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

In the Matter of the Accusation Against:

Case No. 2012-58

LEAH ANN TRIBBLE 847 S. Orange Ave. West Covina, CA 91790 OAH No. 2013041099

27614 Potomac Drive Sun City, CA 92586

Operator's License No. OPR 7711, Branch 2 and 3

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 March 5, 2014

It is so ORDERED February 3, 2014

FOR THE STRUCTURAL PEST CONTROL BOARD

DEPARTMENT OF CONSUMER AFFAIRS

-1	Kamala D. Harris	
_	Attorney General of California	
2	ARMANDO ZAMBRANO Supervising Deputy Attorney General	
3	Langston M. Edwards	
4	Deputy Attorney General State Bar No. 237926	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
	Telephone: (213) 620-6343	
6	Facsimile: (213) 897-2804 Attorneys for Complainant	
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12	LEAH ANN TRIBBLE 847 S. Orange Ave.	OAH No. 2013041099 STIPULATED SETTLEMENT AND
13	West Covina, CA 91790	DISCIPLINARY ORDER
14	27614 Potomac Drive	
-	Sun City, CA 92586	
15	Operator's License No. OPR 7711, Branch 2	·
16	and 3	,
17	Respondents.	
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19	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-	
20		
21	entitled proceedings that the following matters are true:	
22		
	PAR	TIES
23	1. William H. Douglas (Complainant) former Interim Registrar/Executive Officer of the	
24	The state of the s	
25	Structural Pest Control Board, brought these actions solely in his official capacity. Susan Saylor	
26	is the current Registrar/Executive Officer of the Structural Pest Control Board. She maintains	
	these actions solely in her official capacity and is represented in this matter by Kamala D. Harris,	
27	Attorney General of the State of California. by I	angston M. Edwards, Deputy Attorney General.
28	, , ,	Something Continues

2. Respondent Leah Ann Tribble (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about July 16, 1987, the Board issued Operator's License Number OPR 7711 (license) in Branch 2 to Respondent Tribble. On or about April 29, 1991, Operator's License Number OPR 7711 was upgraded to include Branches 2 and 3. On or about September 1, 2006, Operator's License Number OPR 7711 became the Qualifying Manager of Platinum Exterminators. On or about March 18, 2008, Operator's License Number OPR 7711 became the Branch 2 Qualifying Manager of Platinum Exterminators. On or about April 2, 2009, Operator's License Number OPR 7711 disassociated as the Branch 2 and 3 Qualifying Manager of Platinum Exterminators. On or about July 2, 2009, Operator's License Number OPR 7711 became the Branch 2 and 3 Qualifying Manager of Platinum Exterminators. On or about August 11, 2011, Operator's License Number OPR 7711 disassociated as Qualifying Manager of Platinum Exterminators. The Operator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-58 and will expire on June 30, 2014, unless renewed.

JURISDICTION

- 4. Accusation No. 2012-58 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 June 20, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 2012-58 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-58. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

- 7. Respondent is fully aware of her 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 her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her 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.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-58.
- 10. Respondent agrees that her Operator's License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. 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 she may not withdraw her 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.

- 12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 13. 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.
- 14. 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 7711 issued to Respondent Leah Ann Tribble (Respondent) is revoked. However, the revocation is 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 and 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. 2012-58. 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

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undertaking new employment, Respondent shall cause her employer to report to the Board in writing acknowledging the employer has read the decision in case No. 2012-58.

- 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.
- 6. **Completion of Probation.** Upon successful completion of probation, Respondent's license 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. 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 for more than one (1) registered company during the period that discipline is imposed on Operator's License No. OPR 7711.
- 9. **Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions Code, Respondent shall pay to the Board investigation and enforcement costs in the amount of \$1958.56, according to a payment schedule that has been approved by the Board. Investigation and enforcement costs must be paid in full no later than 6 months prior to the end of probation. Probation shall 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 Operator's License. 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: 11-15-13 Leah ann Tribble
Respondent

ENDORSEMENT

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

Dated: N 15 13 Respectfully submitted,

KAMALA D. HARRIS Attorney General of California

ARMANDO ZAMBBANO Supervising Deputy Attorney General

LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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