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

DARRELL LEE MCCAUL 13645 Fifth Street, Space #2 Yucaipa, CA 92399

Applicator License No. RA 40083

Respondent.

Case No. 2013-32

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.

The Decision shall become effective on September 14, 2013

IT IS SO ORDERED August 15, 2013

FOR THE STRUCUTRAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS

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1	Kamala D. Harris	1
	Attorney General of California	ļ
2	JAMES M. LEDAKIS Supervising Deputy Attorney General	
3	Erin M. Sunseri	
4	Deputy Attorney General State Bar No. 207031	
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9	BEFORE THE STRUCTURAL PEST CONTROL BOARD	
10	DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA	
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11	In the Matter of the Accusation Against: Case No. 2013-32	
12	DARRELL LEE MCCAUL	
13	13645 Fifth Street, Space #2	1
14	Yucaipa, CA 92399 STIPULATED SURRENDER OF LICENSE AND ORDER	
15	Applicator License No. RA 40083	
16	Respondent.	
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18	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this	
19	proceeding that the following matters are true:	
20	PARTIES	
21	1. Susan Saylor (Complainant) is the Interim Registrar/Executive Officer of the	
22	Structural Pest Control Board. She brought this action solely in her official capacity and is	
23	represented in this matter by Kamala D. Harris, Attorney General of the State of California, by	
24	Erin M. Sunseri, Deputy Attorney General.	
25	2. Darrell Lee McCaul (Respondent) is representing himself in this proceeding and has	},
26	chosen not to exercise his right to be represented by counsel.	
27	' <i>III</i>	
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Stipulated Surrender of License (Case No. 2013-32)

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3. On or about July 16, 2003, the Structural Pest Control Board issued Applicator License No. RA 40083 to Respondent. The Applicator License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-32 and will expire on July 16, 2015, unless renewed.

JURISDICTION

4. Accusation No. 2013-32 was filed before the Structural Pest Control Board (Board), Department of Pesticide Regulation, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 7, 2013. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2013-32 is attached as Exhibit "A" and incorporated by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2013-32. Respondent also has carefully read, and understands the effects of this
 Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his 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 his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his 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.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-32, agrees that cause exists for discipline and hereby surrenders his Applicator License No. RA 40083 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Applicator License without further process.

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Structural Pest Control Board.

 Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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 Surrender 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.
- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and 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 Surrender of License and 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.
- 13. 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 Order:

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IT IS HEREBY ORDERED that Applicator License No. RA 40083, issued to Respondent Darrell Lee McCaul, is surrendered and accepted by the Structural Pest Control Board.

- 1. The surrender of Respondent's Applicator License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Structural Pest Control Board.
- 2. Respondent shall lose all rights and privileges as an applicator in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2013-32 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$1,075.00 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Applicator License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 3-19-13

DARRELL LEE MCCAUL

Respondent

ENDORSEMENT

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

Dated: 6/26/13

Respectfully submitted,

KAMALA D. HARRIS Attorney General of California JAMES MI LEDAKIS Supplyising Deputy Attorney General

ERIN M. SUNSERI
Deputy Attorney General
Attorneys for Complainant

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