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

In the Matter of the Accusation Against: **MASTERCARE TERMITE CONTROL SOUTH BAY; WILLIAM WHITE, PRESIDENT; LEONARDO J. CRUZ, JR., QUALIFYING MANAGER** **24404 South Vermont Avenue, Ste. 303** **Harbor City, CA 90710** **Company Registration Certificate No. PR 5620, Br. 3** **Operator's License No. OPR 11324, Br. 3** **CESAR G. SILVANO** **17341 East Hurley Street, Apt. 6** **La Puente, CA 91744** **Operator's License No. OPR 11237, Br. 3** **and** **BETTY ANN WEBSTER** **2472 South Bundy Drive,** **Los Angeles, CA 90064** **Field Representative's License No. FR 32347, Br. 2 and 3** Respondents.	Case No. 2013-7 OAH No. 2012100191

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 July 28, 2013.

It is so ORDERED June 28, 2013.

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General
SYDNEY M. MEHRINGER
Deputy Attorney General
State Bar No. 245282
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2537
Facsimile: (213) 897-2804
Attorneys for Complainant

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

In the Matter of the Accusation Against: **MASTERCARE TERMITE CONTROL SOUTH BAY; WILLIAM WHITE, PRESIDENT; LEONARDO J. CRUZ, JR., QUALIFYING MANAGER** **24404 South Vermont Avenue, Ste. 303** **Harbor City, CA 90710** **Company Registration Certificate No. PR 5620, Br. 3** **Operator's License No. OPR 11324, Br. 3** **CESAR G. SILVANO** **17341 East Hurley Street, Apt. 6** **La Puente, CA 91744** **Operator's License No. OPR 11237, Br. 3** **and** **BETTY ANN WEBSTER** **2472 South Bundy Drive,** **Los Angeles, CA 90064** **Field Representative's License No. FR 32347, Br. 2 and 3** Respondents.	Case No. 2013-7 OAH No. 2012100191 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER (AS TO RESPONDENTS MASTERCARE TERMITE CONTROL SOUTH BAY, WILLIAM WHITE, AND LEONARDO J. CRUZ, JR. ONLY)**

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

///

PARTIES

1. At the time of the filing of the Accusation, William Douglas was the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation. He brought this action solely in his official capacity and was represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Sydney M. Mehringer, Deputy Attorney General. Susan Saylor is currently the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation ("Complainant") and continues to bring 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 Sydney M. Mehringer, Deputy Attorney General.

2. Respondents Mastercare Termite Control South Bay, William White and Leonard J. Cruz, Jr. ("Respondents") are representing themselves in this proceeding and have chosen not to exercise their right to be represented by counsel.

3. On or about May 30, 2008, the Structural Pest Control Board ("Board") issued Company Registration Certificate No. PR 5620 to Respondent Mastercare Termite Control South Bay ("Respondent Mastercare") in Branch 3, with Respondent William White ("Respondent White") as president. On or about June 10, 2011, Company Registration Certificate No. PR 5620 reflected Respondent Leonardo J. Cruz, Jr. ("Respondent Cruz") as qualifying manager. Company Registration Certificate No. PR 5620 was in full force and effect at all times relevant to the charges brought herein.

4. On or about May 22, 2006, the Board issued Operator's License No. OPR 11324 in Branch 3 to Respondent Cruz. On or about June 10, 2011, Operator's License No. OPR 11324 became the qualifying manager of Respondent Mastercare. Operator's License No. OPR 11324 was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2014, unless renewed.

JURISDICTION

5. Accusation No. 2013-7 was filed before the Board and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served

on Respondents on August 16, 2012. Respondents timely filed their Notice of Defense contesting the Accusation.

6. A copy of Accusation No. 2013-7 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondents have carefully read, and understand the charges and allegations in Accusation No. 2013-7. Respondents have also carefully read, and understand the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondents are fully aware of their 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 their own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their 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.

9. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

10. Respondents admit the truth of each and every charge and allegation in Accusation No. 2013-7.

11. Respondent Mastercare agrees that its Company Registration Certificate is subject to discipline and it agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

12. Respondent Cruz 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

13. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondents understand and agree 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 Respondents. By signing the stipulation, Respondents understand and agree that they may not withdraw its 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.

