

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

In the Matter of the Statement of Issues
Against:

TIMOTHY RYAN DOSSEY

Respondent.

Case No. 2013-22

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 February 27, 2013.

It is so ORDERED January 28, 2013.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

1 KAMALA D. HARRIS
 Attorney General of California
 2 ALFREDO TERRAZAS
 Senior Assistant Attorney General
 3 DIANN SOKOLOFF
 Supervising Deputy Attorney General
 4 State Bar No. 161082
 1515 Clay Street, 20th Floor
 5 P.O. Box 70550
 Oakland, CA 94612-0550
 6 Telephone: (510) 622-2212
 Facsimile: (510) 622-2270
 7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
 Against:
 12 **TIMOTHY RYAN DOSSEY**
 13
 14 Respondent.

Case No. 2013-22

**STIPULATED SETTLEMENT AND
 DISCIPLINARY ORDER**

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

17 PARTIES

18 1. Susan Saylor (Complainant) is the Interim Registrar/Executive Officer of the
 19 Structural Pest Control Board. She brought this action solely in her official capacity and is
 20 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
 21 Diann Sokoloff, Supervising Deputy Attorney General.

22 2. Respondent Timothy Ryan Dossey (Respondent) is represented in this proceeding by
 23 attorney Lawrence A. Truitt, whose address is: 1001 Fourth Street, Eureka, CA 95501.

24 3. On or about January 9, 2012, Respondent filed an application dated December 19,
 25 2011, with the Structural Pest Control Board to obtain an Applicator License.

26 JURISDICTION

27 4. Statement of Issues No. 2013-22 was filed before the Structural Pest Control Board
 28 (Board), Department of Pesticide Regulation, and is currently pending against Respondent. The

1 Statement of Issues and all other statutorily required documents were properly served on
2 Respondent on November 16, 2012.

3 5. A copy of Statement of Issues No. 2013-22 is attached as exhibit A and incorporated
4 herein by reference.

5 ADVISEMENT AND WAIVERS

6 6. Respondent has carefully read, fully discussed with counsel, and understands the
7 charges and allegations in Statement of Issues No. 2013-22. Respondent has also carefully read,
8 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
9 Disciplinary Order.

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

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

19 CULPABILITY

20 9. Respondent admits the truth of each and every charge and allegation in Statement of
21 Issues No. 2013-22.

22 10. Respondent agrees that his Applicator License is subject to denial and he agrees to be
23 bound by the Board's probationary terms as set forth in the Disciplinary Order below.

24 CIRCUMSTANCES IN MITIGATION

25 11. Respondent Timothy Ryan Dossey has never been the subject of any disciplinary
26 action. He is admitting responsibility at an early stage in the proceedings.

27 ///

28 ///

CONTINGENCY

1
2 12. This stipulation shall be subject to approval by the Structural Pest Control Board.
3 Respondent understands and agrees that counsel for Complainant and the staff of the Structural
4 Pest Control Board may communicate directly with the Board regarding this stipulation and
5 settlement, without notice to or participation by Respondent or his counsel. By signing the
6 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
7 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
8 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
9 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
10 action between the parties, and the Board shall not be disqualified from further action by having
11 considered this matter.

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

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

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

DISCIPLINARY ORDER

24
25 IT IS HEREBY ORDERED that Respondent Timothy Ryan Dossey that Applicator
26 License will be issued and immediately revoked. The revocation will be stayed and the
27 Respondent placed on three (3) years probation on the following terms and conditions.

28 1. **Obey All Laws.** Respondent shall obey all Federal, State and Local laws along with

1 all laws and rules relating to the practice of structural pest control.

2 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during
3 the period of probation.

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

7 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
8 of the decision in case no. 2013-22 and the terms, conditions and restriction imposed on
9 Respondent by said decision.

10 Within 30 days of the effective date of this decision, and within 15 days of Respondent
11 undertaking new employment, Respondent shall cause his employer to report to the Board in
12 writing acknowledging the employer has read the decision in case No. 2013-22.

13 5. **Completion of Probation.** Upon successful completion of probation, Respondent's
14 license/certificate will be fully restored.

15 6. **Violation of Probation.** Should Respondent violate probation in any respect, the
16 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
17 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
18 Respondent during probation, the Board shall have continuing jurisdiction until the matter is final,
19 and the period of probation shall be extended until the matter is final.

