

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

In the Matter of the Accusation Against:

**SWIFT TERMITE CONTROL INC.;**  
**JOHNNY RAY DURR, QUALIFYING**  
**MANAGER**  
3685 Edgehill Drive  
Los Angeles, CA 90018  
Company Registration Certificate No. PR  
5913,

and

**JOHNNY RAY DURR**  
3685 Edgehill Drive  
Los Angeles, CA 90018  
Operator's License No. OPR 9500

Respondents.

Case No. 2014-12

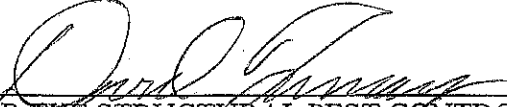
OAH No. 2013090909

**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 May 2, 2014.

It is so ORDERED April 2, 2014.

  
FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

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Operator's License No. OPR 9500  
19 Respondents.

Case No. 2014-12

OAH No. 2013090909  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:  
23

24 **PARTIES**

25 1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest  
26 Control Board. She brought this action solely in her official capacity and is represented in this  
27  
28

1 matter by Kamala D. Harris, Attorney General of the State of California, by Langston M.  
2 Edwards, Deputy Attorney General.

3 2. Respondent Swift Termite Control Inc.; Johnny Ray Durr, Qualifying Manager and  
4 Johnny Ray Durr (Respondents) are representing themselves in this proceeding and have chosen  
5 not to exercise their right to be represented by counsel.

6 3. On or about August 26, 2009, the Structural Pest Control Board issued Company  
7 Registration Certificate No. PR 5913 in Branch 3 (termite) to Swift Termite Control Inc.; Johnny  
8 Ray Durr as Qualifying Manager (Respondents).

9 4. On or about August 27, 2003, the Structural Pest Control Board issued Company  
10 Registration Certificate No. PR 4389 to Swift Termite Control Inc.; Johnny Ray Durr  
11 (Respondent). The Company Registration Certificate expired on June 1, 2009, and has not been  
12 renewed.

13 5. On or about March 15, 1996, the Structural Pest Control Board issued Company  
14 Registration Certificate No. PR 2865 to Swift Termite Control; Johnny Ray Durr (Respondent).  
15 The Company Registration Certificate was cancelled on August 27, 2003.

16 6. On or about March 15, 1996, the Structural Pest Control Board issued Operator's  
17 License No. OPR 9500 in Branch 3 to Johnny Ray Durr, Owner and Qualifying Manager of Swift  
18 Termite Control. The Operator's License No. OPR 9500 was in full force and effect at all times  
19 relevant to the charges brought in Accusation No. 2014-12 and will expire on June 30, 2016,  
20 unless renewed.

21  
22 **JURISDICTION**

23 7. Accusation No. 2014-12 was filed before the Structural Pest Control Board (Board),  
24 Department of Consumer Affairs, and is currently pending against Respondents. The Accusation  
25 and all other statutorily required documents were properly served on Respondents on August 28,  
26 2013. Respondents timely filed their Notice of Defense contesting the Accusation.

1 8. A copy of Accusation No. 2014-12 is attached as Exhibit A and incorporated herein  
2 by reference.

3  
4 **ADVISEMENT AND WAIVERS**

5 9. Respondents have carefully read, and understand the charges and allegations in  
6 Accusation No. 2014-12. Respondents have also carefully read, and understand the effects of this  
7 Stipulated Settlement and Disciplinary Order.

8 10. Respondents are fully aware of their legal rights in this matter, including the right to a  
9 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
10 its own expense; the right to confront and cross-examine the witnesses against them; the right to  
11 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel  
12 the attendance of witnesses and the production of documents; the right to reconsideration and  
13 court review of an adverse decision; and all other rights accorded by the California  
14 Administrative Procedure Act and other applicable laws.

15 11. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
16 every right set forth above.

