

**BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**BENJAMIN H. SCHULTZ**  
615 S. State College Blvd.  
Fullerton, CA 92831

Operator License No. 10243  
Field Representative License No. 30822  
Applicator License No. 7603

Respondent.

Case No. 2013-17

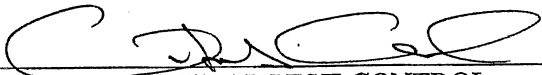
OAH No. 2012 11 0401

**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 May 29, 2013.

It is so ORDERED April 29, 2013.

  
\_\_\_\_\_  
FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF PESTICIDE REGULATION

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18  
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
20 interest and the responsibility of the Structural Pest Control Board of the Department of Pesticide  
21 Regulation, the parties hereby agree to the following Stipulated Settlement and Disciplinary  
22 Order which will be submitted to the Board for approval and adoption as the final disposition of  
23 the Accusation.

24 **PARTIES**

25 1. Susan Saylor (Complainant) is the Interim Registrar/Executive Officer of the  
26 Structural Pest Control Board. She brought this action solely in her official capacity and is  
27 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
28 Lauro A. Paredes, Deputy Attorney General.



1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 2013-17.

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

6 CONTINGENCY

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

17 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
19 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:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Operator License No. 10243 (Respondent) is revoked.  
3 However, the revocation is stayed and Respondent is placed on probation for three (3) years on  
4 the following terms and conditions.

5 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and all laws  
6 and rules relating to the practice of structural pest control.

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

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

12 4. **Notice to Employers.** Respondent shall notify all present and prospective employers  
13 within the pest control industry of the decision in Case No. 2013-17 and the terms, conditions and  
14 restriction imposed on Respondent by said decision.

15 Within 30 days of the effective date of this decision, and within 15 days of Respondent  
16 undertaking new employment within the pest control industry, Respondent shall cause his/her  
17 employer to report to the Board in writing acknowledging the employer has read the decision in  
18 Case No. 2013-17.

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

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

26 7. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
27 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,  
28 qualifying manager or branch office manager of any registered company other than his current

1 employer Berrett Pest Management during the period that discipline is imposed on Operator  
2 License No. 10243. Any change in his financial or management function with Berrett Pest  
3 Management must be authorized by the Board. Divestment from Berrett Pest Control  
4 Management will not require Board approval, but Respondent must notify the Board in writing  
5 within 30 days of his divestment.


6 8. **Continuing Education.** Continuing Education Courses completed by Respondent in  
7 November and December of 2012 cannot be used towards renewal his Operator License No.  
8 10243 in June of 2014.

9 9. **Cost recovery.** Respondent is hereby ordered to reimburse the Structural Pest  
10 Control Board of the Department of Pesticide Regulation, the amount of \$ 1380.00 within ninety  
11 (90) calendar days from the effective date of this decision for its investigative and prosecution  
12 costs up to the date of the hearing. Failure to reimburse the Board's cost of its investigation and  
13 prosecution shall constitute a violation of the probationary order, unless the Board or its designee  
14 agrees in writing to payment by an installment plan because of financial hardship. However, full  
15 payment of any and all costs required by this condition must be received by the Board no later  
16 than one (1) year prior to the scheduled termination of probation. Periods of non-practice by  
17 Respondent shall not relieve Respondent of his or her obligation to reimburse the Board for its  
18 costs.

19 **ACCEPTANCE**


20 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
21 discussed it with my attorney, Brett Murdock. I understand the stipulation and the effect it will  
22 have on my Operator License. I enter into this Stipulated Settlement and Disciplinary Order  
23 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
24 Structural Pest Control Board.

25 DATED: 2/19/2013

  
26 BENJAMIN H. SCHULTZ  
27 Respondent  
28

1 I have read and fully discussed with Respondent Benjamin H. Schultz the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
3 I approve its form and content.

4 DATED: 2-19-2013

  
Brett Murdock  
Attorney for Respondent

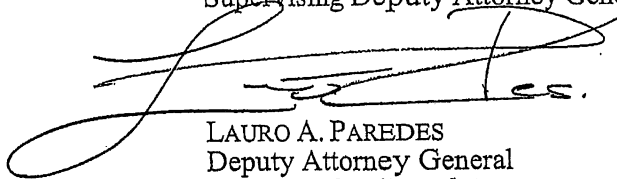
6 **ENDORSEMENT**

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
8 submitted for consideration by the Structural Pest Control Board of the Department of Pesticide  
9 Regulation.

10 Dated:

Respectfully submitted,

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

  
LAURO A. PAREDES  
Deputy Attorney General  
*Attorneys for Complainant*

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