

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

In the Matter of the Petition for Reinstatement of:

JASON L. BOHANNON,  
Vista, California

Petitioner.

OAH No. 2014090244

**DECISION**

The Proposed Decision of Dian M. Vorters, 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 1, paragraph 3, "Sean Neufeld (petitioner)" is stricken and replaced with "Jason L. Bohannon (petitioner)".
2. On page 2, paragraph number 5, "RA 45160" is stricken and replaced with "FR 45160".
3. On page 2, paragraph number 6, "Julian Pest Control" is stricken and replaced with "Truly Nolen of America, Inc.".
4. On page 4, in the ORDER, insert the prefix "FR" in front of "45160".

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 11, 2015.

IT IS SO ORDERED December 12, 2014.

  
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:

JASON L. BOHANNON  
Vista, California

Petitioner.

OAH No. 2014090244

**DECISION**

This matter was heard on October 16, 2014, in Sacramento, California, before a quorum of the Structural Pest Control Board comprised of Dave Tamayo, President, Curtis Good, Vice President, Clifford Utley, and Mike Duran. Administrative Law Judge Dian M. Vorters, State of California, Office of Administrative Hearings, presided.

Langston Edwards, Deputy Attorney General, represented the Executive Officer of the Structural Pest Control Board (Board), Department of Consumer Affairs (Department), pursuant to Government Code section 11522.

Sean Neufeld (petitioner) was present and represented himself.

The matter was submitted on October 16, 2014.

**FACTUAL FINDINGS**

*Procedural History*

1. On December 6, 2007, the Board issued Applicator License number RA 48306 (Branches 2 and 3)<sup>1</sup> to petitioner as an employee of Eagleshield Pest Control, Madera. On January 27, 2010, this Applicator license number was downgraded to include Branch 3 only

---

<sup>1</sup> Licenses issued to operators, field representatives, or applicators shall be limited to the branch or branches of pest control for which the applicant has qualified by application and examination. The practice of pest control is classified into the following three branches: Fumigation (Branch 1), General Pest Control (Branch 2), and Termite (Branch 3). (Bus. & Prof. Code, § 8560, subd. (a).)

and placed on inactive status (due to issuance of a Branch 2 Field Representative License). Applicator License number RA 48306 expired on December 6, 2010, and was not renewed.

2. On January 27, 2010, the Board issued Field Representative License number FR 45160 (Branch 2) to petitioner as an employee of Truly Nolen of America, Inc., Palm Desert. On August 1, 2010, this license was recorded in the employ of Eagleshield Pest Control, Vista. Field Representative License number FR 45160 expired on June 30, 2012, and was not renewed.

3. On April 11, 2012, the Board filed First Amended Accusation number 2011-72(b), seeking to discipline petitioner's Applicator and Field Representative Licenses. The First Amended Accusation charged that between December 2007 and January 2010, petitioner engaged in field representative work without holding a valid license. (Bus. & Prof. Code, § 8651.)<sup>2</sup>

4. On February 21, 2013, petitioner signed a Stipulated Surrender of License in which he admitted the truth of the allegations against him. On May 26, 2013, the Board accepted petitioner's Stipulated Surrender of both his Field Representative License No. FR 45160, and Applicator License No. RA 48306. The Board also imposed costs of investigation and enforcement in the amount of \$500. (Bus. & Prof. Code, § 125.3.) The order required costs to be paid prior to issuance of a new or reinstated license.

#### *Petition for Reinstatement*

5. Petitioner filed the instant Petition for Reinstatement of Field Representative License number RA 45160 (Branch 2), on June 10, 2014. He is not seeking reinstatement of his Applicator License at this time. At hearing, petitioner explained the facts and circumstances that he believes resulted in discipline of his Applicator and Field Representative Licenses and his rehabilitative efforts.

6. Petitioner acknowledged that he was charged in the First Amended Accusation with participating in unlicensed activity. He explained that after working for Julian Pest Control he went back to Eagleshield for the sole purpose of being trained. He stated that he worked for Eagleshield solely as a terminator until he obtained his applicator license. After he received his field representative (Branch 2) license, is "when I started to sale and solicit accounts."

---

<sup>2</sup> 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 for disciplinary action. (Bus. & Prof. Code, § 8651.)

7. Petitioner does not hold any licenses today. He stated he has done “basically nothing” to stay current with his field representative license. He has not taken any continuing education courses. In his Application for Reinstatement, petitioner stated that he has been self-employed as a finish carpenter since January 2012. He testified that he learned construction and carpenter skills from his father. He enters into contracts and works on his own. He has no other employees. His jobs are primarily residential and at his church. The price of work “varies job to job” with some jobs costing more than \$1,000.

8. Petitioner does not possess a contractor’s license from the Contractor’s State License Board. He is aware that contractor work requires a license and is “pursuing” a Class B General Contractor’s License.<sup>3</sup> He stated he has passed the first part of the test and is working on the second.

9. Petitioner has not made restitution as required by the Board’s May 2013 order. He understands this must be paid before he can obtain a reinstated license. Respondent brought no letters of reference. He received the Guidelines for Petitions for Reinstatement, which sets forth factors to be considered by the Board, including a list of documented rehabilitative efforts. Petitioner stated that he had not engaged in any of these rehabilitative efforts.

10. Petitioner solicited work beyond the scope of his license. He did not readily admit that he engaged in pest control work without the appropriate license. He has done nothing to learn the law or upgrade his skills. Further, he performs contractor jobs in excess of \$500 without a contractor’s license in violation of law. Petitioner does not seem to appreciate that he cannot perform work for which a license is required, without first obtaining that license. To say he was “training” while performing pest control work at Eagleshield does not exempt him from obtaining a valid license.

### *Conclusion*

11. Cause exists to deny the Petition for Reinstatement of a Revoked License submitted by petitioner. He failed to submit clear and convincing evidence of rehabilitation. His willingness to engage in work without the appropriate regulatory license demonstrates that he poses a continuing risk of harm to the public.

---

<sup>3</sup> “It is a misdemeanor for a person to engage in the business or act in the capacity of a contractor within this state without having a license therefor, unless the person is particularly exempted from the provisions of this chapter.” (Cal. Bus. & Prof. Code § 7028, subd. (a).)

“This chapter does not apply to any work or operation on one undertaking or project by one or more contracts, the aggregate contract price which for labor, materials, and all other items, is less than five hundred dollars (\$500), that work or operations being considered of casual, minor, or inconsequential nature.” (Bus. & Prof. Code § 7048.)

## LEGAL CONCLUSIONS

1. Government Code section 11522 states:

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. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefore, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

2. Petitioner bears the burden of establishing that he is now fit to engage in the structural pest control activities for which he seeks a license. The Board has evaluated the evidence submitted by petitioner. Petitioner did not satisfy the Board that he can comply with the laws regulating pest control. Therefore, he poses a continuing risk of harm to the public. (Cal. Code Regs., tit. 16, § 1937.2, subd. (b) & (c).)

## ORDER

The Petition for Reinstatement of Field Representative License No. 45160 (Branch 2), and licensing rights, filed by petitioner Jason Lynn Bohannon, is DENIED.

//

//

//