

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

In the Matter of the First Amended Accusation
Against:

Case No. 2011-72(a)

ANDREW W. HOWARD
3379 Pine Grove Road
Walnut Grove, MS 39189

Applicator License No. RA 51152, Br. 2 and 3

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.

The Decision shall become effective on October 11, 2013.

IT IS SO ORDERED September 11, 2013.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 2011-72(a)

13 **ANDREW W. HOWARD**
14 **3379 Pine Grove Road**
Walnut Grove, MS 39189

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Applicator License No. RA 51152,**
16 **Br. 2 and 3**

17 Respondent.

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19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. William H. Douglas (Complainant) was the former Interim Registrar/Executive
23 Officer of the Structural Pest Control Board. He brought this action solely in his official capacity.
24 Susan Saylor is the current Interim Registrar/Executive Officer of the Structural Pest Control
25 Board. She maintains this action solely in her official capacity and is represented in this matter
26 by Kamala D. Harris, Attorney General of the State of California, by Phillip L. Arthur, Deputy
27 Attorney General.

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

3 3. On or about July 14, 2010, the Structural Pest Control Board issued Applicator
4 License No. RA 51152, Br. 2 and 3 to Andrew W. Howard (Respondent). The Applicator
5 License was in full force and effect at all times relevant to the charges brought in First Amended
6 Accusation No. 2011-72(a) and will expire on July 14, 2013, unless renewed.

7 JURISDICTION

8 4. First Amended Accusation No. 2011-72(a) was filed before the Structural Pest
9 Control Board (Board), Department of Pesticide Regulation, and is currently pending against
10 Respondent. The First Amended Accusation and all other statutorily required documents were
11 properly served on Respondent on April 30, 2012. Respondent timely appeared, waived his right
12 to a hearing, and requested settlement terms. A copy of First Amended Accusation No. 2011-
13 72(a) is attached as Exhibit A and incorporated by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, and understands the charges and allegations in First
16 Amended Accusation No. 2011-72(a). Respondent also has carefully read, and understands the
17 effects of this Stipulated Surrender of License and Order.

18 6. Respondent is fully aware of his legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the First Amended Accusation; the right to be
20 represented by counsel, at his own expense; the right to confront and cross-examine the witnesses
21 against him; the right to present evidence and to testify on his own behalf; the right to the
22 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
23 the right to reconsideration and court review of an adverse decision; and all other rights accorded
24 by the California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
26 every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 2011-72(a) and agrees that cause exists for discipline and hereby
4 surrenders his Applicator License No. RA 51152, Br. 2 and 3 for the Board's formal acceptance.

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

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Structural Pest Control Board.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Structural
10 Pest Control Board may communicate directly with the Board regarding this stipulation and
11 surrender, without notice to or participation by Respondent. By signing the stipulation,
12 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
13 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
14 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of
15 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
16 the parties, and the Board shall not be disqualified from further action by having considered this
17 matter.

18 11. The parties understand and agree that electronic or facsimile copies of this Stipulated
19 Surrender of License and Order, including electronic or facsimile signatures thereto, shall have
20 the same force and effect as the originals.

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

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

ORDER

IT IS HEREBY ORDERED that Applicator License No. RA 51152, Br. 2 and 3, issued to Respondent Andrew W. Howard, 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 a Pest Control 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 he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in First Amended Accusation No. 2011-72(a) shall be deemed to be true, correct and admitted by Respondent, as they relate to his individually held license, when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the pro rata amount of \$1,147.00 prior to issuance of a new or reinstated license.

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ACCEPTANCE

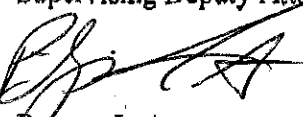
I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Applicator License, I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order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

DATED: 7-22-2013 Andrew W. Howard
ANDREW W. HOWARD, RA 51152,
BR. 2 AND 3
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: 7/22/13

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General

PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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