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

In the Matter of the Accusation Against:

Case No. 2013-26

MICHAEL ALLEN CAVINS 14554 Woodworth Way Victorville, CA 92394

Operator's License No. OPR 11218

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 _____May 25, 2013

It is so ORDERED April 25, 2013

FOR THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION

2 3 3 4 5 6 7	KAMALA D. HARRIS Attorney General of California JAMES M. LEDAKIS Supervising Deputy Attorney General RON ESPINOZA Deputy Attorney General State Bar No. 176908 110 West "A" Street, Suite 1100 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-2100 Facsimile: (619) 645-2061 Attorneys for Complainant BEFOR	CONTROL BOARD	
10		TICIDE REGULATION ALIFORNIA	
11 12	Letter of the Accuration Accurate	Case No. 2013-26	
12	In the Matter of the Accusation Against: MICHAEL ALLEN CAVINS	STIPULATED SETTLEMENT AND	
14	14554 Woodworth Way Victorville, CA 92394	DISCIPLINARY ORDER	
15	Operator's License No. OPR 11218		
16	Respondent.		
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18	In the interest of a prompt and speedy settlement of this matter, consistent with the public		
19	interest and the responsibility of the Structural P	est Control Board of the Department of Pesticide	
20	Regulation, the parties hereby agree to the follow		
21	Order which will be submitted to the Board for	approval and adoption as the final disposition of	
22	the Accusation.		
23	PAJ	RTIES	
24		nterim Registrar/Executive Officer of the	
25	Structural Pest Control Board. She brought this	action solely in her official capacity and is	
26	represented in this matter by Kamala D. Harris, Attorney General of the State of California, by		
27	Ron Espinoza, Deputy Attorney General.		
28	///		
		STIPULATED SETTLEMENT (2013-26)	

2. Michael Allen Cavins (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about November 17, 2005, the Structural Pest Control Board issued Operator's
License No. OPR 11218, Branch 2, to Respondent Michael Allen Cavins. The Operator's License
is currently in inactive status and will expire on June 30, 2014, unless renewed.

JURISDICTION

4. Accusation No. 2013-26 was filed before the Structural Pest Control Board (Board),
Department of Pesticide Regulation, and is currently pending against Respondent. The
Accusation and all other statutorily required documents were properly served on Respondent on
December 28, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.
5. A copy of Accusation No. 2013-26 is attached as Exhibit A and incorporated herein

by reference.

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ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2013-26. 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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1	CULPABILITY	
2	9. Respondent admits the truth of each and every charge and allegation in Accusation	
3	No. 2013-26.	
4	10. Respondent agrees that his Operator's License is subject to discipline and he agrees to	
5	be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.	
6	RESERVATION	
7	11. The admissions made by Respondent herein are only for the purposes of this	
8	proceeding, or any other proceedings in which the Structural Pest Control Board or other	
9	professional licensing agency is involved, and shall not be admissible in any other criminal or	
10	civil proceeding.	
11	COST RECOVERY	
12	12. Complainant and Respondent understand and agree that the Board's costs of	
13	investigation and enforcement of this case total \$1,795.00 as of January 31, 2013. Complainant	
14	and Respondent understand and agree that these costs in the amount of \$1,795.00 are waived as to	
15	Respondent Michael Allen Cavins, unless and until he ever applies for licensure or petitions for	
16	reinstatement for any license or registration from the Board, in which case he shall pay these costs	
17	in full at the time when such application or petition is made.	
18	<u>CONTINGENCY</u>	
19	13. This stipulation shall be subject to approval by the Structural Pest Control Board.	
20	Respondent understands and agrees that counsel for Complainant and the staff of the Structural	
21	Pest Control Board may communicate directly with the Board regarding this stipulation and	
22	settlement, without notice to or participation by Respondent. By signing the stipulation,	
23	Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the	;
24	stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this	
25	stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of	·
26	no force or effect, except for this paragraph, it shall be inadmissible in any legal action between	
27	the parties, and the Board shall not be disqualified from further action by having considered this	
28	matter.	
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	STIPULATED SETTLEMENT (2013-26)

The parties understand and agree that copies of this Stipulated Settlement and 14. 1 Disciplinary Order, including the signatures thereto, shall have the same force and effect as the originals. 3

15. 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.

In consideration of the foregoing admissions and stipulations, the parties agree that 16. 10 the Board may, without further notice or formal proceeding, issue and enter the following 11 Disciplinary Order: 12

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Operator's License No. OPR 11218 issued to Respondent Michael Allen Cavins is revoked. 15

IT IS HEREBY FURTHER ORDERED that the Board's costs of investigation and 16 enforcement of this matter in the amount of \$1,795.00 are waived as to Respondent Michael 17 Allen Cavins, unless and until he ever applies for licensure or petitions for reinstatement for any 18 license or registration from the Board, in which case he shall pay these costs to the Board in full 19 at the time when such application or petition is made. 20

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the 22 stipulation and the effect it will have on my Operator's License. I enter into this Stipulated 23 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be 24 bound by the Decision and Order of the Structural Pest Control Board. 25

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DATED:

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2/11/13

AEL ALLEN CAVINS Respondent

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STIPULATED SETTLEMENT (2013-26)

1	ENDORSEMENT
2	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3	submitted for consideration by the Structural Pest Control Board of the Department of Pesticide
4	Regulation.
5	Dated: 2-11-13 Respectfully submitted,
6	Dated: 2-11-13 Respectfully submitted, KAMALA D. HARRIS
7	Attorney General of California JAMES M. LEDAKIS
8	Supervising Deputy Attorney General
9	R.E_
10	RON ESPINOZA
11	Deputy Attorney General Attorneys for Complainant
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	5 STIPULATED SETTLEMENT (2013-26)