

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

In the Matter of the Statement of Issues Against:

Case No. 2008-47

DAVID EDWARD SERNA
8038 Via Pompeii
Burbank, CA 91504
Field Representative 's License Applicant,

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board as its Decision in this matter.

This Decision shall become effective on August 28, 2009.

It is so ORDERED July 29, 2009.



FOR THE STRUCTURAL PEST CONTROL BOARD

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS, State Bar No. 171168
Deputy Attorney General
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:
12 DAVID EDWARD SERNA
8038 Via Pompeii
13 Burbank, CA 91504
Field Representative 's License Applicant,
14
15 Respondent.

Case No. 2008-47

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

19 PARTIES

- 20 1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the
21 Structural Pest Control Board. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Christina Thomas, Deputy Attorney General.
24 2. David Edward Serna (Respondent) is representing himself in this
25 proceeding and has chosen not to exercise his right to be represented by counsel.
26 3. Respondent filed an application dated August 1, 2007, with the Board to
27 obtain a Field Representative 's License (Branch 2). Respondent filed an application dated May
28 2, 2007, with the Board to obtain an Applicator 's License, which was denied on July 17, 2007.

1 force and effect as the originals.

2 11. In consideration of the foregoing admissions and stipulations, the parties
3 agree that the Board may, without further notice or formal proceeding, issue and enter the
4 following Disciplinary Order:

5 **DISCIPLINARY ORDER**

6 IT IS HEREBY ORDERED that Respondent David Serna shall be issued a Field
7 Representative 's License. The license shall be immediately revoked upon issuance. However, the
8 revocation is stayed and the license is placed on probation for three (3) years on the following
9 terms and conditions:

10 1. **Obey All Laws.** Respondent shall obey all federal, state, and local laws
11 and rules relating to the practice of structural pest control.

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

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

18 4. **Notice to Employers.** Respondent shall notify all present and prospective
19 employers of the decision in Case No. 2008-47 and the terms, conditions and restriction imposed
20 on Respondent by said decision. Within 30 days of the effective date of this decision, and within
21 15 days of Respondent undertaking new employment, Respondent shall cause his/her employer
22 to report to the Board in writing acknowledging the employer has read the decision in Case No.
23 2008-47.

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

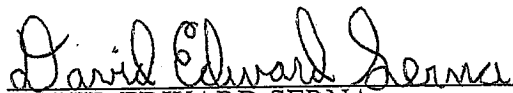
26 6. **Violation of Probation.** Should Respondent violate probation in any
27 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
28 probation and carry out the disciplinary order which was stayed. If a petition to revoke probation

1 is filed against Respondent during probation, the Board shall have continuing jurisdiction until
2 the matter is final, and the period of probation shall be extended until the matter is final.

3 ACCEPTANCE

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I
5 understand the stipulation and the effect it will have on my Field Representative's License. I
6 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
7 intelligently, and agree to be bound by the Decision and Order of the Board.

8 DATED: 5/29/09

9
10 
11 DAVID EDWARD SERNA
12 Respondent

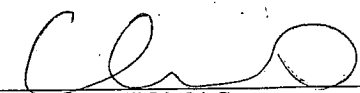
13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Board.

16
17 DATED: 6/11/09

18 EDMUND G. BROWN JR., Attorney General
19 of the State of California

20 MARC D. GREENBAUM
21 Supervising Deputy Attorney General

22 
23 CHRISTINA THOMAS
24 Deputy Attorney General

25 Attorneys for Complainant

Exhibit A
Statement of Issues No. 2008-47

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS, State Bar No. 171168
Deputy Attorney General
4 California Department of Justice
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FILED

Date 2/7/08 By Kelli Okuma

7 Attorneys for Complainant

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. 2008-47

12 **DAVID EDWARD SERNA**
13 8140 Sunland Boulevard
Sun Valley, CA 91352

STATEMENT OF ISSUES

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Kelli Okuma ("Complainant") brings this Statement of Issues solely in her
19 official capacity as the Registrar/Executive Officer of the Structural Pest Control Board
20 ("Board"), Department of Consumer Affairs.

