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

12 In the Matter of the Accusation Against:

13 **PESTMASTER SERVICES, INC.; JEFFREY**
14 **MARK VAN DIEPEN, PRESIDENT AND**
15 **QUALIFYING MANAGER**
4901 Patata Street, Unit 401-402
16 Cudahy, CA 90201

17 9716 S Virginia Street, Suite E
18 Reno, NV 89511

19 **Company Registration Certificate**
No. PR 152
20 **Branch Office Registration**
No. BR 5576, Br. 2 and 3

21 **JEFFREY MARK VAN DIEPEN**
22 4901 Patata Street, Unit 401-402
23 Cudahy, CA 90201

24 **Operator's License No. OPR 7872, Br. 2 and 3**

25 Respondents.
26

Case No. 2020-40

OAH No. 2020010026

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

3 **PARTIES**

4 1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest
5 Control Board (Board). She brought this action solely in her official capacity and is represented
6 in this matter by Xavier Becerra, Attorney General of the State of California, by Brent O. Jex,
7 Deputy Attorney General.

8 2. Pestmaster Services, Inc. and Jeffrey Mark Van Diepen, President and Qualifying
9 Manager (collectively "Respondents"), are represented in this proceeding by attorneys Richard
10 Finn and Rohit Sabnis, whose address is:

11 Burnham Brown
12 P.O. Box 119
13 Oakland, CA 94604

14 3. On or about February 3, 1987, the Board issued Company Registration Certificate
15 Number PR 152 to Pestmaster Services, Inc. (Respondent Pestmaster), with Jeffrey Mark Van
16 Diepen as President and Qualifying Manager. The Company Registration Certificate was in full
17 force and effect at all times relevant to the charges brought herein.

18 4. On or about February 3, 1987, the Board issued Operator's License Number OPR
19 7872 in Branches 2 and 3 to Jeffrey Mark Van Diepen (Respondent Van Diepen). The Operator's
20 License was in full force and effect at all times relevant to the charges brought herein and will
21 expire on June 30, 2020, unless renewed.

22 5. On or about February 28, 2019, the Board issued Branch Office Registration Number
23 BR 5576 in Branches 2 and 3 to Pestmaster Services, Inc.

24 **JURISDICTION**

25 6. Accusation No. 2020-40 was filed before the Board, and is currently pending against
26 Respondent. The Accusation and all other statutorily required documents were properly served
27 on Respondents on November 26, 2019. Respondents timely filed their Notice of Defense
28 contesting the Accusation.

1 Pest Control Board may communicate directly with the Board regarding this stipulation and
2 settlement, without notice to or participation by Respondents or their counsel. By signing the
3 stipulation, Respondents understand and agree that they may not withdraw their agreement or
4 seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board
5 fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
6 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
7 action 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 Portable Document Format (PDF) and facsimile
10 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
11 signatures thereto, shall have the same force and 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 stipulations, the parties agree that the Board may,
19 without further notice or formal proceeding, issue and enter the following Disciplinary Order:

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 152 and Branch
22 Office Registration No. BR 5576, issued to Respondent Pestmaster Services, Inc., and Operator's
23 License No. OPR 7872, issued to Respondent Jeffrey Mark Van Diepen, are revoked. However,
24 the revocations are stayed, and Respondents are placed on probation for three (3) years on the
25 following terms and conditions.

26 1. **Obey All Laws.** Respondents shall obey all federal, California state and local laws,
27 and all laws and rules relating to the practice of structural pest control in California.

28 Respondent Jeffrey Mark Van Diepen shall submit a completed California Department of

1 Justice and federal Livescan fingerprint form, unless previously submitted as part of the licensure
2 application process. Fingerprint forms shall be submitted within thirty (30) calendar days of the
3 effective date of the Decision and Order.

4 2. **Quarterly Reports.** Respondents shall file quarterly reports with the Board during
5 the period of probation, no later than ten (10) days after the end of the quarter.

6 3. **Tolling of Probation.** In the event Respondent Van Diepen should leave California
7 to reside or practice outside the state, prior to departing, Respondent Van Diepen must provide
8 written notification to the Board of the dates of departure and anticipated return to the state.
9 Respondent's probation is tolled if and when he or she ceases practicing in California. Periods of
10 practice outside of California will not apply to the reduction of the probationary period. For
11 purposes of this condition, non-practice due to Board ordered suspension, or in compliance with
12 any other Board ordered condition of probation, shall not be considered a period of non-practice.

13 4. **Notice to Employers.** Respondent Van Diepen shall notify all present and
14 prospective California employers who are regulated by the Board of the decision in Accusation
15 No. 2020-40, and the terms, conditions, and restrictions imposed on Respondent Van Diepen by
16 said decision. Within 30 days of the effective date of this decision, and within 15 days of
17 Respondent Van Diepen undertaking new employment in California with any entity or person
18 regulated by the Board, Respondent Van Diepen shall cause such employer, specifically the
19 owner or a qualifying manager of such employer, to report to the Board in writing acknowledging
20 he or she has read the decision in Accusation No. 2020-40.

21 **Notice to Employees.** Respondent Pestmaster shall, upon or before the effective date of
22 this decision, post or circulate a notice to all employees involved in structural pest control
23 operations which accurately recite the terms and conditions of probation. Respondent Pestmaster
24 shall be responsible for said notice being immediately available to said employees. "Employees"
25 as used in this provision includes all full-time, part-time, temporary and relief employees and
26 independent contractors employed or hired at any time during probation. The notice shall be
27 posted in a conspicuous place where employees can see it and shall remain posted the entire term
28 of probation.