20 7. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
21 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
22 qualifying manager or branch office manager of any registered company during the period that
23 discipline is imposed on the Applicator License.

24 8. **No Interest In Any Registered Company.** Respondent shall not have any legal or
25 beneficial interest in any company currently or hereinafter registered by the Board.

26 9. **Additional Licenses or Registrations.** If respondent applies to the Structural Pest
27 Control Board for an additional license during this three-year probationary period for the
28 Applicator License, and if respondent meets the qualifications and criteria for that license, the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

license shall be granted and immediately placed on probation during the pendency of the three-year probation period for the Applicator License.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Lawrence A. Truitt. I understand the stipulation and the effect it will have on my Applicator License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

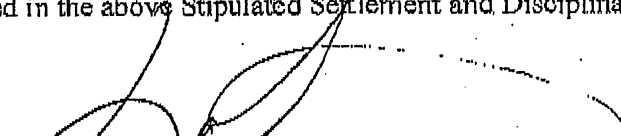
DATED: 12/21/12



TIMOTHY RYAN DOSSEY
Respondent

I have read and fully discussed with Respondent Timothy Ryan Dossey the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12-21-12



Lawrence A. Truitt
Attorney for 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:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ALFREDO TERRAZAS
Senior Assistant Attorney General



DIANN SOKOLOFF
Supervising Deputy Attorney General
Attorneys for Complainant

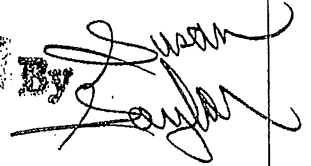
SF2012402364
90279372.docx

FILED

Date

11/1/12

By



1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 State Bar No. 161082
1515 Clay Street, 20th Floor
4 P.O. Box 70550
Oakland, CA 94612-0550
5 Telephone: (510) 622-2212
Facsimile: (510) 622-2270
6 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
Against:

Case No. 2013-22

12 **TIMOTHY RYAN DOSSEY**
13 **5440 Ericson Way**
Arcata, CA 95521

STATEMENT OF ISSUES

14 Respondent.

15 Complainant alleges:

16 PARTIES

17 1. Susan Saylor (Complainant) brings this Statement of Issues solely in her official
18 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board,
19 Department of Pesticide Regulation.

20 2. On or about January 9, 2012, the Structural Pest Control Board, Department of
21 Pesticide Regulation received an application for a Structural Pest Control Applicator License
22 from Timothy Ryan Dossey (Respondent). On or about December 19, 2011, Timothy Ryan
23 Dossey certified under penalty of perjury to the truthfulness of all statements, answers, and
24 representations in the application. The Board denied the application on May 3, 2012.

25 JURISDICTION

26 3. This Statement of Issues is brought before the Structural Pest Control Board (Board),
27 Department of Pesticide Regulation, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. Code section 8649 states:

"Conviction of a crime substantially related to the qualifications, functions, and duties of a structural pest control operator, field representative, applicator, or registered company is a ground for disciplinary action. The certified record of conviction shall be conclusive evidence thereof."

7. Code section 8568 provides, in pertinent part, that the Board may deny a license or registration if the applicant, while unlicensed or not registered . . . has committed any act or omissions constituting grounds for discipline under section 480 of that code.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction)

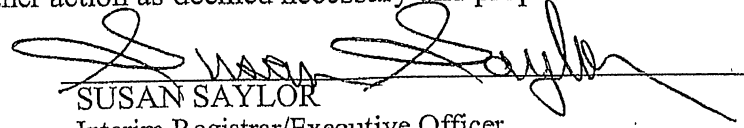
8. Respondent's application is subject to denial under Code sections 480, subdivision (a)(1) and 8568 in that on or about June 14, 2010, in a criminal proceeding entitled *People of the State of California v. Timothy Ryan Dossey* in Humboldt County Superior Court, Case Number CR1001448, Respondent was convicted by plea of guilty in Penal Code section 273a, subdivision (a), a felony for wilfully harming or injuring a child. The circumstances are that Respondent met with an underage woman with the intent to engage in sexual relations.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Denying the application of Timothy Ryan Dossey for a Structural Pest Control Applicator License.
2. Taking such other and further action as deemed necessary and proper.

DATED: 11/1/12



SUSAN SAYLOR
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

SF2012402364
90269329.doc