

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

In the Matter of the Accusation Against:

MASTERCARE TERMITE CONTROL
SOUTH BAY; WILLIAM WHITE,
PRESIDENT; LEONARDO J. CRUZ, JR.,
QUALIFYING MANAGER
24404 South Vermont Avenue, Ste. 303
Harbor City, CA 90710

Company Registration Certificate No. PR
5620, Br. 3
Operator's License No. OPR 11324, Br. 3

CESAR G. SILVANO
17341 East Hurley Street, Apt. 6
La Puente, CA 91744

Operator's License No. OPR 11237, Br. 3

and

BETTY ANN WEBSTER
2472 South Bundy Drive,
Los Angeles, CA 90064

Field Representative's License No. FR
32347, Br. 2 and 3

Respondents.

Case No. 2013-7

OAH No. 2012100191

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 28, 2013.

It is so ORDERED June 28, 2013.


FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
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STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2013-7

11 **MASTERCARE TERMITE CONTROL**
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13 **PRESIDENT; LEONARDO J. CRUZ, JR.,**
QUALIFYING MANAGER.
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Harbor City, CA 90710

OAH No. 2012100191

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER (AS TO
RESPONDENTS MASTERCARE
TERMITE CONTROL SOUTH BAY,
WILLIAM WHITE, AND LEONARDO J.
CRUZ, JR. ONLY)

15 Company Registration Certificate No. PR
5620, Br. 3
16 Operator's License No. OPR 11324, Br. 3

17 **CESAR G. SILVANO**
17341 East Hurley Street, Apt. 6
18 La Puente, CA 91744

19 Operator's License No. OPR 11237, Br. 3

20 and

21 **BETTY ANN WEBSTER**
2472 South Bundy Drive,
22 Los Angeles, CA 90064

23 Field Representative's License No. FR
32347, Br. 2 and 3

24 Respondents.
25

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

28 ///

1 on Respondents on August 16, 2012. Respondents timely filed their Notice of Defense contesting
2 the Accusation.

3 6. A copy of Accusation No. 2013-7 is attached as exhibit A and incorporated herein by
4 reference.

5 ADVISEMENT AND WAIVERS

6 7. Respondents have carefully read, and understand the charges and allegations in
7 Accusation No. 2013-7. Respondents have also carefully read, and understand the effects of this
8 Stipulated Settlement and Disciplinary Order.

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

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

18 CULPABILITY

19 10. Respondents admit the truth of each and every charge and allegation in Accusation
20 No. 2013-7.

21 11. Respondent Mastercare agrees that its Company Registration Certificate is subject to
22 discipline and it agrees to be bound by the Board's probationary terms as set forth in the
23 Disciplinary Order below.

24 12. Respondent Cruz agrees that his Operator's License is subject to discipline and he
25 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

26 CONTINGENCY

27 13. This stipulation shall be subject to approval by the Structural Pest Control Board.
28 Respondents understand and agree that counsel for Complainant and the staff of the Structural

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

9 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
10 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
11 effect as the originals.

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

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

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 5620 issued to
23 Respondent Mastercare Termite Control South Bay with William White as owner and Leonardo
24 J. Cruz, Jr. as Qualify Manager is revoked. However, the revocation is stayed and Respondent
25 Mastercare is placed on probation for three (3) years on the following terms and conditions.

26 IT IS HEREBY FURTHER ORDERED that the Operator's License No. OPR 11324 issued
27 to Respondent Leonardo J. Cruz, Jr. is revoked. However, the revocation is stayed and Leonardo
28 J. Cruz, Jr. is placed on probation for three (3) years on the following terms and conditions.

1 1. **Obey All Laws.** Respondents Mastercare Termite Control South Bay, William
2 White, and Leonardo J. Cruz, Jr. ("Respondents") shall obey all Federal, State, and Local laws
3 and all law and rules relating to the practice of structural pest control.

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

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

9 4. **Notice to Employers.** Respondents shall notify all present and prospective
10 employers of the decision in case No. 2013-7 and the terms, conditions and restriction imposed on
11 Respondents by said decision.

12 Within 30 days of the effective date of this decision, and within 15 days of Respondents
13 undertaking new employment, Respondents shall cause his/their employer to report to the Board
14 in writing acknowledging the employer has read the decision in case No. 2013-7.

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

21 6. **Completion of Probation.** Upon successful completion of probation, Respondents'
22 license(s)/certificate(s) will be fully restored.

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

28 8. **Payment of Civil Penalty.** Respondents shall pay the Board a civil penalty in the

1 amount of \$2,000. Respondents shall pay the Board \$1,000 upon the effective date of this
2 decision and an additional \$1,000 within sixty (60) days of the effective date of this decision.

3 9. **Random Inspections.** Respondents shall reimburse the Board for one (1) random
4 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
5 inspection.

6 10. **Reimbursement to Consumer.** Respondents shall submit proof to the registrar that
7 restitution in the amount of \$3,000 has been made to Deyone Lane within six (6) months of the
8 effective date of the decision.

9 11. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
10 **Manager.** Respondents William White and Leonardo J. Cruz, Jr. are prohibited from serving as
11 an officer, director, associate, partner, qualifying manager or branch office manager of any
12 registered company other than Respondent Mastercare Termite Control South Bay during the
13 period that discipline is imposed on Company Registration Certificate No. PR 5620 and
14 Operator's License No. 11324.

15 12. **Reimbursement of Investigative and Attorney General Costs.** Respondents shall
16 pay to the Board costs associated with its investigation and enforcement pursuant to Business and
17 Professions Code section 125.3 in the amount of \$3,500.00. Respondents shall be permitted to
18 pay these costs in a payment plan approved by the Board, with payments to be completed no later
19 than three months prior to the end of the probation term. Probation will not be terminated until all
20 costs are paid in full.

21 **ACCEPTANCE**

22 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
23 stipulation and the effect it will have on my Company Registration Certificate. I enter into this
24 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
25 to be bound by the Decision and Order of the Structural Pest Control Board.

26 DATED: _____

27 _____
28 MASTERCARE TERMITE CONTROL SOUTH
BAY; WILLIAM WHITE
Respondents

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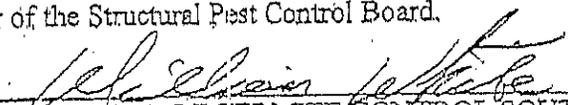
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26 DATED: 4/24/13

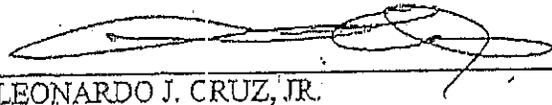

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28 MASTERCARE TERMITE CONTROL SOUTH
BAY, WILLIAM WHITE
Respondents

ACCEPTANCE

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DATED:

4/24/13


LEONARDO J. CRUZ, JR.
Respondent

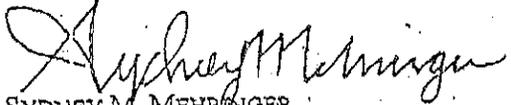
ENDORSEMENT

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 22, 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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