

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

In the Matter of the Accusation Against:

**MAGIK EXTERMINATING;  
MATTHEW CARLTON VILLA, OWNER  
13715 El Rio Lane  
Desert Hot Springs, CA 92240**

and

**MATTHEW CARLTON VILLA  
14080 Palm Drive, Ste. D, PMB 505  
Desert Hot Springs, CA 92240**

**Field Representative License No. FR 40746  
Applicator License No. RA 44916**

Respondent.

Case No. 2013-48

OAH No. 2013070525

**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 20, 2014.

It is so ORDERED July 21, 2014.

  
FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

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2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
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**STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-48

12 **MAGIK EXTERMINATING;**  
13 **MATTHEW CARLTON VILLA, Owner**  
14 **13715 El Rio Lane**  
**Desert Hot Springs, CA 92240**

OAH No. 2013070525

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

15 and

16 **MATTHEW CARLTON VILLA**  
17 **14080 Palm Drive, Ste. D, PMB 505**  
**Desert Hot Springs, CA 92240**

18 **Field Representative License No. FR 40746**  
19 **Applicator License No. RA 44916**

20 Respondents.

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

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1 **PARTIES**

2 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural  
3 Pest Control Board. She brought this action solely in her official capacity and is represented in  
4 this matter by Kamala D. Harris, Attorney General of the State of California, by Karen L.  
5 Gordon, Deputy Attorney General.

6 2. Matthew Carlton Villa, Owner of Magik Exterminating ("Respondent") is  
7 representing himself in this proceeding and has chosen not to exercise his right to be represented  
8 by counsel.

9 3. On or about September 18, 2006, the Structural Pest Control Board issued Field  
10 Representative License No. FR 40746 to Respondent. The Field Representative License was in  
11 full force and effect at all times relevant to the charges brought in Accusation No. 2013-48 and  
12 will expire on June 30, 2015, unless renewed.

13 4. On or about December 15, 2005, the Structural Pest Control Board issued Applicator  
14 License No. RA 44916 to Respondent. The Applicator License was in full force and effect at all  
15 times relevant to the charges brought in Accusation No. 2013-48 and will expire on December 15,  
16 2014, unless renewed.

17 5. On or about November 15, 2010, the Structural Pest Control Board issued Company  
18 Registration Certificate No. PR 6178 to Magik Exterminating, with Matthew Carlton Villa as 51  
19 percent owner. The Company Registration was cancelled on or about January 26, 2012.

20 **JURISDICTION**

21 6. Accusation No. 2013-48 was filed before the Structural Pest Control Board (Board),  
22 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
23 and all other statutorily required documents were properly served on Respondent on June 6, 2013.  
24 Respondent timely filed his Notice of Defense contesting the Accusation.

25 7. A copy of Accusation No. 2013-48 is attached as Exhibit A and incorporated herein  
26 by reference.

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1 **ADVISEMENT AND WAIVERS**

2 8. Respondent has carefully read, and understands the charges and allegations in  
3 Accusation No. 2013-48. Respondent has also carefully read, and understands the effects of this  
4 Stipulated Settlement and Disciplinary Order.

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

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

14 **CULPABILITY**

15 11. Respondent admits the truth of each and every charge and allegation in Accusation  
16 No. 2013-48.

17 12. Respondent agrees that his Field Representative License and his Applicator License  
18 are subject to discipline and he agrees to be bound by the Board's probationary terms as set forth  
19 in the Disciplinary Order below.

20 **CONTINGENCY**

21 13. This stipulation shall be subject to approval by the Structural Pest Control Board.  
22 Respondent understands and agrees that counsel for Complainant and the staff of the Structural  
23 Pest Control Board may communicate directly with the Board regarding this stipulation and  
24 settlement, without notice to or participation by Respondent. By signing the stipulation,  
25 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
26 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
27 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
28 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between

1 the parties, and the Board shall not be disqualified from further action by having considered this  
2 matter.

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

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

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

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Field Representative License No. FR 40746 issued in  
17 Branch 2 to Matthew Carlton Villa, owner of Magik Exterminating (Respondent) and Applicator  
18 License No. RA 44916 issued in Branch 2 and 3 to Matthew Carlton Villa, owner of Magik  
19 Exterminating (Respondent) are revoked. However, the revocations are stayed and Respondent is  
20 placed on probation for three (3) years on the following terms and conditions.

21 1. **Obey All Laws.** Respondent shall obey all Federal, State and local laws along with  
22 all laws and rules relating to the practice of structural pest control.

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

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

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1           4.    **Notice to Employers.** Respondent shall notify all present and prospective employers  
2 of the decision in Case No. 2013-48 and the terms, conditions and restrictions imposed on  
3 Respondent by said decision.

4           Within 30 days of the effective date of this decision, and within 15 days of Respondent,  
5 undertaking new employment, Respondent shall cause his employer to report to the Board in  
6 writing acknowledging the employer has read the decision in Case No. 2013-48.

7           5.    **Notice to Employees.** Respondent shall, upon or before the effective date of this  
8 decision, post or circulate a notice to all employees involved in structural pest control operations  
9 which accurately recite the terms and conditions of probation. Respondent shall be responsible  
10 for said notice being immediately available to said employees. "Employees" as used in this  
11 provision includes all full-time, part-time, temporary and relief employees and independent  
12 contractors employed or hired at any time during probation.

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

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

20          8.    **Random Inspections.** Respondent shall reimburse the Board for 1 random  
21 inspection per quarter by Board specialists during the period of probation, not to exceed \$125 per  
22 inspection.

23          9.    **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
24 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,  
25 qualifying manager, or branch office manager of any registered company during the period that  
26 discipline is imposed on Field Representative License No. FR 40746 and Applicator License No.  
27 RA 44916.

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1 10. **No Interest In Any Registered Company.** Respondent shall not have any legal or  
2 beneficial interest in any company currently or hereinafter registered by the Board.

3 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
4 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
5 amount of \$4,267.50. Respondent shall be permitted to pay these costs in a payment plan  
6 approved by the Board, with payments to be completed no later than six months prior to the end  
7 of the probation term. Probation shall not be terminated until all costs are paid in full. If  
8 Respondent applies for an additional license, the license will be issued under the same terms and  
9 conditions.

10 **ACCEPTANCE**

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

16  
17 DATED: 4/29/14



18 MATTHEW CARLTON VILLA, Owner  
19 MAGIK EXTERMINATING  
20 Respondent  
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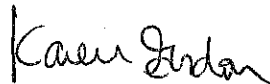
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ENDORSEMENT

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

Dated: May 7, 2014

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
KAREN L. GORDON  
Deputy Attorney General  
*Attorneys for Complainant*

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