

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

In the Matter of the Accusation Against:

Case No. 2013-47

**MICHAEL J. BAITY**  
Post Office Box 348  
Concord, CA 94522

**Field Representative License No. FR 40690**

Respondent.

**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 August 22, 2014.

It is so ORDERED July 23, 2014.

  
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FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 2013-47

12 **MICHAEL J. BAITY**  
13 **Post Office Box 348**  
**Concord, CA 94522**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 **Field Representative License No. FR 40690**

15  
16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest  
22 Control Board. She brought this action solely in her official capacity and is represented in this  
23 matter by Kamala D. Harris, Attorney General of the State of California, by Carol Romeo,  
24 Deputy Attorney General.

25 2. Respondent Michael J. Baity (Respondent) is represented in this proceeding by  
26 attorney Peter W. McGaw, whose address is: Archer Norris, 2033 North Main Street, Suite 800,  
27 Walnut Creek, CA 94598-3759.

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1           3.     On or about August 31, 2006, the Structural Pest Control Board issued Field  
2 Representative License No. FR 40690 to Michael J. Baity (Respondent). The Field  
3 Representative License was in full force and effect at all times relevant to the charges brought in  
4 Accusation No. 2013-47 and will expire on June 30, 2015, unless renewed.

5           4.     On or about July 7, 2005, the Structural Pest Control Board issued Applicator License  
6 No. RA 44041 to Michael J. Baity (Respondent). The Applicator License expired on July 7,  
7 2008, and has not been renewed.

8                                   JURISDICTION

9           5.     Accusation No. 2013-47 was filed before the Structural Pest Control Board (Board) ,  
10 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
11 and all other statutorily required documents were properly served on Respondent on May 28,  
12 2013. Respondent timely filed his Notice of Defense contesting the Accusation.

13           6.     A copy of Accusation No. 2013-47 is attached as exhibit A and incorporated herein  
14 by reference.

15                                   ADVISEMENT AND WAIVERS

16           7.     Respondent has carefully read, fully discussed with counsel, and understands the  
17 charges and allegations in Accusation No. 2013-47. Respondent has also carefully read, fully  
18 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
19 Order.

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

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

CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-47.

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

## CONTINGENCY

12. 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 settlement, without notice to or participation by Respondent or his counsel. 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 Settlement 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.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary 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 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.

15. 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 Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Field Representative License No. FR 40690 issued to Michael J. Baity (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 Federal, State, and Local laws, and 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. 2013-47 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. 2013-47.

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

6. **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.

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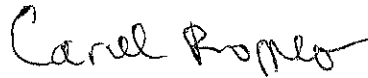
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1 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
2 submitted for consideration by the Structural Pest Control Board.

3 Dated: 4/4/14

Respectfully submitted,

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5 KAMALA D. HARRIS  
6 Attorney General of California  
7 DIANN SOKOLOFF  
8 Supervising Deputy Attorney General

9 

10 CAROL ROMEO  
11 Deputy Attorney General  
12 *Attorneys for Complainant*

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