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

In the Matter of the Accusation Against:

Case No. 2016-45

GEORGE MAHER MIKHAEL 1533 Roxbury Court Upland, CA 91784 Operator's License No. OPR 11945

OAH No. 2016040666

Respondent.

## **DECISION AND ORDER**

The attached Stipulated Surrender of License and 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 August 17, 2016

It is so ORDERED July 18, 2016

FOR THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS

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8	BEFORE THE
9	STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2016-45
12	GEORGE MAHER MIKHAEL OAH No. 2016040666
13	1533 Roxbury Court Upland, CA 91784 STIPULATED SURRENDER OF
14	Operator's License No. OPR 11945 LICENSE AND ORDER
15	Respondent.
16	In the interest of a prompt and speedy settlement of this matter, consistent with the public
17	interest and the responsibility of the Structural Pest Control Board of the Department of
18	Consumer Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary
19	Order which will be submitted to the Board for approval and adoption as the final disposition of
20	the Accusation.
21	<u>PARTIES</u>
22	1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural
23	Pest Control Board. She brought this action solely in her official capacity and is represented in
24	this matter by Kamala D. Harris, Attorney General of the State of California, by Emily Y. Wada,
25	Deputy Attorney General.
26	2. George Maher Mikhael ("Respondent") is representing himself in this proceeding and
27	has chosen not to exercise his right to be represented by counsel.
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3. On or about December 1, 2009, the Structural Pest Control Board issued Operator's License No. OPR 11945 to Respondent. The Operator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2016-45 and will expire on June 30, 2018, unless renewed.

## JURISDICTION

4. Accusation No. 2016-45 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 March 24, 2016. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2016-45 is attached as Exhibit A and incorporated by reference.

# ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2016-45. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and 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. 2016-45, agrees that cause exists for discipline and hereby surrenders his Operator's License No. OPR 11945 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Operator's License without further process.

## 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 surrender, 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 Surrender 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 Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and 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 Surrender of License and 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 Order:

#### <u>ORDER</u>

IT IS HEREBY ORDERED that Operator's License No. OPR 11945, issued to Respondent George Maher Mikhael, is surrendered and accepted by the Structural Pest Control Board.

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- 1. The surrender of Respondent's Operator's License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Structural Pest Control Board.
- 2. Respondent shall lose all rights and privileges as a structural pest control operator in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations, and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2016-45 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

The earliest that Respondent may petition for reinstatement shall be one year from the effective date of the Board's Decision and Order.

- 5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$2,035.00 prior to issuance of a new or reinstated license.
- 6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2016-45 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.
- 7. Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company during the period that discipline is imposed on Operator License Number OPR 11945, issued to George Maher Mikhael.

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ACCEPTANCE

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

DATED:

GEORGE MAHER MIKHAEL

Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Structural Post Control Board of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

Kamala D, Harris Attorney General of California THOMAS L. RINALDI Supervising Deputy Attorney General

EMILY Y. WADA Deputy Attorney General Attorneys for Complainant

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