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

In the Matter of the Accusation Against:

MIGUEL FUENTES 324 S. Diamond Bar Blvd., Unit #400 Diamond Bar, CA 91765

3693 San Gabriel River Parkway Pico Rivera, CA 90660 Operator's License No. OPR 10598

Respondents.

Case No. 2014-29

OAH No. 2013120767

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 15, 2014

It is so ORDERED July 16, 2014

UCTURAL PEST CONTROL BOARD

DEPARTMENT OF CONSUMER AFFAIRS.

1	KAMALA D. HARRIS	
2	Attorney General of California ARMANDO ZAMBRANO	
3	Supervising Deputy Attorney General LANGSTON M. EDWARDS	
4	Deputy Attorney General State Bar No. 237926	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 620-6343	
	Facsimile: (213) 897-2804 Attorneys for Complainant	
7	BEFORE THE	
8	STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS	
9	STATE OF CALIFORNIA	
10	In the Matter of the Accusation Against: Ca	se No. 2014-29
11		
12	324 S. Diamond Bar Blvd., Unit #400	AH No. 2013120767 TIPULATED SETTLEMENT AND
13		SCIPLINARY ORDER
14	3693 San Gabriel River Parkway Pico Rivera, CA 90660	
15	Operator's License No. OPR 10598	
16	Respondents.	
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19.	IT IS HEDURY STIDLIL ATED AND ACREED by and between the parties to the above	
20	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-	
	entitled proceedings that the following matters are true:	
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22	PARTIES	
23	1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest	
24	Control Board. She brought this action solely in her official capacity and is represented in this	
25	matter by Kamala D. Harris, Attorney General of the State of California, by Langston M.	
26	Edwards, Deputy Attorney General.	
27	2. Respondent Miguel Fuentes (Respondent) is representing himself in this proceeding	
28	and has chosen not to exercise his right to be represented by counsel.	
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3. On or about July 24, 2002, the Structural Pest Control Board issued Operator's License No. OPR 10598 to Miguel Fuentes (Respondent). The Operator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-29 and will expire on June 30, 2014, unless renewed.

JURISDICTION

- 4. Accusation No. 2014-29 was filed before the Structural Pest Control Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 26, 2013. Respondent timely filed his Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 2014-29 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2014-29. Respondent has also carefully read, 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. 2014-29.
- 10. Respondent agrees that his Operator'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

- 11. This stipulation shall be subject to approval by the Structural Pest Control Board. 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. 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 Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and 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 Operator's License No. OPR 10598 issued to Respondent Miguel Fuentes (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 and local laws and all 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 Accusation No. 2014-29 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 employer to report to the Board in writing acknowledging the employer has read the decision in Accusation No. 2014-29.

- 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

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Operator's License No. 10598 will be fully restored.

- 7. 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.
- 8. Random Inspections. Respondent shall reimburse the Board for one (1) random inspection per quarter by Board specialists during the period of probation not to exceed \$125 per inspection.
- 9. Reimbursement to Consumer. Respondent shall submit proof to the Registrar that restitution has been made to consumers D.K. and S.K., residents of the property located at 21543 Running Branch Road, Diamond Bar, CA 91765 (Running Branch). Specifically, Respondent Fuentes shall pay one-third (1/3) of the balance remaining, if any, necessary to complete the required repairs to the Running Branch property within six (6) months prior to the end of probation.
- 10. 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 Operator's License No. OPR 10598.
- 11. No Interest In Any Registered Company. Respondent shall not have any legal or beneficial interest in any company currently or hereinafter registered by the Board.
- 12. Correspondence Course Branch 3. Respondent Miguel Fuentes shall complete with a final grade of C Minus (C-) or better within eighteen (18) months of the effective date of this decision the correspondence course, four (4) hours of courses in Branch 3 technical and four (4) hours of rules and regulations offered by a Board-approved program. The hours accumulated in the aforementioned courses cannot be applied towards renewal of Respondent's licenses.
- 13. Cost Recovery. Pursuant to Section 125.3 of the California Business and Professions Code, Respondent shall pay to the Board investigation and enforcement costs in the amount of

1	\$3480.07, according to a payment schedule that has been approved by the Board. Investigation	
2	and enforcement costs must be paid in full six (6) months prior to the end of probation. Probation	
3	shall not be terminated until all costs are paid in full.	
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5	ACCEPTANCE	
6	I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the	
7	stipulation and the effect it will have on my Operator's License. I enter into this Stipulated	
8	Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be	
9	bound by the Decision and Order of the Structural Pest Control Board.	
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11	DATED: 6-4-14	
12	MIGUEL FUENTES Respondent	
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14	ENDORSEMENT	
15	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully	
16	submitted for consideration by the Structural Pest Control Board.	
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18	Dated: 6/4/14 Respectfully submitted,	
19	KAMALA D. HARRIS Attorney General of California	
20	ARMANDO ZAMBRANO Supervising Deputy Attorney General	
21	$\mathcal{L}_{\mathcal{A}}(\mathcal{A})$	
22	LANGSTON M, EDWARDS	
23	Deputy Attorney General Attorneys for Complainant	
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