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

In the Matter of the Accusation Against:

Case No. 2013-19

JEREMY R. WHEELER 14030 Mosswood Court Corona, CA 92880 Operator's License No. OPR 11202

Respondent.

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 February 28, 2013

It is so ORDERED January 29, 2013

FOR THE STRUCTURAL PEST CONTROL BOARD, DEPARTMENT OF PESTICIDE REGULATION

1 2	KAMALA D. HARRIS Attorney General of California ALFREDO TERRAZAS	·
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8	BEFORE THE	
9	STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION	
10	STATE OF C	
11	In the Matter of the Accusation Against:	Case No. 2013-19
12	JEREMY R. WHEELER	STIPULATED SETTLEMENT AND
13	14030 Mosswood Court Corona, CA 92880	DISCIPLINARY ORDER
14	Operator's License No. OPR 11202	
15	Respondent.	
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17 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 Assistant Executive Officer of the Structural Pest	
22	Control Board, Department of Pesticide Regulation. She brought this action solely in her official	
23	capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of	
24	California, by James M. Ledakis, Supervising Deputy Attorney General.	
25	2. Jeremy R. Wheeler (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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STIPULATED SETTLEMENT (2013-19)

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3. On or about October 25, 2005, the Structural Pest Control Board issued Operator's License No. OPR 11202 to Jeremy R. Wheeler (Respondent). Said Operator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-19 and will expire on June 30, 2014, unless renewed.

JURISDICTION

- 4. Accusation No. 2013-19 was filed before the Structural Pest Control Board,
 Department of Pesticide Regulation, (Board) and is currently pending against Respondent. The
 Accusation and all other statutorily required documents were properly served on Respondent on
 October 19, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 2013-19 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. 2013-19. 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.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-19.

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

- 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 facsimile copies of this Stipulated Settlement and Disciplinary Order, including 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:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Operator's License No. OPR 11202 issued to Jeremy R. Wheeler (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 rules relating to the practice of structural pest control.
- 2. **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.
- 3. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in case no. 2013-19 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. 2013-19.

- 4. **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.
- 5. **Completion of Probation.** Upon successful completion of probation, Respondent's license/certificate will be fully restored.
- 6. 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.

- 7. Education: Within three (3) months of the effective date of this decision.
 Respondent Jeremy R. Wheeler shall successfully complete continuing educations courses approved by the Board which shall consist of eight (8) hours of Rules and Regulations, four (4) hours of technical in Branch 2, two (2) hours of Integrated Pest Management (IPM) and two (2) hours of General. These hours cannot be used or count towards Respondent's renewal of licensure on June 30, 2014.
- 8. 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 11202.
- 9. **Reimbursement of Costs:** Respondent shall pay costs of \$900 in full before termination of probation. Probation shall not be terminated until all costs are paid in full, failure to pay costs shall constitute a violation of probation.
- 10. **Civil Penalty:** Respondent shall pay \$1,500 in civil penalties and may make arrangements to pay the fine on a monthly basis but must complete all payments prior to termination of probation. Probation shall not be terminated until all civil penalties are paid in full, failure to pay penalties shall constitute a violation of probation.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Operator'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: 11-9-12

JEREMY R. WHEELER

Respondent

ENDORSEMENT

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

Dated: 7 Worden 14, 2012

Respectfully submitted,

KAMALA D. HARRIS Attorney General of California ALFREDO TERRAZAS Senior Assistant Attorney General

AMES M. LEDAKIS

Supervising Deputy Attorney General Attorneys for Complainant

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Stipulation.rtf