

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

In the Matter of the Accusation Against:

Case No. 2015-17

DANIEL J. MULVANEY

3346 W. Euclid Ave
Stockton, CA 95204
Field Representative License No. FR 44963

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 April 9, 2015.

It is so ORDERED March 10, 2015.


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

11 In the Matter of the Accusation Against:

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12 **DANIEL J. MULVANEY**

13 **3346 W. Euclid Ave**
14 **Stockton, CA 95204**
15 **Field Representative License No. FR 44963**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Respondent.

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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 David E. Brice,
24 Deputy Attorney General.

25 2. Daniel J. Mulvaney (Respondent) is representing himself in this proceeding and has
26 chosen not to exercise his right to be represented by counsel.

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1 3. On or about November 24, 2009, the Structural Pest Control Board issued Field
2 Representative License No. FR 44963 to Daniel J. Mulvaney (Respondent). The Field
3 Representative License was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 2015-17 and will expire on June 30, 2015, unless renewed.

5 JURISDICTION

6 4. Accusation No. 2015-17 was filed before the Structural Pest Control Board (Board),
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on October 22,
9 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
10 Accusation No. 2015-17 is attached as Exhibit A and incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 2015-17. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

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

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

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2015-17, agrees that cause exists for discipline and hereby surrenders his Field
27 Representative License No. FR 44963 for the Board's formal acceptance.

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1 9. Respondent understands that by signing this stipulation he enables the Board to issue
2 an order accepting the surrender of his Field Representative License without further process.

3 RESERVATION

4 10. The admissions made by Respondent herein are only for the purposes of this
5 proceeding, or any other proceedings in which the Structural Pest Control Board or other
6 professional licensing agency is involved, and shall not be admissible in any other criminal or
7 civil proceeding.

8 CONTINGENCY

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

19 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Surrender of License and Order, including Portable Document Format
21 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

22 13. This Stipulated Surrender of License and Order is intended by the parties to be an
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
25 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
26 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
27 executed by an authorized representative of each of the parties.

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

3 **ORDER**

4 IT IS HEREBY ORDERED that Field Representative License No. FR 44963, issued to
5 Respondent Daniel J. Mulvaney, is surrendered and accepted by the Structural Pest Control
6 Board.

7 1. The surrender of Respondent's Field Representative License and the acceptance of
8 the surrendered license by the Board shall constitute the imposition of discipline against
9 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
10 Respondent's license history with the Structural Pest Control Board.

11 2. Respondent shall lose all rights and privileges as a licensed Field Representative in
12 California as of the effective date of the Board's Decision and Order.

13 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
14 issued, his wall certificate on or before the effective date of the Decision and Order.

15 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of
16 California, the Board shall treat it as a petition for reinstatement. Respondent must comply with
17 all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time
18 the petition is filed, and all of the charges and allegations contained in Accusation No. 2015-17
19 shall be deemed to be true, correct and admitted by Respondent when the Board determines
20 whether to grant or deny the petition.

21 5. Respondent shall pay the agency its costs of investigation and enforcement in the
22 amount of \$1,235.00 prior to issuance of a new or reinstated license.

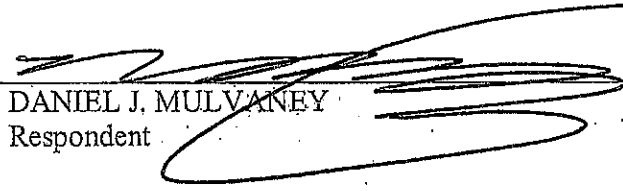
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ACCEPTANCE

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: 12/24/14


DANIEL J. MULVANEY
Respondent

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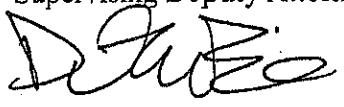
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ENDORSEMENT

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: 1/12/2015

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General



DAVID E. BRICE
Deputy Attorney General
Attorneys for Complainant

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