14. 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.

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.

16. 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 Company Registration Certificate No. PR 5620 issued to Respondent Mastercare Termite Control South Bay with William White as owner and Leonardo J. Cruz, Jr. as Qualify Manager is revoked. However, the revocation is stayed and Respondent Mastercare is placed on probation for three (3) years on the following terms and conditions.

IT IS HEREBY FURTHER ORDERED that the Operator's License No. OPR 11324 issued to Respondent Leonardo J. Cruz, Jr. is revoked. However, the revocation is stayed and Leonardo J. Cruz, Jr. is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondents Mastercare Termite Control South Bay, William White, and Leonardo J. Cruz, Jr. ("Respondents") shall obey all Federal, State, and Local laws and all law and rules relating to the practice of structural pest control.

2. **Quarterly Reports.** Respondents shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation.** Should Respondents leave California to reside outside this state, Respondents 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.** Respondents shall notify all present and prospective employers of the decision in case No. 2013-7 and the terms, conditions and restriction imposed on Respondents by said decision.

Within 30 days of the effective date of this decision, and within 15 days of Respondents undertaking new employment, Respondents shall cause his/their employer to report to the Board in writing acknowledging the employer has read the decision in case No. 2013-7.

5. **Notice to Employees.** Respondents 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. Respondents 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, Respondents' license(s)/certificate(s) will be fully restored.

7. **Violation of Probation.** Should Respondents violate probation in any respect, the Board, after giving Respondents 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 Respondents 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. **Payment of Civil Penalty.** Respondents shall pay the Board a civil penalty in the

amount of $2,000. Respondents shall pay the Board $1,000 upon the effective date of this decision and an additional $1,000 within sixty (60) days of the effective date of this decision.

9. **Random Inspections.** Respondents 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.

10. **Reimbursement to Consumer.** Respondents shall submit proof to the registrar that restitution in the amount of $3,000 has been made to Deyone Lane within six (6) months of the effective date of the decision.

11. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying Manager.** Respondents William White and Leonardo J. Cruz, Jr. are prohibited from serving as an officer, director, associate, partner, qualifying manager or branch office manager of any registered company other than Respondent Mastercare Termite Control South Bay during the period that discipline is imposed on Company Registration Certificate No. PR 5620 and Operator's License No. 11324.

12. **Reimbursement of Investigative and Attorney General Costs**. Respondents shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of $3,500.00. Respondents shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term. Probation will not be terminated until all costs are paid in full.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Company Registration Certificate. 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 Structural Pest Control Board.

DATED: _____

_____
MASTERCARE TERMITE CONTROL SOUTH BAY; WILLIAM WHITE
Respondents

amount of $2,000. Respondents shall pay the Board $1,000 upon the effective date of this decision and an additional $1,000 within sixty (60) days of the effective date of this decision.

9. **Random Inspections.** Respondents 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.

10. **Reimbursement to Consumer.** Respondents shall submit proof to the registrar that restitution in the amount of $3,000 has been made to Deyone Lane within six (6) months of the effective date of the decision.

11. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying Manager.** Respondents William White and Leonardo J. Cruz, Jr. are prohibited from serving as an officer, director, associate, partner, qualifying manager or branch office manager of any registered company other than Respondent Mastercare Termite Control South Bay during the period that discipline is imposed on Company Registration Certificate No. PR 5620 and Operator's License No. 11324.

12. **Reimbursement of Investigative and Attorney General Costs.** Respondents shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of $3,500.00. Respondents shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term. Probation will not be terminated until all costs are paid in full.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Company Registration Certificate. 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 Structural Pest Control Board.

DATED: 4/24/13

MASTERCARE TERMITE CONTROL SOUTH BAY; WILLIAM WHITE
Respondents

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Company Registration Certificate. 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 Structural Pest Control Board.

DATED: 4/24/13

LEONARDO J. CRUZ, JR.
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: April 22, 2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

SYDNEY M. MEHRINGER
Deputy Attorney General
Attorneys for Complainant

LA2012507201
51282098.doc