

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

In the Matter of the Statement of Issues
Against:

Case No. 2009-58

JEFFREY MATTHEW EBEL
8526 10th Street
Downey, CA 90241
Operator's License Applicant

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, as its Decision in this matter.

This Decision shall become effective on November 25, 2009.

It is so ORDERED October 26, 2009.

Clefford J. Hattley

FOR THE STRUCTURAL PEST CONTROL
BOARD

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NANCY A. KAISER
Deputy Attorney General
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 **In the Matter of the Statement of Issues**
12 **Against:**
13 **JEFFREY MATTHEW EBEL**
8526 10th Street
14 Downey, CA 90241
Operator's License Applicant
15 **Respondent.**

Case No. 2009-58

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Structural Pest Control Board, the parties hereby agree to the
19 following Stipulated Settlement and Disciplinary Order which will be submitted to the Structural
20 Pest Control Board for approval and adoption as the final disposition of the Statement of Issues
21 No. 2009-58.

22 PARTIES

23 1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the Structural Pest
24 Control Board. She brought this action solely in her official capacity and is represented in this
25 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Nancy A. Kaiser,
26 Deputy Attorney General.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Statement of
3 Issues No. 2009-58.

4 10. Respondent agrees that his Operator's License Application is subject to denial and he
5 is to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
6 below.

7 CONTINGENCY

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

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

20 13. 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:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that upon successful completion of all licensing requirements
25 by Respondent, that an operator's license will be issued to Respondent and automatically
26 revoked. However, the revocation is stayed and Respondent is placed on probation for three (3)
27 years on the following terms and conditions.

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1 Also, if Respondent successfully applies for and is granted another license by the Board at a
2 future date, that license shall be immediately revoked, and the order of revocation stayed and
3 respondent's new license be placed on probation for any remaining period of the three (3) year
4 period of probation on the same terms and conditions that continue and/or have not yet been
5 completed.

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

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

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

13 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
14 of the decision in Case No. 2009-58 and the terms, conditions and restriction imposed on
15 Respondent by said decision.

16 Within 30 days of the effective date of this decision, and within 15 days of Respondent
17 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
18 writing acknowledging the employer has read the decision in Case No. 2009-58.

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

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

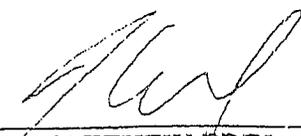
26 ACCEPTANCE

27 I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand
28 the stipulation and the effect it will have on my Operator's License. I enter into this Stipulated

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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: 6-19-09



JEFFREY MATTHEW EBEL
Respondent

ENDORSEMENT

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

Dated: 6/19/09

Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


NANCY A. KAISER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 2009-58

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NANCY A. KAISER, State Bar No. 192083
Deputy Attorney General
4 California Department of Justice
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FILED

Date 5/20/09 By Kelli Okuma

7 Attorneys for Complainant

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

12 In the Matter of the Statement of Issues Against:
13 JEFFREY MATTHEW EBEL
8526 10th Street
14 Downey, California 90241
15 Field Representative's License No. FR 35090, Br. 3
16 Respondent.

Case No. 2009-58
STATEMENT OF ISSUES

18 Kelli Okuma ("Complainant") alleges:

19 PARTIES

- 20 1. Complainant brings this Statement of Issues solely in her official capacity
21 as the Registrar of the Structural Pest Control Board ("Board"), Department of Consumer
22 Affairs.
- 23 2. On or about September 3, 2002, the Board issued Field Representative
24 License No. FR 35090 in Branch 3 to Jeffrey Mathew Ebel ("Respondent Ebel"). On or about
25 January 19, 2005, Respondent Ebel became employed with Ariston Termite, Company
26 Registration Certificate No. PR 4476 in Branch 3. On or about February 13, 2007, Respondent
27 Ebel left the employ of Ariston Termite. On or about February 14, 2007, Respondent became
28 employed with Master Termite Inc. The license will expire on June 30, 2011, unless renewed.

1 CAUSE FOR DENIAL OF APPLICATION

2 (Committed Acts Which If Done By A Licentiate Would be Grounds For Discipline)

3 9. Respondent's application is subject to denial under Code section
4 480(a)(3), in that between on or about January 27, 2006, and on or about March 3, 2006,
5 Respondent, while acting as a Field Representative for Ariston Termite, committed acts which
6 are grounds for suspension or revocation under 8641 (failed to comply with the Code), 8638
7 (failed to complete the project for the contract price), 8516, subdivision (b) (failed to comply
8 with inspection report requirements), as more particularly set forth in Accusation No. 2008-67,
9 attached hereto as Exhibit A, which is incorporated herein.

10 DISCIPLINARY CONSIDERATIONS

11 10. On or about October 18, 2005, Respondent Ebel paid a fine in the amount
12 of \$75 levied by the Board for violating Code sections 8516(b)(6) and (7), and California Code
13 of Regulations, title 16, section 1990.

14 OTHER MATTERS

15 11. Pursuant to Code section 8654, if Respondent's application for a
16 operator's license is denied, then Respondent shall be prohibited from serving as an officer,
17 director, associate, partner, qualifying manager, or responsible managing employee of a
18 registered company, and the employment, election or association of such person by a registered
19 company is grounds for disciplinary action.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters
22 herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

- 23 1. Denying the application of Jeffrey Matthew Ebel for a operator's license;
24 2. Prohibiting Jeffrey Matthew Ebel from serving as an officer, director,
25 associate, partner, qualifying manager, or responsible managing employee of any licensee;
26 3. Revoking or suspending any other license for which Jeffrey Matthew Ebel
27 is furnishing the qualifying experience or appearance; and,

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4. Taking such other and further action as deemed necessary and proper.

DATED: 5/20/09

Kelli Okuma
KELLI OKUMA
Registrar
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant