

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

In the Matter of the First Amended Accusation
and Petition to Revoke Probation Against:

ZAPPEN EXTERMINATING;
JOSEPH W. ZAPPEN, Owner and QM
511 South First Avenue #476
Arcadia, CA 91106
Company Registration Certificate
No. PR 3982, Branch 3
Operator's License No. OPR 10234,
Branch 3

Respondent.

Case No. 2011-12


OAH No. 2012080679

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 May 26, 2013.

It is so ORDERED April 26, 2013.



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE TULLENERS
Deputy Attorney General
4 State Bar No. 157464
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5 Los Angeles, CA 90013
Telephone: (213) 897-2578
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Attorneys for Complainant

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended
12 Accusation/Petition to Revoke Probation
Against:

Case No. 2011-12
OAH No. 2012080679

13 **ZAPPEN EXTERMINATING;**
14 **JOSEPH W. ZAPPEN, Owner and QM**
511 South First Avenue #476
Arcadia, CA 91006
15 **Company Registration Certificate No.**
16 **PR 3982, Branch 3**
17 **Operator's License No. OPR 10234,**
18 **Branch 3**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Respondents.

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

21 **PARTIES**

22 1. William H. Douglas (Complainant) was the Interim Executive Officer of the
23 Structural Pest Control Board. He brought this action solely in his former official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Desiree Tulleners, Deputy Attorney General.

26 2. Respondent Zappen Exterminating and Joseph W. Zappen (Respondents) are
27 represented in this proceeding by attorney James L. Frederick, whose address is: Goeltz &
28

1 Frederick, A Professional Corporation, Attorneys at Law, 504 West Mission Avenue, Suite 103,
2 Escondido, CA 92025.

3 3. On or about June 26, 2001, the Structural Pest Control Board issued Company
4 Registration Certificate No. PR 3982 to Zappen Exterminating in Branch 3 with Joseph W.
5 Zappen as the Owner and Qualifying Manager (Respondent Company). The Company
6 Registration Certificate was in full force and effect at all times relevant to the charges brought in
7 the First Amended Accusation/Petition to Revoke Probation Case No. 2011-12.

8 4. On or about June 8, 2000, the Board Issued Operator's License No. OPR 10234 in
9 Branch 3 to Joseph Zappen (Respondent Zappen). On or about June 26, 2001, Respondent
10 Zappen became the Owner and Qualifying Manager of Zappen Exterminating. The Operator's
11 License was in full force and effect at all times relevant to the charges brought in the First
12 Amended Accusation/Petition to Revoke Probation Case No. 2011-12, and will expire on June
13 30, 2014, unless renewed.

14 JURISDICTION

15 5. The Accusation/Petition to Revoke Probation Case No. 2011-12 was filed before the
16 Structural Pest Control Board (Board), Department of Pesticide Regulation, and is currently
17 pending against Respondents. The Accusation/Petition to Revoke Probation and all other
18 statutorily required documents were properly served on Respondents on October 22, 2010.
19 Respondents timely filed their Notice of Defense contesting the Accusation/Petition to Revoke
20 Probation. Thereafter, the First Amended Accusation/Petition to Revoke Probation and all other
21 statutorily required documents were properly served on Respondents on February 2, 2012.

22 6. A copy of First Amended Accusation/Petition to Revoke Probation Case No. 2011-12
23 is attached as Exhibit A, and incorporated herein by reference.

24 ADVISEMENT AND WAIVERS

25 7. Respondents have carefully read, fully discussed with counsel, and understand the
26 charges and allegations in First Amended Accusation/Petition to Revoke Probation Case No.
27 2011-12. Respondents have also carefully read, fully discussed with counsel, and understand the
28 effects of this Stipulated Settlement and Disciplinary Order.

1 previously ordered in Accusation Case No. 2009-37 in the amount of \$5,000. All costs are to be
2 repaid to the Board prior to the filing of any petition for reinstatement, petition for reduction of
3 penalty, or application for new license.

4 4. Respondents agree and shall provide proof of payment of restitution and Release of
5 Claim(s) for each project alleged as cause for discipline identified in First Amended
6 Accusation/Petition to Revoke Probation Case No. 2011-12, Accusation Case No. 2008-14, and
7 Accusation Case No. 2009-37, prior to the filing of any petition for reinstatement, petition for
8 reduction of penalty, or application for new license.

9 ACCEPTANCE

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

15
16 DATED: 2-11-13

Joseph W. Zappen
17 ZAPPEN EXTERMINATING
18 JOSEPH W. ZAPPEN
Respondent Company and Respondent Zappen

19 I have read and fully discussed with Respondent Zappen Exterminating with Joseph W.
20 Zappen as Owner and Qualifying Manager of the Company Registration, and with Respondent
21 Joseph W. Zappen as an Operator, the terms and conditions and other matters contained in the
22 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

23 DATED: 2-11-13

James L. Frederick
24 JAMES L. FREDERICK
25 Attorney for Respondent Zappen Exterminating;
26 Joseph W. Zappen. and
27 Respondent Joseph W. Zappen
28

ENDORSEMENT

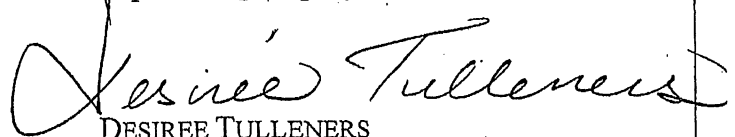
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The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.

Dated: *February 12, 2013*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



DESIREE TULENERS
Deputy Attorney General
Attorneys for Complainant