KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
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

FILED

Date 6/1/11 By William H. Douglas

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **EAGLESHIELD PEST CONTROL, L.P.** **P.O. Box 704** **Madera, CA 93639** **- and -** **566 Kent Drive** **Madera, CA 93637** **Company Registration Certificate No. PR 5706, Br. 2** **ROBERT JESSE FLORES, GP and QM** **ROBERT JESSE FLORES** **P.O. Box 704** **Madera, CA 93639** **Operator's License No. OPR 11493, Br. 2** **RAY GENE TEEL** **15190 West C Street** **Kerman, CA 93630** **Operator's License No. OPR 6278, Br. 2** **(Disassociated 4/25/08)** **PARTNERS:** **BRADLEY D. NEUFELD, Partner** **319 Redbud Drive** **Paradise, CA 95969** **Field Representative's License No. FR 44699, Br. 2** **Applicator License No. RA 44714, Br. 3**	Case No. 2011-72 **ACCUSATION**

BRADLEY D. KENDRICK, Partner
158 South Jennifer Drive
Porterville, CA 93257
Field Representative's License No. FR 45047, Br. 2

JONATHAN D. KENDRICK, Partner
158 South Jennifer Drive
Porterville, CA 93257
Field Representative's License No. FR 45029, Br. 2

LUIS HURTADO JR., Partner
1910 H. Street
Livingston, CA 95334
Applicator License No. RA 44711, Br. 2 and 3

MICHAEL DAVID KLANN, Partner
290 North Anderson Avenue
Clovis, CA 93612
Field Representative's License No. FR 45031, Br. 2
Applicator License No. RA 44704, Br. 3

JACOB STEVEN MIDDLETON, Partner
760 Shasta Street
Susanville, CA 96130
Field Representative's License No. FR 45135, Br. 2
Applicator License No. RA 45305, Br. 3

JONATHAN P. BERTRAM, Partner
205 Beech Street, #24
El Cajon, CA 92020
Applicator License No. RA 48099, Br. 2 and 3

KEITH W. HANEY, Partner
P.O. Box 704
Madera, CA 93639

TIMOTHY A. SHEPPARD, Partner
P.O. Box 784
Maricopa, CA 93252

TROY DWAYNE SOSA, Partner
P.O. Box 704
Madera, CA 93639

JONATHAN L. HALE, Partner
P.O. Box 704
Madera, CA 93639

BENIGNO V. CRUZ
503 1/2 Josephine Avenue
Corcoran, CA 93212
(Disassociated 4/1/09)

APPLICATORS and FIELD REPRESENTATIVES:

JOSHUA M. WEBB
2212 Linda Vista Avenue
Porterville, CA 93257
Field Representative's License No. FR 45035, Br. 2
Applicator License No. RA 50212, Br. 3

SETH D. THOMAS
40 North Villa Street
Porterville, CA 93257
Field Representative's License No. FR 45034, Br. 2
Applicator License No. RA 50224, Br. 3

ISAAC M. CRUZ
17802 Hurley Street
La Puente, CA 91744
Applicator License No. RA 50408, Br. 2 and 3

SEAN D. NEUFELD
1051 East Lassen Avenue, #21
Chico, CA 95973
Applicator License No. RA 50644, Br. 2 and 3

MARTIN C. AGUINAGA
2810 North Terrace Street
Visalia, CA 93291
Applicator License No. RA 50864, Br. 2 and 3

ANDREW W. HOWARD
2121 Chapman Lane
Petaluma, CA 94952
Applicator License No. RA 51152, Br. 2 and 3

JOHN E. PENTON
1001 Willow Street
Atwater, CA 95301
Applicator License No. RA 50355, Br. 2 and 3

JASON L. BOHANNON
75070 St. Charles Street
Palm Desert, CA 92211
Field Representative's License No. FR 45160, Br. 2
Applicator License No. RA 48306, Br. 3

DAVID H. BERTRAM
9119 Dulene Drive
Lakeside, CA 92081
Field Representative's License No. FR 45266, Br. 2
Applicator License No. RA 49653, Br. 3

Respondents.

