

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

In the Matter of the Accusation Against:

**MARCO A. TORRES**  
3463 State Street, #134  
Santa Barbara, CA 93105

**Field Representative's License No. FR 46468**

Respondent.

Case No. 2015-67

OAH No. 2015100107

**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 May 18, 2016.

It is so ORDERED April 18, 2016.

  
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FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

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9 **STRUCTURAL PEST CONTROL BOARD**  
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11 **STATE OF CALIFORNIA**

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14 **Field Representative's License No. FR 46468**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 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  
22 Pest Control Board. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Elyse M.  
24 Davidson, Deputy Attorney General.

25 2. Respondent Marco A. Torres ("Respondent") is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel.

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1 3. On or about February 15, 2011, the Structural Pest Control Board (“Board”) issued  
2 Field Representative's License No. FR 46468 to Respondent Marco A. Torres. The Field  
3 Representative's License was in full force and effect at all times relevant to the charges brought in  
4 Accusation No. 2015-67 and will expire on June 30, 2016, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 2015-67 was filed before Board and is currently pending against  
7 Respondent. The Accusation and all other statutorily required documents were properly served  
8 on Respondent on June 26, 2015. Respondent timely filed his Notice of Defense contesting the  
9 Accusation.

10 5. A copy of Accusation No. 2015-67 is attached as exhibit A and incorporated herein  
11 by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, and understands the charges and allegations in  
14 Accusation No. 2015-67. Respondent has also carefully read, and understands the effects of this  
15 Stipulated Settlement and Disciplinary Order.

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

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

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 2015-67.

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

7 CONTINGENCY

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

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

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

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

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Field Representative's License No. FR 46468 issued to Respondent Marco A. Torres 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 along with 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. 2015-67 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. 2015-67.

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

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

6           8.    **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
7 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,  
8 qualifying manager or branch office manager of any registered company during the period that  
9 discipline is imposed on Field Representative's License No. FR 46468.

10          9.    **Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions  
11 Code, Respondents shall pay to the Board investigation and enforcement costs in the amount of  
12 \$2,000.00, in monthly installments as agreed by the Board to be paid in full, no later than three  
13 (3) months prior to the end of probation. Probation shall not be terminated until all costs are paid  
14 in full.

15          10. **Continuing Education Courses.** The continuing education hours completed by  
16 Respondent on February 10, 2016 through Pest Education, activity number: 4602 Outdoor  
17 Vertebrates, activity number: 4953 History Labels, activity number: 5631 Africanized Bees, shall  
18 not be used to fulfill the requirements for renewal of field representative license in 2016 or any  
19 future renewal period.

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ACCEPTANCE

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

DATED: 2-10-16



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MARCO A. TORRES  
Respondent


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**ENDORSEMENT**

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

Dated: 02/11/2016

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

  
ELYSE M. DAVIDSON  
Deputy Attorney General  
*Attorneys for Complainant*

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