

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

In the Matter of the Accusation Against:

JASON DUANE MARCH
Traffic Pest Solutions
24418 McBean Parkway, Unit #140
Valencia, CA 91355

Operator's License No. OPR 11595

Respondent.

Case No. 2012-26

OAH No. 2012050792

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 March 1, 2013.

It is so ORDERED January 30, 2013.



FOR THE STRUCTURAL PEST CONTROL
BOARD, DEPARTMENT OF PESTICIDE
REGULATION

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9 **DEPARTMENT OF PESTICIDE REGULATION**
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15 Operator's License No. OPR 11595
16 Respondent.

Case No. 2012-26

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**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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. William H. Douglas (Complainant) was the Interim Registrar/Executive Officer of
22 the Structural Pest Control Board, Department of Pesticide Regulation (Board). He brought this
23 action solely in his official capacity. Complainant is represented in this matter by Kamala D.
24 Harris, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney General.
- 25 2. Respondent Jason Duane March (Respondent) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.
- 27 3. On or about October 16, 2007, the Board issued Operator's License No. OPR 11595
28 (Operator's License) to Respondent. The Operator's License was in full force and effect at all

1 times relevant to the charges brought in Accusation No. 2012-26 and will expire on June 30,
2 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-26 was filed before the Board, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on January 27, 2012. Respondent timely filed his Notice of Defense contesting
7 the Accusation.

8 5. A copy of Accusation No. 2012-26 is attached as exhibit A and incorporated herein
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 2012-26. Respondent has also carefully read, and understands the effects of this
13 Stipulated Settlement and Disciplinary Order.

14 7. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

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

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 2012-26.

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

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CONTINGENCY

1
2 11. This stipulation shall be subject to approval by the Board. Respondent understands
3 and agrees that counsel for Complainant and the staff of the Board may communicate directly
4 with the Board regarding this stipulation and settlement, without notice to or participation by
5 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
6 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
7 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
8 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

11 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
12 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
13 effect as the originals.

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

20 14. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following
22 Disciplinary Order:

DISCIPLINARY ORDER

23
24 IT IS HEREBY ORDERED that Operator's License No. OPR 11595 issued to Respondent
25 Jason Duane March (Respondent) is revoked. However, the revocation is stayed and Respondent
26 is placed on probation for three (3) years on the following terms and conditions:

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1 1. **Obey All Laws.** Respondent shall obey all laws and rules relating to the practice of
2 structural pest control.

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

5 3. **Tolling of Probation.** Should Respondent leave California to reside outside this
6 state, Respondent must notify the Board in writing of the dates of departure and return. Periods
7 of residency or practice outside the state shall not apply to reduction of the probationary period.

8 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
9 of the decision in Case No. 2012-26 and the terms, conditions and restriction imposed on
10 Respondent by said decision.

11 Within 30 days of the effective date of this decision, and within 15 days of Respondent
12 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
13 writing acknowledging the employer has read the decision in Case No. 2012-26.

14 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this
15 decision, post or circulate a notice to all employees involved in structural pest control operations
16 which accurately recite the terms and conditions of probation. Respondent shall be responsible
17 for said notice being immediately available to said employees. "Employees" as used in this
18 provision includes all full-time, part-time, temporary and relief employees, and independent
19 contractors employed or hired at any time during probation.

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

22 7. **Violation of Probation.** Should Respondent violate probation in any respect, the
23 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
24 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
25 Respondent during probation, the Board shall have continuing jurisdiction until the matter is final,
26 and the period of probation shall be extended until the matter is final.

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1. 8. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
2 **Manager Of Any Other Registered Company.** Respondent is prohibited from serving as an
3 officer, director, associate, partner, qualifying manager or branch office manager of any
4 registered company other than his own during the period that discipline is imposed on Operator's
5 License No. OPR 11595.

6 9. **No Interest In Any Other Registered Company.** Respondent shall not have any
7 legal or beneficial interest in any company other than his own currently or hereinafter registered
8 by the Board during the period that discipline is imposed on Operator's License No. OPR 11595.

9 10. **Cost Recovery.** Respondent shall pay to the Board, pursuant to Business and
10 Professions Code section 125.3, the costs of investigation and enforcement of this matter in the
11 amount of \$2,652.50. Respondent shall be permitted to pay these costs pursuant to a payment
12 plan approved by the Board. Failure to make a timely payment according to the payment
13 schedule and/or failure to fully reimburse the Board its costs herein shall constitute a violation of
14 probation, which may subject Respondent's license to outright revocation.

15
16 ACCEPTANCE

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Operator's License. I enter into this Stipulated
19 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
20 bound by the Decision and Order of the Structural Pest Control Board, Department of Pesticide
21 Regulation.

22
23 DATED: 9/11/2012


24 JASON DUANE MARCH
Respondent

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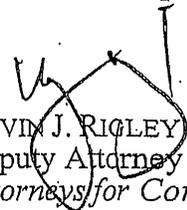
ENDORSEMENT

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: 9/11/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


KEVIN J. RINGLEY
Deputy Attorney General
Attorneys for Complainant

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Stipulation.rtf