17  
18 **CULPABILITY**

19 12. Respondents admit the truth of each and every charge and allegation in Accusation  
20 No. 2014-12.

21 13. Respondents agree that Company Registration Certificate No. PR 5913 and  
22 Operator's License No. OPR 9500 are subject to discipline and they agree to be bound by the  
23 Board's probationary terms as set forth in the Disciplinary Order below.

24  
25 **CONTINGENCY**

26 14. This stipulation shall be subject to approval by the Structural Pest Control Board.  
27 Respondents understand and agree that counsel for Complainant and the staff of the Structural  
28 Pest Control Board may communicate directly with the Board regarding this stipulation and

1 settlement, without notice to or participation by Respondents. By signing the stipulation,  
2 Respondents understand and agree that they may not withdraw its agreement or seek to rescind  
3 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
4 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
5 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
6 between the parties, and the Board shall not be disqualified from further action by having  
7 considered this matter.

8 15. The parties understand and agree that Portable Document Format (PDF) and facsimile  
9 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
10 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

17 17. In consideration of the foregoing admissions and stipulations, the parties agree that  
18 the Board may, without further notice or formal proceeding, issue and enter the following  
19 Disciplinary Order:

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21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 5913 issued to  
23 Swift Termite Control, Inc.; Johnny Ray Durr Qualifying Manager and Operator's License No.  
24 OPR 9500 issued to Johnny Ray Durr (Respondents) are revoked. However, the revocation is  
25 stayed and Respondents are placed on probation for three (3) years on the following terms and  
26 conditions.

27 1. **Obey All Laws.** Respondents shall obey all Federal, State and Local laws and rules  
28 relating to the practice of structural pest control.

1           2.    **Quarterly Reports.** Respondents shall file quarterly reports with the Board during  
2 the period of probation.

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

6           4.    **Notice to Employers.** Respondents shall notify all present and prospective  
7 employers of the decision in Case No. 2014-12 and the terms, conditions and restriction imposed  
8 on Respondents by said decision.

9           Within 30 days of the effective date of this decision, and within 15 days of Respondents  
10 undertaking new employment, Respondents shall cause their employer(s) to report to the Board in  
11 writing acknowledging the employer(s) has read the decision in Case No. 2014-12.

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

18           6.    **Completion of Probation.** Upon successful completion of probation, Respondents'  
19 license and certificate will be fully restored.

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

25           8.    **Random Inspections.** Respondents shall reimburse the Board for one (1) random  
26 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per  
27 inspection.

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1 9. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
2 **Manager.** Respondents are prohibited from serving as an officer, director, associate, partner,  
3 qualifying manager or branch office manager of any registered company other than Swift Termite  
4 Control, Inc. during the period that discipline is imposed on Company Registration Certificate  
5 No. PR 5913 and Operator's License No. OPR 9500.

6 10. **Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions  
7 Code, Respondents shall pay to the Board investigation and enforcement costs in the amount of  
8 \$2,704.55, according to a payment schedule that has been approved by the Board. Investigation  
9 and enforcement costs must be paid in full no later than six (6) months prior to the end of  
10 probation. Probation shall not be terminated until all costs are paid in full.

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12 **ACCEPTANCE**

13 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
14 stipulation and the effect it will have on my Company Registration Certificate and Operator's  
15 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,  
16 and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control  
17 Board.

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19 DATED: 2/11/14

  
20 SWIFT TERMITE CONTROL INC.; JOHNNY RAY  
21 DURR, QUALIFYING MANAGER  
22 Respondents

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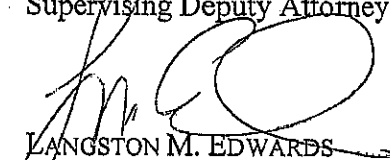
**ENDORSEMENT**

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

Dated: 2/11/14

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



LANGSTON M. EDWARDS  
Deputy Attorney General  
*Attorneys for Complainant*

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