1 2 3 4 5 6 7	KAMALA D. HARRIS Attorney General of California JANICE K. LACHMAN Supervising Deputy Attorney General KENT D. HARRIS Deputy Attorney General State Bar No. 144804 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 324-7859 Facsimile: (916) 327-8643 Attorneys for Complainant		
8	BEFORE THE STRUCTURAL PEST CONTROL BOARD		
9	DEPARTMENT OF PESTICIDE REGULATION STATE OF CALIFORNIA		
10	STATE OF CALIFORNIA		
11	In the Matter of the First Amended Accusation Case No. 2011-72(b)		
12	In the Matter of the First Amended Accusation Against: FIRST AMENDED		
13	JASON L. BOHANNON		
14	320 Pomelo Drive, #182A C C U S A T I O NVista, CA 92081Field Representative's License No. FR 45160, Br. 2		
15	Applicator License No. RA 48306, Br. 3		
16	Respondent.		
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18	William H. Douglas ("Complainant") alleges:		
19	PARTIES		
20	1. Complainant brings this First Amended Accusation solely in his official capacity as		
21	the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of		
22	Pesticide Regulation ("Board").		
23	Field Representative License		
24	2. On or about January 27, 2010, the Board issued Field Representative's License		
25	Number FR 45160, in Branch 2, to Jason L. Bohannon ("Respondent"). The License was in full		
26	force and effect at all times relevant to the charges brought herein and will expire on		
27	June 30, 2012, unless renewed.		
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	First Amended Accusation		

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Applicator License				
3. On or about December 6, 2007, the Board issued Applicator License Number RA				
48306, in Branch 2 and 3, to Respondent as an employee of Eagleshield Pest Control, L.P. On or				
about January 27, 2010, the license was downgraded to include Branch 3 only due to the issuance				

of a field representative license in Branch 2. In addition, the license was placed on inactive status. The license expired on December 6, 2010, and has not been renewed.

STATUTORY PROVISIONS

Business and Professions Code ("Code") section 8620 provides, in pertinent part, that 4. the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

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Code section 8654 states:

Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or registration was denied, suspended or revoked, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is a ground for disciplinary action.

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Code section 8625 states:

The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration.

Code section 8641 states: 7.

Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests or organisms, or furnishing a notice of work completed prior to the completion of the work specified in

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	the contract, is a ground for disciplinary action.			
$1 \parallel$	8. Code section 8651 states:			
2	The performing or soliciting of structural pest control work, the inspecting for structural or household pests, or the applying of any pesticide, chemical, or allied substance for the purpose of eliminating, exterminating, controlling, or preventing structural pests in branches of pest control other than those for which the operator, field representative, or applicator is licensed or the company is registered is a ground			
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5	for disciplinary action. COST RECOVERY			
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7	9. Code section 125.3 provides, in pertinent part, that the Board may request the			
8	administrative law judge to direct a licentiate found to have committed a violation or violations of			
9	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and			
10	enforcement of the case.			
11	FIRST CAUSE FOR DISCIPLINE			
12	(Unlicensed Activity)			
13	10. Respondent's applicator's license and field representative license are subject to			
14	discipline under Code section 8651, in that between December 6, 2007, and January 27, 2010,			
15	while an applicator, he engaged in field representative work without holding a valid license.			
16	OTHER MATTERS			
17	11. Code section 8620 provides, in pertinent part, that a respondent may request that a			
18	civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of I to 19 days,			
19	or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made			
20	at the time of the hearing and must be noted in the proposed decision. The proposed decision			
21	shall not provide that a civil penalty shall be imposed in lieu of a suspension.			
22	12. Pursuant to Code section 8654, if discipline is imposed on Field Representative's			
23	License No. FR 45160 and/or Registered Applicator's License No. RA 48306, issued to			
24	Respondent, then Respondent shall be prohibited from serving as an officer, director, associate,			
25	partner or responsible managing employee of a registered company, and any licensee which			
26	employs, elects, or associates Respondent shall be subject to disciplinary action.			
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1		PRAYER
2	WI	IEREFORE, Complainant requests that a hearing be held on the matters herein
3	alleged, an	d that following the hearing, the Structural Pest Control Board issue a decision:
4	1.	Revoking or suspending Field Representative's License Number FR 45160, issued to
5	Jason L. B	ohannon;
6	2.	Revoking or suspending Registered Applicator's License Number RA 48306, issued
7	to Jason L.	Bohannon;
8	3.	Revoking or suspending any other license for which Jason L. Bohannon is furnishing
.9	the qualify	ing experience or appearance;
10	4.	Prohibiting Jason L. Bohannon from serving as an officer, director, associate, partner,
11	qualifying	manager or responsible managing employee of any registered company during the
12	period that	t discipline is imposed on Field Representative's License Number FR 45160, issued to

Jason L. Bohannon; 13

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DATED:

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Prohibiting Jason L. Bohannon from serving as an officer, director, associate, partner, 5. 14 qualifying manager or responsible managing employee of any registered company during the 15 period that discipline is imposed on Registered Applicator's License Number RA 48306, issued 16 to Jason L. Bohannon; 17

Ordering Jason L. Bohannon to pay the Structural Pest Control Board the reasonable 6. 18 costs of the investigation and enforcement of this case, pursuant to Business and Professions 19 Code section 125.3; and, 20

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Taking such other and further action as deemed necessary and proper.

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WILLIAM H. DOUGLAS Interim Registrar/Executive Officer Structural Pest Control Board Department of Pesticide Regulation State of California Complainant