

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

In the Matter of the Accusation Against:

Case No. 2016-72

RICHARD SCOTT BANDFIELD
719 Sable
Rancho Santa Margarita, CA 92688

Operator's License No. OPR 12353

and

MONARCH PEST MANAGEMENT
719 Sable
Rancho Santa Margarita, CA 92688

Company Registration Certificate
No. PR 6572

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 November 13, 2016.

It is so ORDERED October 14, 2016


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

11 In the Matter of the Accusation Against:

Case No. 2016-72

12 **RICHARD SCOTT BANDFIELD**
13 **719 Sable**
14 **Rancho Santa Margarita, CA 92688**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Operator's License No. OPR 12353**

16 **and**

17 **MONARCH PEST MANAGEMENT**
18 **719 Sable**
Rancho Santa Margarita, CA 92688

19 **Company Registration Certificate**
20 **No. PR 6572**

21 Respondent.

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

24 **PARTIES**

25 1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest
26 Control Board (Board). She brought this action solely in her official capacity and is represented
27 in this matter by Kamala D. Harris, Attorney General of the State of California, by Antoinette B.
28 Cincotta, Supervising Deputy Attorney General.

1 2. Richard Scott Bandfield (Respondent) is representing himself in this proceeding and
2 has chosen not to exercise his right to be represented by counsel.

3 3. On or about April 30, 2012, the Board issued Operator's License Number OPR 12353
4 in Branch 2 to Richard Scott Bandfield (Respondent). The Operator's License was suspended on
5 June 9, 2015 for failure to maintain the general liability insurance as required per Business and
6 Professions Code section 8690. The Operator's License was in full force and effect at all times
7 relevant to the charges brought herein and will expire on June 30, 2017, unless renewed.

8 4. On or about July 19, 2012, the Board issued Company Registration Certificate
9 Number PR 6572 in Branch 2 to Monarch Pest Management, with Richard Scott Bandfield as the
10 Owner and Qualifying Manager (Respondent). The Company Registration Certificate was
11 suspended on June 9, 2015 for failure to maintain the general liability insurance as required per
12 Business and Professions Code section 8690. The Company Registration Certificate was
13 suspended on January 5, 2016 for failure to maintain a surety bond in the amount of \$12,500 as
14 required by Business and Professions Code section 8697.

15 **JURISDICTION**

16 5. Accusation No. 2016-72 was filed before the Board and is currently pending against
17 Respondent. The Accusation and all other statutorily required documents were properly served
18 on Respondent on June 30, 2016. Respondent timely filed his Notice of Defense. A copy of
19 Accusation No. 2016-72 is attached as Exhibit A and incorporated by reference.

20 **ADVISEMENT AND WAIVERS**

21 6. Respondent has carefully read, and understands the charges and allegations in
22 Accusation No. 2016-72. Respondent also has carefully read, and understands the effects of this
23 Stipulated Surrender of License and Order.

24 7. Respondent is fully aware of his legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
26 his own expense; the right to confront and cross-examine the witnesses against him; the right to
27 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
28 the attendance of witnesses and the production of documents; the right to reconsideration and

1 court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 **CULPABILITY**

6 9. Respondent understands that the charges and allegations in Accusation No. 2016-72,
7 if proven at a hearing, constitute cause for imposing discipline upon his Operator's License as
8 well as his Company Registration Certificate.

9 10. For the purpose of resolving the Accusation without the expense and uncertainty of
10 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
11 basis for the charges in the Accusation and that those charges constitute cause for discipline.
12 Respondent hereby gives up his right to contest that cause for discipline exists based on those
13 charges.

14 11. Respondent understands that by signing this stipulation he enables the Board to issue
15 an order accepting the surrender of his Operator's License and Company Registration Certificate
16 without further process.

17 **CONTINGENCY**

18 12. This stipulation shall be subject to approval by the Board. Respondent understands
19 and agrees that counsel for Complainant and the staff of the Board may communicate directly
20 with the Board regarding this stipulation and surrender, without notice to or participation by
21 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
22 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
23 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
24 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
25 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
26 be disqualified from further action by having considered this matter.

27 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
28 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures

1 thereto, shall have the same force and effect as the originals.

2 14. This Stipulated Surrender of License and Order is intended by the parties to be an
3 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
4 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
5 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
6 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
7 executed by an authorized representative of each of the parties.

8 15. In consideration of the foregoing admissions and stipulations, the parties agree that
9 the Board may, without further notice or formal proceeding, issue and enter the following Order:

10 **ORDER**

11 IT IS HEREBY ORDERED that Operator's License No. OPR 12353 and Company
12 Registration Certificate No. PR 6572 issued to Respondent Richard Scott Bandfield, are
13 surrendered and accepted by the Structural Pest Control Board.

14 1. The surrender of Respondent's Operator's License and Company Registration
15 Certificate and the acceptance of the surrendered license and certificate by the Board shall
16 constitute the imposition of discipline against Respondent. This stipulation constitutes a record of
17 the discipline and shall become a part of Respondent's license history with the Structural Pest
18 Control Board.

19 2. Respondent shall lose all rights and privileges as an Operator in California as of the
20 effective date of the Board's Decision and Order.

21 3. Respondent shall be prohibited from serving as the officer, director, associate,
22 partner, qualifying manager, or responsible managing employee of Monarch Pest Management,
23 under Company Registration Certificate No. PR 6572.

24 4. Respondent shall be prohibited from serving as an officer, director, associate, partner,
25 qualifying manager, or responsible managing employee of any registered company.

26 5. Respondent shall cause to be delivered to the Board his pocket license and, if one was
27 issued, his wall certificates on or before the effective date of the Decision and Order.

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1 6. If Respondent ever applies for licensure or petitions for reinstatement in the State of
2 California, the Board shall treat it as a new application for licensure. Respondent must comply
3 with all the laws, regulations and procedures for licensure in effect at the time the application or
4 petition is filed, and all of the charges and allegations contained in Accusation No. 2016-72 shall
5 be deemed to be true, correct and admitted by Respondent when the Board determines whether to
6 grant or deny the application or petition.

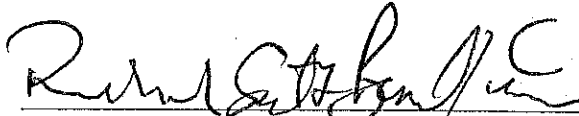
7 7. Respondent shall pay the agency its costs of investigation and enforcement in the
8 amount of \$560.00 prior to issuance of a new or reinstated license.

9 **ACCEPTANCE**

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

15 DATED:

8-7-16



RICHARD SCOTT BANDFIELD
MONARCH PEST MANAGEMENT
Respondent

18 **ENDORSEMENT**

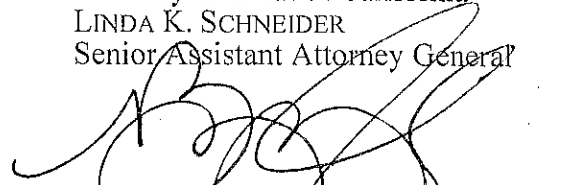
19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
20 for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

21 Dated:

8/12/2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General



ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
Attorneys for Complainant

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