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1 2 3 4 5 6 7 8	KAMALA D. HARRIS Attorney General of California GLORIA A. BARRIOS Supervising Deputy Attorney General KIMBERLEE D. KING Deputy Attorney General State Bar No. 141813 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2581 Facsimile: (213) 897-2804 Attorneys for Complainant BEFOR							
	STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION							
10	STATE OF C	ALIFORNIA						
11								
12	In the Matter of the Accusation Against:	Case No. 2012-8						
13	ERNIE ROMERO, AKA ERNESTO JESUS	OAH No. L-2012010015						
14	ROMERO 3005 Main Street, Suite 204							
15	Santa Monica, CA 90405 Field Representative's License No. FR 43047	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER						
16	Respondent.							
17								
18								
19	IT IS HEREBY STIPULATED AND AG	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-						
20	entitled proceedings that the following matters	entitled proceedings that the following matters are true:						
21	<u>PARTIES</u>							
22	1. William H. Douglas (Complainant) is the Interim Registrar/Executive Officer of the							
23	Structural Pest Control Board. He brought this action solely in his official capacity and is							
24	represented in this matter by Kamala D. Harris, Attorney General of the State of California, by							
2:	Kimberlee D. King, Deputy Attorney General.	Kimberlee D. King, Deputy Attorney General.						
2	6 2. Respondent Ernie Romero, aka Ern	nesto Jesus Romero (Respondent) is represented in						
2	7 this proceeding by attorney Scott Harris, Esq.,	this proceeding by attorney Scott Harris, Esq., whose address is: S J Harris Law						
2	8 8383 Wilshire Boulevard, Suite 830, Beverly	Hills, California 90211.						
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3. On or about April 30, 2008, the Structural Pest Control Board issued Field Representative's License No. FR 43047 to Ernie Romero, aka Ernesto Jesus Romero (Respondent). The Field Representative's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-8 and will expire on June 30, 2012, unless renewed.

JURISDICTION

- 4. Accusation No. 2012-8 was filed before the Structural Pest Control Board (Board),
 Department of Pesticide Regulation, and is currently pending against Respondent. The
 Accusation and all other statutorily required documents were properly served on Respondent on
 October 12, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 2012-8 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-8. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. 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.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

- 9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-8.
- 10. Respondent agrees that his Field Representative's 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

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

14. 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's License No. FR 43047 issued to Respondent Ernie Romero, aka Ernesto Jesus Romero (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, local, and SPCB laws and regulations 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 Accusation No. 2012-8 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 Accusation No. 2012-8.

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 and independent contractors employed or hired at any time during probation.

- 6. **Posted Notice of Suspension.** Respondent structural pest control company shall prominently post a suspension notice provided by the Board of the Board's order of suspension at its principal office and each of its branch offices in a place conspicuous and readable to the public. Said notice shall remain so posted during the entire period of actual suspension.
- 7. Completion of Probation. Upon successful completion of probation, Respondent's license/certificate will be fully restored.
- 8. 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.
- 9. Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying Manager. Respondent is prohibited from serving as an officer, director, associate, partner, qualifying manager or branch office manager of any registered company during the period that discipline is imposed on Field Representative's License No. FR 43047.
- 10. **Reimbursement of Costs.** Respondent shall reimburse the Board for costs incurred while investigating and/or prosecuting the case in the amount of \$1,000.00. Respondent may be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Scott Harris, Esq. I understand the stipulation and the effect it will have on my Field Representative's License. I enter into this Stipulated Settlement and

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1	Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the							
2	Decision and Order of the Structural Pest Control Board							
3	DATED: 5/16/12							
4	ERNIE ROMERO, AKA ERNESTO JESUS ROMERO							
5	Respondent							
6								
7	I have read and fully discussed with Respondent Ernie Romero, aka Ernesto Jesus Romero							
8	the terms and conditions and other matters contained in the above Stipulated Settlement and							
9	Disciplinary Order. I approve its form and content.							
10	DATED: 5/19/2012							
11	Scott Harsle, Esq. Assorney for Respondent							
12								
13	ENDORSEMENT							
14	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully							
15	submitted for consideration by the Structural Pest Control Board of the Department of Pesticide							
16	Regulation.							
17								
18	Dated: Respectfully submitted,							
19								
20	GLORIA A. BARRIOS Supervising Deputy Attorney General							
21								
22	Kimberlee D. King							
23	The same Address and Company							
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2	7 LA2011500565 Stipulation.rtf							
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	STIPULATED SETTLEMENT (2012-8)							

1	Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the							
2	Decision and Order of the Structural Pest Control Board.							
3	DATED:							
4	ERNIE ROMERO, AKA ERNESTO JESUS ROMERO							
5	Respondent							
6	·							
7	I have read and fully discussed with Respondent Ernie Romero, aka Ernesto Jesus Romero							
8	the terms and conditions and other matters contained in the above Stipulated Settlement and							
9	Disciplinary Order. I approve its form and content.							
10	DATED:							
11	Scott Harris, Esq. Attorney for Respondent							
12								
13	<u>ENDORSEMENT</u>							
14	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully							
15	submitted for consideration by the Structural Pest Control Board of the Department of Pesticide							
16	Regulation.							
17								
18	Dated: May 24, 2012 Respectfully submitted,							
19	1 10001120 J COLLEGE OF THE PROPERTY OF THE PR							
20	GLORIA A. BARRIOS Supervising Deputy Attorney General							
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22	KIMBERLEE D. KING							
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BEFORE THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2012-8

ERNIE ROMERO, AKA ERNESTO JESUS ROMERO 3005 Main Street, Suite 204 Santa Monica, CA 90405

OAH No. L-2012010015

Field Representative's License No. FR 43047

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	November	30,	2012	
It is so ORDERED	October	31, 2012		<u> </u>		

FOR THE STRUCTURAL PEST CONTROL

BOARD

DEPARTMENT OF PESTICIDE REGULATION