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

In the Matter of the Accusation Against:

Case No. 2016-55

JEFFREY J. FUENTES 6155 North Carica Avenue Fresno, CA 93722

Operator's License No. OPR 11312

STRIKE FIRST EXTERMINATOR CO. JEFFREY J. FUENTES, QM & PARTNER 6732 North Valentine Avenue Fresno, CA 93711

Company Registration Certificate No. PR 5544

Respondents.

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 _	November	24,	2016	
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It is so ORDERED October 25, 2016

FOR THE STRUCTURAL PEST CONTROL BOARD

DEPARTMENT OF CONSUMER AFFAIRS

KAMALA D. HARRIS				
Attorney General of California				
Supervising Deputy Attorney General				
Deputy Attorney General				
P.O. Box 944255				
Telephone: (916) 324-5403				
Attorneys for Complainant				
BEFORE '				
STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS				
STATE OF CAL	JIFORNIA			
In the Matter of the Accusation Against:	Case No. 2016-55			
JEFFREY J. FUENTES	STIPULATED SETTLEMENT AND			
Fresno, CA 93722	DISCIPLINARY ORDER			
Operator's License No. OPR 11312				
STRIKE FIRST EXTERMINATOR CO.				
6732 North Valentine Avenue				
Company Registration Certificate No. PR 5544	·			
Respondents.	·			
IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-				
entitled proceedings that the following matters are true:				
<u>PARTIES</u>				
1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest				
Control Board. She brought this action solely in her official capacity and is represented in this				
matter by Kamala D. Harris, Attorney General of the State of California, by Kristina T. Jarvis,				
Deputy Attorney General.				
2. Respondent Jeffrey J. Fuentes ("Respondent") is representing himself in this				
proceeding and has chosen not to exercise his right to be represented by counsel.				
	JANICE K. LACHMAN Supervising Deputy Attorney General KRISTINA T. JARVIS Deputy Attorney General State Bar No. 258229 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 327-8643 Attorneys for Complainant BEFORE STRUCTURAL PEST C DEPARTMENT OF CON STATE OF CAL In the Matter of the Accusation Against: JEFFREY J. FUENTES 6155 North Carica Avenue Fresno, CA 93722 Operator's License No. OPR 11312 STRIKE FIRST EXTERMINATOR CO. JEFFREY J. FUENTES, QM & PARTNER 6732 North Valentine Avenue Fresno, CA 93711 Company Registration Certificate No. PR 5544 Respondents. IT IS HEREBY STIPULATED AND AGREE entitled proceedings that the following matters are tr PARTIL 1. Susan Saylor (Complainant) is the Regis Control Board. She brought this action solely in her matter by Kamala D. Harris, Attorney General of the Deputy Attorney General. 2. Respondent Jeffrey J. Fuentes ("Respondents")			

1. On or about May 3, 200	6, the Board issued Operator's License Number OPR 11312
Branch 2, to Jeffrey J. Fuentes ("Re	spondent Fuentes"). On or about February 29, 2008,
Respondent Fuentes became a Partn	er and Qualifying Manager of Strike First Exterminator Co.
The Operator's License was suspend	led on June 9, 2015, for failure to maintain general liability
insurance (Code section 8690), and	will expire under suspension on June 30, 2017, unless
renewed.	•

2. On or about February 29, 2008, the Board issued Company Registration Certificate No. PR 5544 to Respondent Fuentes as Partner and Qualifying Manager of Strike First Exterminator Co., ("Respondent Company"). The Registration Certificate was suspended on June 9, 2015, for failure to maintain general liability insurance (Code section 8690).

JURISDICTION

- 3. Accusation No. 2016-55 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 May 6, 2016. Respondent timely filed his Notice of Defense contesting the Accusation.
- 4. A copy of Accusation No. 2016-55 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2016-55. Respondent has also carefully read, and understands the effects of this
 Stipulated Settlement and Disciplinary Order.
- 6. 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.

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

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2016-55.
- 9. Respondent agrees that his Operator's License and Company Registration are subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

- 10. 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.
- 11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. 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.

13. 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 11312 and Company Registration Certificate No. PR 5544 issued to Respondent Jeffrey J. Fuentes are revoked. However, the revocations are 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, as well as all laws and 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 case no. 2016-55 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. 2016-55.

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.

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- 6. **Completion of Probation.** Upon successful completion of probation, Respondent's license/certificate 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. Continuing Education Courses: Respondent Jeffrey J. Fuentes shall complete continuing education courses as required by his license. Continuing Education Courses taken and completed through the Advanced Institute of Pest Technology on June 17, 2016, and previously submitted to the Board during this disciplinary proceeding cannot be used towards Respondent's operator license renewal.
- 9. 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 more than one (1) registered company during the period that discipline is imposed on Operator's License No. OPR 11312 or Company Registration No. PR 5544.
- 10. Additional License or Company Registration. Any additional license or company registration issued to Respondent shall be placed on probation under the same terms and conditions during the period that discipline is imposed on Operator License No. OPR 11312 or Company Registration No. PR 5544 issued to Jeffrey J. Fuentes.
- 11. Cost Recovery. Respondent's operator license and company registration shall be jointly and severally liable for the costs incurred by the Board for investigation and prosecution of this matter. Respondent shall pay the Board \$1,342.50 for the reasonable costs of the investigation and prosecution of Case No. 2016-55. Said costs may be paid in monthly installments as agreed by the Board or its designee, and shall be paid in full no later than three (3) months prior to the end of probation. Probation shall not be terminated until all costs are paid in full.

1 **ACCEPTANCE** I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the 2 stipulation and the effect it will have on my Operator's License and Company Registration 3 Certificate. 1 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, 4 and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control 5 Board. 6 7 8 9 STRIKE FIRST EXTERMINATOR CO. 10 Respondent 11 **ENDORSEMENT** 12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully 13 submitted for consideration by the Structural Pest Control Board. 14 Dated: August 5, 2016 Respectfully submitted, 15 KAMALA D. HARRIS 16 Attorney General of California JANICE K. LACHMAN 17 Supervising Deputy Attorney General 18 19 KRISTINA T. JAKVIS 20 Deputy Attorney General Attorneys for Complainant 21 22 23 24 25 26

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