21 **Application for Applicator License**

22 2. On or about May 14, 2007, the Board received an Application for
23 Structural Pest Control Applicator Examination and License from David Edward Serna. On or
24 about May 2, 2007, David Edward Serna certified under penalty of perjury to the truthfulness of
25 all statements, answers, and representations in the application. The Board denied the application
26 on July 17, 2007.

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28 ///

1 (3) Done any act which if done by a licentiate of the business
2 or profession in question, would be grounds for suspension or
3 revocation of license.

4 7. Code section 8654 states:

5 Any individual who has been denied a license for any of the
6 reasons specified in Section 8568, or who has had his or her license
7 revoked, or whose license is under suspension, or who has failed to
8 renew his or her license while it was under suspension, or who has
9 been a member, officer, director, associate, qualifying manager, or
10 responsible managing employee of any partnership, corporation,
11 firm, or association whose application for a company registration
12 has been denied for any of the reasons specified in Section 8568, or
13 whose company registration has been revoked as a result of
14 disciplinary action, or whose company registration is under
15 suspension, and while acting as such member, officer, director,
16 associate, qualifying manager, or responsible managing employee
17 had knowledge of or participated in any of the prohibited acts for
18 which the license or registration was denied, suspended or revoked,
19 shall be prohibited from serving as an officer, director, associate,
20 partner, qualifying manager, or responsible managing employee of
21 a registered company, and the employment, election or association
22 of such person by a registered company is a ground for disciplinary
23 action

24 **FIRST CAUSE FOR DENIAL OF APPLICATION**

25 (Criminal Convictions)

26 8. Respondent's application is subject to denial pursuant to Code sections
27 8568, subdivision (a), and 480, subdivision (a)(1), in that Respondent was convicted of the
28 following crimes:

a. On October 7, 1997, in the Superior Court of California, Los Angeles
County, Northeast Judicial District, California, in the matter entitled *People of the State of
California v. David Edward Serna* (Super. Ct. Los Angeles Cty., N.E. Judicial Dist., 1997, Case
No. GA032139), Respondent was convicted by the court on his plea of guilty of violating Penal
Code section 666 (petty theft with prior conviction), a felony.

b. On January 11, 1996, in the Municipal Court of California, Orange
County, North Orange County Judicial District, California, in the matter entitled *People of the
State of California v. David Edward Serna* (Muni. Ct. Orange Cty., N. Orange Cty. Judicial Dist.,
1996, Case No. 95NF2621), Respondent was convicted by the court on his plea of guilty of

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1 violating Penal Code sections 484, subdivision (a), 488 and 666 (petty theft with prior
2 conviction), a misdemeanor.

3 c. On October 1, 1992, in the Superior Court of California, Los Angeles
4 County, California, in the matter entitled *People of the State of California v. David Edward*
5 *Serna* (Super. Ct. Los Angeles Cty., 1992, Case No. BA010907), Respondent was convicted by
6 the court on his plea of guilty of violating Penal Code sections 211 (robbery), and 212 (use of a
7 firearm), a felony.

8 d. On or about May 14, 1990, in the Municipal Court of California, Los
9 Angeles County, California, in the matter entitled *People of the State of California v. David*
10 *Edward Serna* (Muni. Ct. Los Angeles Cty., 1990, Case No. 90M1420), Respondent was
11 convicted by the court on his plea of *nolo contendere* of violating Penal Code section 602,
12 subdivision (j) (trespassing).

13 **SECOND CAUSE FOR DENIAL OF APPLICATION**

14 (Acts Which if Done by a Licentiate Constitute Cause of Discipline)

15 9. Respondent's application is subject to denial pursuant to Code section
16 480, subdivision (a)(3), in that Respondent committed acts, which, if done by a licentiate,
17 constitute a cause of discipline, pursuant to Code section 8649, as more particularly set forth in
18 paragraph 8, subparagraphs a through d, above.

19 **OTHER MATTERS**

20 10. Pursuant to Code section 8654, if the application of Respondent is denied,
21 then David Edward Serna, shall be prohibited from serving as an officer, director, associate,
22 partner, qualifying manager or responsible managing employee of a registered company, and the
23 employment, election or association of him by a registered company is a ground for disciplinary
24 action.

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