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

In the Matter of the Accusation Against:

Case No. 2015-27

DAVID K. KREIDER 22955 Arminta St. West Hills, CA 91304 OAH No. 2015041232

Field Representative License No. FR 40560

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 February 26, 2016

It is so ORDERED January 27, 2016

FOR THE STRUCTURAL PEST CONTROL BOARD

DEPARTMENT OF CONSUMER AFFAIRS

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9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	In the Matter of the Accusation Against:	Case No. 2015-27
11	DAVID K. KREIDER	OAH No. 2015041232
12	22955 Arminta St. West Hills, CA 91304	STIPULATED SURRENDER OF
13 14	Field Representative License No. FR 40560, Branch 2	LICENSE AND ORDER
15	Respondent.	
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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 M. Travis Peery,	
23	Deputy Attorney General.	
24	2. David K. Kreider (Respondent) is representing himself in this proceeding and has	
25	chosen not to exercise his right to be represented by counsel.	
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3. On or about August 7, 2006, the Structural Pest Control Board issued Field Representative License No. FR 40560 in Branch 2 (general pest) to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-27, expired on June 30, 2015, and is currently delinquent.

#### JURISDICTION

4. Accusation No. 2015-27 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 February 4, 2015. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2015-27 is attached as Exhibit A and incorporated by reference.

#### ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2015-27. 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. 2015-27, agrees that cause exists for discipline and hereby surrenders his Field Representative License No. FR 40560 for the Board's formal acceptance.

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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

- 10. This stipulation shall be subject to approval by the Structural Pest Control Board. 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:

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#### ORDER

IT IS HEREBY ORDERED that Field Representative License No. FR 40560, issued to Respondent David K. Kreider, is surrendered and accepted by the Structural Pest Control Board.

- 1. The surrender of Respondent's Field Representative License and the acceptance of 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.
- 2. Respondent shall lose all rights and privileges as a Field Representative in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2015-27 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

#### ACCEPTANCE

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

DATED: 10/9/15

DAVID K. KREIDER

Respondent

# The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs. Dated: 10-12-15 LA2014512842 51930096.doc

## **ENDORSEMENT**

Respectfully submitted,

KAMALA D. HARRIS Attorney General of California THOMAS L. RINALDI Supervising Deputy Attorney General

M. TRAVIS PEERY Deputy Attorney General Attorneys for Complainant