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

In the Matter of the Accusation Against: **N SERVICE PEST MANAGEMENT;** **DONALD HANSBERGER, Owner and QM** **3120 Oakview Lane** **Chino Hills, CA 91709** **Company Registration Certificate No. PR 4097, Br. 2 and 3** **Operator's License No. OPR 8475, Br. 2 and 3** **and** **TODD ELLIOT HANSBERGER** **3120 Oakview Lane** **Chino Hills, CA 91709** **Field Representative's License No. FR 19237, Br. 2 and 3** Respondents.	Case No. 2013-1 OAH No. 2012100196

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 26, 2013.

It is so ORDERED June 26, 2013.

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

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In the Matter of the Accusation Against: **N SERVICE PEST MANAGEMENT;** **DONALD HANSBERGER, Owner and QM** **3120 Oakview Lane** **Chino Hills, CA 91709** **Company Registration Certificate No. PR 4097, Br. 2 and 3** **Operator's License No. OPR 8475, Br. 2 and 3** **and** **TODD ELLIOT HANSBERGER** **3120 Oakview Lane** **Chino Hills, CA 91709** **Field Representative's License No. FR 19237, Br. 2 and 3** Respondents.	Case No. 2013-1 OAH No. 2012100196 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER (N PEST SERVICE MANAGEMENT AND DONALD HANSBERGER 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 N Service Pest Management and Donald Hansberger are representing themselves in this proceeding and have chosen not to exercise their right to be represented by counsel.

3. On or about March 4, 2002, the Structural Pest Control Board issued Company Registration Certificate No. PR 4097 to N Service Pest Management with Donald Hansberger as Owner and Qualifying Manager. The Company Registration Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-1.

4. On or about December 14, 1989, the Structural Pest Control Board issued Operator's License Number OPR 8475 in Branch 2 to Donald Hansberger. On or about September 1, 1993, Operator's License Number OPR 8475 was upgraded to Branches 2 and 3. The Operator's License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

JURISDICTION

5. Accusation No. 2013-1 was filed before the Structural Pest Control Board ("Board"), Department of Pesticide Regulation, and is currently pending against Respondents N Service Pest Management and Donald Hansberger ("Respondents"). The Accusation and all other statutorily required documents were properly served on Respondents on July 9, 2012. Respondents timely filed their Notice of Defense contesting the Accusation.

6. A copy of Accusation No. 2013-1 is attached as exhibit A and incorporated herein by reference.

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ADVISEMENT AND WAIVERS

7. Respondents have carefully read, and understand the charges and allegations in Accusation No. 2013-1. 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. 2013-1.

11. Respondent N Service Pest Management 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 Donald Hansberger 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 Respondent. By signing the stipulation, Respondents understand and agree that they may not withdraw their 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 4097 issued to Respondent N Service Pest Management with Donald Hansberger as Owner and Qualifying Manager is revoked. However, the revocation is stayed and N Service Pest Management 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 8475 issued to Respondent Donald Hansberger is revoked. However, the revocation is stayed and Donald Hansberger is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondent N Pest Service Management and Respondent Donald Hansberger ("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. 2013-1 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 their employers to report to the Board in writing acknowledging the employer has read the decision in case No. 2013-1

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' licenses/certificates 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. **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.

9. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**

Manager. Respondent Donald Hansberger is prohibited from serving as an officer, director, associate, partner, qualifying manager or branch office manager of any registered company other than Respondent N Service Pest Management during the period that discipline is imposed on Company Registration Certificate No. PR 4097 and Operator's License No. OPR 8475.

10. **Reimbursement of Investigative and Attorney General Costs.** Respondent 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 $3,533.00. Respondent 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 and 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: _____ _____

N SERVICE PEST MANAGEMENT; DONALD HANSBERGER
Respondents

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ACCEPTANCE

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DATED: 4/11/2013

Donald Hansberger

N SERVICE PEST MANAGEMENT; DONALD HANSBERGER
Respondents

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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: April 19, 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

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