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the Structural Pest  
25 Control Board. She brought this action solely in her official capacity and is represented in this  
26 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Diane de Kervor,  
27 Deputy Attorney General.

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1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 2009-38, if proven at a hearing, constitute cause for imposing discipline upon his licenses and  
4 certification.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
8 those charges.

9 10. Respondent agrees that his licenses and certification are subject to discipline and he  
10 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order  
11 below.

12 CONTINGENCY

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

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

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

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Field Representative License No. FR 38541, Branch 3, issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

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

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

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

4. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in case no. 2009-38 and the terms, conditions and restriction imposed on Respondent by said decision.

Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause his/her employer to report to the Board in writing acknowledging the employer has read the decision in case no. 2009-38.

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.

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

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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. **Upgraded License.** If Respondent cancels his Field Representative License No. FR 38541, Branch 3, and upgrades his Operator's License No. OPR 10599, Branch 2, to include Branch 3, that license shall be placed on probation for the same duration and under the same terms and conditions set forth herein.

9. **Cost Recovery.** Respondent shall pay the Board pursuant to Business and Professions Code section 125.3 the costs of investigation and enforcement in this matter in the amount of \$1,230.00. The costs will be paid in monthly payments in the amount of \$37.27 with the first payment due on the effective date of the decision and final payment due three (3) months prior to the end of probation.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my licenses and certification. 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: 31 Aug 2009



ROBERT F. ELLETT  
Respondent

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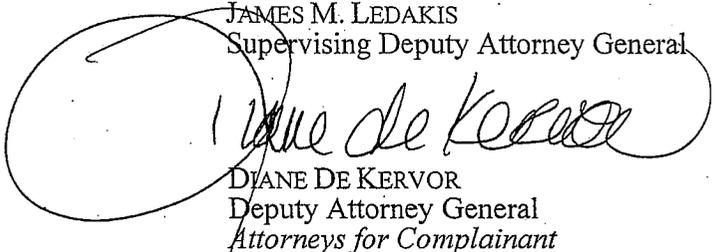
ENDORSEMENT

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: September 4, 2009

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General



DIANE DE KERVOR  
Deputy Attorney General  
*Attorneys for Complainant*

SD2008802440  
Stipulation.rtf

**Exhibit A**

**Accusation No. 2009-38**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General  
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Facsimile: (619) 645-2061  
7 Attorneys for Complainant

FILED

Date 1/14/09 By Kelli Okuma

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In the Matter of the Accusation Against:

**ROBERT FRANK ELLETT**  
12004 Courser Avenue  
La Mirada, California 90638  
  
Field Representative License No. 38541  
Branch 3

Case No. 2009-38 In the Matter of the

ACCUSATION

Respondent.

Kelli Okuma ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of Consumer Affairs.

Operator License History

2. On or about July 24, 2002, the Board issued Operator's License No. OPR 10599 ("license"), Branch 2, to Respondent. The license will expire on June 30, 2011, unless renewed.

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Company Registration Certificate

3. On or about August 19, 2002, the Board issued Company Registration Certificate No. PR 4181, Branch 2 ("certificate") to Respondent. On April 22, 2005, the certificate was upgraded to include Branches 2 and 3.

Field Operator's License History

4. On or about April 22, 2005, the Board issued Field Representative License No. FR 38541, Branch 3 to Respondent. The license will expire on June 30, 2010, unless renewed.

JURISDICTION

5. Section 8620 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

6. Code section 8624 states:

"If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office."

7. Code section 8625 states:

The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration.

8. Section 8654 of the Code states:

Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of

1 disciplinary action, or whose company registration is under  
2 suspension, and while acting as such member, officer, director,  
3 associate, qualifying manager, or responsible managing employee  
4 had knowledge of or participated in any of the prohibited acts for  
5 which the license or registration was denied, suspended or revoked,  
6 shall be prohibited from serving as an officer, director, associate,  
7 partner, qualifying manager, or responsible managing employee of  
8 a registered company, and the employment, election or association  
9 of such person by a registered company is a ground for disciplinary  
10 action.

11  
12 9. Code section 8593 states:

13 The board shall require as a condition to the renewal of  
14 each operator's and field representative's license that the holder  
15 thereof submit proof satisfactory to the board that he or she has  
16 informed himself or herself of developments in the field of pest  
17 control by completion of courses of continuing education in pest  
18 control approved by the board or equivalent activity approved by  
19 the board.

20 **STATUTORY PROVISION**

21 10. Code section 8641 states:

22 Failure to comply with the provisions of this chapter, or any  
23 rule or regulation adopted by the board, . . . is a ground for  
24 disciplinary action.

25 **REGULATORY PROVISION**

26 11. California Code of Regulations ("Regulation"), section 1950,  
27 subdivision (a), states:

28 Except as provided in section 1951, every licensee is  
required, as a condition to a renewal of a license, to certify that he  
or she has completed the continuing education requirements set  
forth in this article. A licensee who cannot verify completion of  
continuing education by producing certificates of activity  
completion, whenever required to do so by the Board, may be  
subject to disciplinary action under section 8641 of the code.

**COST RECOVERY**

12. Code section 125.3 states, in pertinent part, that a Board may request the  
administrative law judge to direct a licentiate found to have committed a violation or violations  
of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Documentation of Continuing Education Requirements)

3 13. Respondent's licenses are subject to disciplinary action under Code  
4 sections 8620, 8593, and 8641, in that Respondent failed to comply with Regulation section  
5 1950, subdivision (a), by failing to provide the Board with verifiable documentation to  
6 demonstrate that he completed the continuing education requirements as a condition of renewal  
7 of his license.

8 PRAYER

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

- 11 1. Revoking or suspending Field Representative License No. 38541, Branch  
12 3, issued to Robert Frank Ellett;
- 13 2. Ordering Robert F. Ellett to pay the Board the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 15 3. Taking such other and further action as deemed necessary and proper;

16 DATED: 1/14/09

17   
18 KELLI OKUMA  
19 Registrar/Executive Officer  
20 Structural Pest Control Board  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

24 SD2008802440  
25 80329230.wpd