

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

In the Matter of the Accusation Against:

Case No. 2014-35

JAMES RUDOLPH GIBSON
5039 Verdun Ave
Los Angeles, CA 90043
Operator License No. OPR 10886

Respondent.

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 23, 2014.

It is so ORDERED April 23, 2014.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

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Case No. 2014-35

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Los Angeles, CA 90043
Operator License No. OPR 10886

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural
21 Pest Control Board. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Gregory J.
23 Salute, Supervising Deputy Attorney General.

24 2. Respondent James Rudolph Gibson ("Respondent") is representing himself in this
25 proceeding and has chosen not to exercise his right to be represented by counsel.
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1 3. On or about April 30, 2004, the Structural Pest Control Board issued Operator
2 License No. OPR 10886 to James Rudolph Gibson (Respondent). The Operator License was in
3 full effect at all times mentioned herein and will expire on June 30, 2015, unless renewed.

4 JURISDICTION

5 4. Accusation No. 2014-35 was filed before the Structural Pest Control Board (Board),
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
7 and all other statutorily required documents were properly served on Respondent on January 27,
8 2014. Respondent timely filed his Notice of Defense contesting the Accusation.

9 5. A copy of Accusation No. 2014-35 is attached as exhibit A and incorporated herein
10 by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 2014-35. Respondent has also carefully read, and understands the effects of this
14 Stipulated Settlement and Disciplinary Order.

15 7. 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 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2014-35.

27 10. Respondent agrees that his Operator License is subject to discipline and he agrees to
28 be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

1 CIRCUMSTANCES IN MITIGATION

2 11. Respondent James Rudolph Gibson has never been the subject of any disciplinary
3 action. He is admitting responsibility at an early stage in the proceedings.

4 CONTINGENCY

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

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

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

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

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Operator License No. OPR 10886 issued to Respondent
3 James Rudolph Gibson (Respondent) is revoked. IT IS HEREBY FURTHER ORDERED that
4 collection of the Board's costs of investigation and prosecution in the amount of \$927.50 is
5 hereby waived unless and until Respondent reapplies for any type of license issued by the Board
6 at which time said costs shall become due and payable.

7 ACCEPTANCE

8 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
9 stipulation and the effect it will have on my Operator License. I enter into this Stipulated
10 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
11 bound by the Decision and Order of the Structural Pest Control Board.

12
13 DATED: 2/10/14 
14 JAMES RUDOLPH GIBSON
15 Respondent

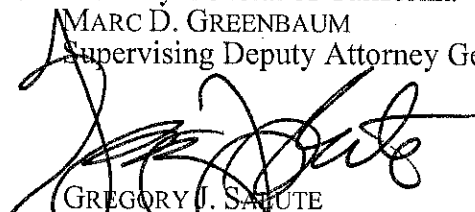
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Structural Pest Control Board.

19 Dated: 2-12-2014

Respectfully submitted,

20 KAMALA D. HARRIS
21 Attorney General of California
22 MARC D. GREENBAUM
23 Supervising Deputy Attorney General



24 GREGORY J. SARUTE
25 Supervising Deputy Attorney General
26 Attorneys for Complainant