1 5. **Violation of Probation.** Should Respondents violate probation in any respect, the
2 Board, after giving Respondents notice and an opportunity to be heard, may revoke probation and
3 carry out the disciplinary order which was stayed. If an accusation or a petition to revoke
4 probation is filed against respondent during probation, the Board shall have continuing
5 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
6 has been acted upon by the Board.

7 6. **Interview / Records: Board or Its Designees.** Respondents, within six (6) months
8 of the effective date, shall make records available for an office records check by a representative
9 or other verifiable designee of the Board, and shall be available in person upon reasonable request
10 for interviews and the review of records either at Respondents' place of business, residence, or
11 other agreed upon location throughout the term of probation.

12 7. **License Surrender.** Following the effective date of this decision, if Respondents
13 cease practicing in the pest control industry due to retirement, health reasons, or are otherwise
14 unable to satisfy the terms and conditions of probation, Respondents may request the voluntary
15 surrender of Respondents' license/registration/certificate to the Board. The Board reserves the
16 right to evaluate the Respondents' request and to exercise its discretion whether to grant the
17 request or to take any other action deemed appropriate and reasonable under the circumstances.
18 Upon the Board's acceptance of the surrender, Respondents shall within fifteen (15) days deliver
19 to the Board's offices his/her wall and pocket license and company registration wall certificate.
20 Respondents will no longer be subject to the terms and conditions of probation and the surrender
21 of Respondents' license/registration/certificate shall be deemed a disciplinary action. However, if
22 Respondents' re-apply for a license/registration/certificate, the application shall be treated as a
23 petition for reinstatement of a revoked license/registration/certificate.

24 8. **Completion of Probation.** Upon successful completion of probation, Respondents'
25 license/registration/certificate will be fully restored.

26 9. **Cost Recovery.** Respondents shall reimburse the Board investigation and
27 enforcement costs in the amount of \$25,313.32. Respondents shall pay these costs within 90 days
28 of the effective date of the decision or through a payment plan approved by the Board. Failure to

1 make a timely payment, and/or failure to complete payment of cost recovery, shall constitute a
2 violation of probation. The Board is giving up its right to seek fines and penalties for the
3 violations alleged in the Accusation.

4 10. Periods of non-practice by Respondents shall not relieve Respondents of their
5 obligation to reimburse the Board for the investigative and enforcement costs. Probation shall not
6 be terminated until all costs are paid-in-full.

7 11. **Random Inspections.** Respondent shall reimburse the Board for one random
8 inspection per quarter by Board specialists during the period of probation, not to exceed \$125 per
9 inspection.

10 12. **Sacramento County Matter.** Respondent shall satisfy any settlement entered into or
11 judgment rendered against Jeffrey Mark Van Diepen and/or Pestmaster Services, Inc, in *The*
12 *People of the State of California v. Jeffrey M. Van Diepen and Pestmaster Services* (Superior
13 Court of California, County of Sacramento Case No. 34-2019-00254830), filed on April 22, 2019.
14 Failure to satisfy said settlement or judgment shall be deemed a violation of probation. Within
15 sixty (60) days of any settlement or judgment being entered into in Case No. 34-2019-00254830,
16 Respondent shall submit to the Board written proof of having made arrangements acceptable to
17 the Plaintiff in Case No. 34-2019-00254830 for the satisfaction of the settlement or judgment.
18 Failure to submit written proof to the Board within sixty (60) days shall be deemed a violation of
19 probation.

20 13. **Prohibited from Serving as Officer, Director, Associate, Partner, or Qualifying**
21 **Manager.** Respondent Van Diepen is prohibited from serving as an officer, director, associate,
22 partner, qualifying manager, or branch office manager, or responsible managing employee of any
23 registered, Board regulated company in California other than Pestmaster Services, Inc. during the
24 period of probation.

25 14. **Maintain Valid License and Company Registration.** Respondents shall, at all
26 times while on probation, maintain a current and active license and company registration with the
27 Board. Respondents shall register new branch offices to adequately cover new or existing
28 contracts. Each branch office shall have proper supervision in accordance with Business and

1 Professions Code Sections 8509, 8611 and 8612 California Code of Regulations sections 1912
2 and 1918.

3 **15. Additional Branch Office Registration.** If Respondents apply for and are granted
4 an additional branch office registration by the Board at a future date, that registration shall be
5 immediately revoked, and the order of revocation stayed and the new branch office registration be
6 placed on probation for any remaining period of the four (4) year probationary period under the
7 same terms and conditions as set forth in this Order.

8 **16. Wood Destroying Organisms Reports.** Respondents shall file with the Board all
9 unreported Wood Destroying Organisms (WDO) activities, including, but not limited to,
10 inspection reports, limited reports, corrected reports, and work completed reports, for the two (2)
11 years prior to the effective date of the decision, within sixty (60) days of the effective date of the
12 decision. Failure to provide any or all records shall be considered a violation of probation and will
13 constitute grounds for revocation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Richard Finn. I understand the stipulation and the effect it will have on Company Registration Certificate Number PR 152, Operator's License Number OPR 7872, and Branch Office Registration Number BR 5576. 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: 03/06/2020 Jeffrey Mark Van Diepen
PESTMASTER SERVICES, INC.;;
JEFFREY MARK VAN DIEPEN, PRESIDENT AND
QUALIFYING MANAGER
Respondents

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

DATED: 03/06/2020 RICHARD FINN
ROHIT SABNIS
Attorneys for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

DATED: April 28, 2020

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

/s/ Brent O. Jex

BRENT O. JEX
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2020-40

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

**PESTMASTER SERVICES, INC.; JEFFREY
MARK VAN DIEPEN, PRESIDENT AND
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Company Registration Certificate

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Respondents.

Case No. 2020-40

OAH No. 2020010026

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 10, 2020.

It is so ORDERED June 10, 2020.

Curtis Good

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS