

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

In the Matter of the Petition for Reinstatement of:

BRADLEY D. KENDRICK,

Petitioner.

Case No. 2011-72

OAH No. 2016090518

**ORDER OF DECISION**

**DECISION**


The Proposed Decision of Gene K. Cheever, Administrative Law Judge, in Sacramento, is attached hereto. Said decision is hereby amended, pursuant to Government Code section 11517(c)(2)(c) to correct technical or minor changes that do not affect the factual or legal basis of the proposed decision. The proposed decision is amended as follows:

1. On page 3, paragraph 10, "December 12, 2015" is stricken and replaced with "December 6, 2015".
2. On page 4, paragraph number 11, "Matheny" is stricken and replaced with "Metheny".
3. On page 4, paragraph number 11, "Higley" is stricken and replaced with "Hoglen".

The Proposed Decision as amended is hereby accepted and adopted as the Decision and Order by the Structural Pest Control Board, Department of Consumer Affairs, State of California.

The Decision shall become effective on January 20, 2017.

IT IS SO ORDERED December 21, 2016

  
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For the Structural Pest Control Board  
Department of Consumer Affairs

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

In the Matter of the Petition for  
Reinstatement of:

BRADLEY D. KENDRICK

Petitioner.

SPCB No.: 2011-72

OAH No. 2016090518

**DECISION**

This matter was heard on October 12, 2016, in Sacramento, California, before a quorum of the Structural Pest Control Board (Board). Administrative Law Judge Gene K. Cheever, Office of Administrative Hearings, State of California, presided.

Tim McDonough, Deputy Attorney General, Department of Justice, Office of the Attorney General, appeared pursuant to Government Code section 11522.

Petitioner Bradley D. Kendrick (petitioner) was present at the hearing and represented himself.

Evidence was received, the record was closed, and the matter was submitted for decision on October 12, 2016.

**FACTUAL FINDINGS**

*Procedural History and Background*

1. On December 22, 2009, the Board issued petitioner Field Representative's License No. FR 45047 (license), in Branch 2. On June 30, 2012, the Board cancelled the license from its files due to non-renewal.
2. On April 23, 2012, complainant William Douglas, in his official capacity, filed a First Amended Accusation (Accusation) against petitioner. Complainant alleged that there was cause to revoke petitioner's license based on the following three grounds: (1) his aiding and abetting others to engage in unlicensed activities; (2) his failure to timely register as a branch office with the Board; and (3) his October 6, 2011, convictions on five felony counts of oral copulation with a minor, two felony counts of sodomy with a minor, one felony count

of sending a communication with intent to engage in unlawful sexual activities, one felony count of sexual penetration of a minor by foreign object, and two felony counts of unlawful sexual intercourse with a minor. The court sentenced petitioner to seven years and eight months in state prison, suspended the sentence, and placed petitioner on four years of formal probation following the completion of one year in county jail. The court also required petitioner to attend 52 weeks of sex offender counseling and perform community service.

The circumstances of petitioner's criminal convictions were that petitioner, at 21-years old, engaged on various dates in "consensual" sexual acts with three different girls who were minors at the time. Petitioner committed some of his unlawful sexual encounters in vacant properties that he gained access to by virtue of his license.

3. Petitioner did not file a Notice of Defense to the Accusation, and the matter proceeded to a default. On June 26, 2013, the Board entered its Default Decision and Order (Decision) against petitioner. In its Decision, the Board found cause to discipline petitioner's license based on each of the above three grounds and revoked petitioner's license effective July 26, 2013.

#### *Original Petition for Reinstatement*

4. On December 14, 2014, petitioner filed a petition for reinstatement of his license with the Board. On July 22, 2015, the Board held a hearing for the petition. On August 31, 2015, the Board issued its Decision denying the petition for reinstatement, which became effective September 30, 2015. In the Decision, the Board acknowledged that petitioner took full responsibility for his past conduct, demonstrated remorse for his prior poor decision-making, demonstrated a sincere desire to re-enter the pest control industry, and submitted evidence of rehabilitation. The Board determined, however, that his petition must be denied given the seriousness of the underlying criminal misconduct, the recent nature of the misconduct, and the fact that petitioner was still on criminal probation. The Board commended petitioner for the strides that he had made since 2011 and encouraged him to file another petition for reinstatement at a later time.

#### *Current Petition for Reinstatement*

5. On September 6, 2016, petitioner filed the instant Petition for Reinstatement of Revoked Field Representative's License No. FR 45047 (petition). At the hearing, petitioner testified and submitted documents in support of his petition. He is 27-years old. Over four years have passed since his license was revoked. Petitioner stated in the petition that he worked for Hunters Property Preservation and Wildlife Control from April 2012, through August 2015. His duties included trapping wildlife and working as a quality control manager. He worked for Eagle Shield Pest Control (Eagle Shield), a family business, from August 2015, to the present. His duties included agricultural services, wildlife control, office duties, and customer service.

6. Petitioner confirmed that that he is no longer on criminal probation and he has no pending criminal charges against him. Since the revocation of his license, he has not been convicted of any criminal offense and he has not been charged or disciplined by any structural pest control board or pesticide regulation agency. Petitioner stated he understands that having his license is a privilege and not a right. He accepted full responsibility for his past conduct and expressed sincere remorse for having engaged in that conduct.

7. Since his last petition for reinstatement of his license was denied, petitioner has continued to make positive changes in his life to be a better person. In August 2015, he returned to work for Eagle Shield where he performs work that does not require the use of a Field Representative's license. In July 2014, he obtained a Trapping License (R) Pest Control from the Department of Fish and Wildlife. On May 5, 2015, he obtained a Qualified Applicator License from the Department of Pesticide Regulation. Since March 2015, he has completed 25 hours of continuing education courses in the structural pest control industry. In 2015, he graduated with an Associate of Science (AS) degree in Business Administration.

8. With respect to his prior sexual misconduct convictions, petitioner served eight months in a county jail and served four years on formal probation. He did not have any probation violations, and he completed his probation on December 6, 2015. During his probation, he completed a court-ordered 52-week sex offender program and 135 hours of community service. Because he successfully completed his probation without a violation, petitioner's name did not go on the sex offender registry. On October 10, 2016, the Counseling & Psychotherapy Center, Inc. issued its Discharge Final Report and rated petitioner's treatment progress as excellent and stated that petitioner had a low risk of re-offending.

9. Petitioner understands the Board has the obligation to protect the public safety. He knows he violated the Board's trust with his past misconduct, particularly with his accessing client's properties to engage in his criminal sexual misconduct. Petitioner stated that if the Board were to reinstate his license, he plans to continue working for Eagle Shield. Petitioner has a good support structure with his parent's involvement in the business. Petitioner also attends church two times a week and he volunteers at church activities. He gives testimonials at church to others so they can learn from his past mistakes. He also aspires to get a Bachelor's Degree in Business Administration from California State University at Fresno.

10. Petitioner submitted documentation in support of his petition. He submitted: (1) copies of his Trapping License (R) Pest Control and his Qualified Applicator License; (2) logs showing his 135 hours of community service performed; (3) a psychological evaluation demonstrating he has a low risk of re-offending; (4) a letter from his probation officer confirming that his probation expired on December 12, 2015; (5) certificates of completion of his continuing education courses in the industry; and (6) college transcript.

11. Petitioner also submitted seven letters in support of his petition. The letters were from: (1) Reverend Stephen Hill, Senior Pastor of Pentecostal Tabernacle in Kerman,

California, where petitioner has attended church for the last six months; (2) Pastor Stephen Miraflor, petitioner's uncle from The Life Church; (3) Ray Davis, a retired Probation Supervisor for Kern County; (4) Cindy James, a long-term friend of petitioner; (5) Nathan Matheny, owner of Valley Wide Pest Control, who has known petitioner professionally for the past two years; (6) Lenard Higley, of Conquest Pest Control, who has known petitioner for 20 years; and (7) Galen Gregg, Administrative Pastor, Truth Tabernacle, who has known petitioner and his family for many years. In general, the reference letters demonstrate the authors' awareness of petitioner's past criminal conduct during the 2010 and 2011 time period and the authors' beliefs that petitioner has significantly changed since 2011 for the better. The letters uniformly state that petitioner is now a person of integrity, honesty, and outstanding character.

12. Jonathan Kendrick testified on behalf of petitioner. He is petitioner's father and is also his boss at Eagle Shield. He is the president and chief executive officer of Eagle Shield. He believes petitioner has accepted responsibility for his past misconduct. Mr. Jonathan Kendrick believes petitioner used to be a selfish young man, but has changed for the better. He believes his son has paid a heavy price for his past misconduct. Mr. Jonathan Kendrick understands that the Board has a responsibility to protect the public safety. He believes, however, that if the Board were to reinstate his son's license, the Board can trust petitioner now.

#### *Discussion*

13. Petitioner's convictions and criminal conduct were serious. However, his convictions occurred more than five years ago. At the hearing, he took full responsibility for his past misconduct and expressed sincere remorse for having engaged in it. Petitioner completed his probation as of December 2015, without any violations. He completed his community service and his year-long sexual offender program. Petitioner also provided sufficient evidence of his rehabilitation since his convictions. He mentors youth so that they can learn from his past mistakes. He volunteers at his church. He provided seven letters in support of his petition that demonstrate petitioner has changed for the better since he engaged in his past misconduct. Petitioner has also taken numerous industry-related continuing education courses in 2015 and 2016. After consideration of the evidence, petitioner has met his burden and established that it would not be against the public interest to reinstate his Field Representative license, on a probationary basis, with appropriate terms and conditions.

### LEGAL CONCLUSIONS

1. Government Code section 11522 provides that a person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition.

2. In a proceeding to restore a revoked or surrendered license, the burden rests on the petitioner to prove that he has rehabilitated himself and that he is entitled to have his license restored. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) An individual seeking reinstatement must present strong proof of rehabilitation, which must be sufficient to overcome the former adverse determination. (*Houseman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315.)

3. As set forth in the Factual Findings as a whole, petitioner has met his burden and established that it would not be against the public interest to reinstate his Field Representative license, with appropriate terms and conditions designed to protect the public.

### ORDER

The petition of Bradley D. Kendrick for reinstatement of Field Representative's license number FR 45047 (Branch 2) is GRANTED. Upon reinstatement, petitioner's license shall be immediately REVOKED. The order of revocation shall be stayed, and petitioner shall be placed on probation for a period of five years on the following terms and conditions:

1. **Obey All Laws**

Petitioner shall obey all laws and rules relating to the practice of structural pest control.

2. **Quarterly Reports**

Petitioner shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation**

Should petitioner leave California to reside outside this state, he must immediately notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Notice to Employers**

Petitioner shall notify all present and prospective employers of the decision in this case and the terms, conditions and restrictions imposed on petitioner by said decision. Within 30 days of the effective date of this decision, and within 15 days of undertaking new employment, petitioner shall cause his employer to report to the Board in writing acknowledging the employer has read this decision.

5. **Completion of Probation**

Upon successful completion of probation, petitioner's Field Representative license will be fully restored.

**6. Violation of Probation**

Should petitioner violate probation in any respect, the Board, after giving petitioner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation is filed against petitioner during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

**7. Random Inspections**

Petitioner shall reimburse the Board for one random inspection per quarter by Board specialists during the period of probation not to exceed \$125 per inspection.

**DECISION**

This Decision is hereby adopted by the Structural Pest Control Board.

This Decision shall become effective on January 20, 2017.

IT IS SO ORDERED.

Dated: December 21, 2016

  
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DAVID TAMAYO  
President  
Structural Pest Control Board