William H. Douglas ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of Pesticide Regulation.

Company Registration Certificate No. PR 5706

2. On or about October 23, 2008, the Board issued Company Registration Certificate Number PR 5706 ("registration") in Branch 2 to Eagleshield Pest Control, L.P. ("Respondent"), with Robert Jesse Flores as the General Partner and Qualifying Manager, and Benigno V. Cruz, Bradley D. Neufeld, Bradley D. Kendrick, Luis Hurtado Jr., Michael David Klann, Timothy A. Sheppard, Troy Dwayne Sosa, Jacob Steven Middleton, Jonathan P. Bertram, Jonathan D. Kendrick, Keith W. Haney, and Jonathan L. Hale as Partners ("Partners")[1]. On or about April 1, 2009, Benigno V. Cruz disassociated. The registration was in full force and effect at all times relevant to the charges brought herein.

[1] On October 3, 2005, the Board issued Company Registration Certificate No. PR 4875 to Eagleshield with Robert Jesse Flores as the owner and Ray Gene Teel as the Qualifying Manager for Branch 2. On November 24, 2006, Paul Begley became the Qualifying Manager in Branch 3. On January 5, 2007, Paul Begley disassociated as the Qualifying Manager of Branch 3. On April 25, 2008, Robert Jesse Flores became the Qualifying Manager for Branch 2. On October 23, 2008, the registration was cancelled due to issuing Eagleshield Company Registration Certificate No. PR 5706, as a limited partnership.

Operator's License No. OPR 11493 – Robert Jesse Flores

3. On or about March 23, 2007, the Board issued Operator's License Number OPR 11493 ("license") in Branch 2 to Robert Jesse Flores ("Respondent Flores"), employee of Mountain Valley Pest Control and Eagleshield Pest Control. On or about April 25, 2008, Respondent Flores became the Qualifying Manager of Eagleshield Pest Control. On or about October 23, 2008, Respondent Flores disassociated as the Qualifying Manager of Eagleshield Pest Control and became a Partner and Qualifying Manager of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Operator's License No. OPR 6278 – Ray Gene Teel

4. On or about October 23, 1980, the Board issued Operator's License Number OPR 6278 (formerly OB 6278), in Branch 2 to Ray Gene Teel ("Respondent Teel"). On or about October 3, 2005, Respondent Teel became the Qualifying Manager of Eagleshield Pest Control. On or about April 25, 2008, Respondent Teel disassociated as the Qualifying Manager of Eagleshield Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Bradley D. Neufeld

Applicator License No. RA 44714

5. On or about October 27, 2005, the Board issued Applicator License Number RA 44714 in Branches 2 and 3 to Respondent B. Neufeld as an employee of Eagleshield Pest Control. On or about August 28, 2009, the license was downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License. The license was in full force and effect at all times relevant to the charges brought herein. The license is inactive and will expire on October 27, 2011, unless renewed.

Field Representative's License No. FR 44699

6. On or about August 28, 2009, the Board issued Field Representative's License Number FR 44699 in Branch 2 to Bradley D. Neufeld ("Respondent B. Neufeld") as an employee

of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Bradley D. Kendrick

Field Representative License No. FR 45047

7. On or about December 22, 2009, the Board issued Field Representative's License Number FR 45047 in Branch 2 to Bradley D. Kendrick ("Respondent Bradley Kendrick") as an employee of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Jonathan D. Kendrick

Field Representative's License No. FR 45029

8. On or about December 14, 2009, the Board issued Field Representative's License Number FR 45029 in Branch 2 to Jonathan D. Kendrick ("Respondent Jonathan Kendrick") as an employee of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Luis M. Hurtado, Jr.

Applicator License No. RA 44711

9. On or about October 27, 2005, the Board issued Applicator License Number RA 44711 in Branches 2 and 3 to Luis M. Hurtado, Jr., ("Respondent Hurtado") as an employee of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein and will expire on October 27, 2011, unless renewed.

Michael David Klann

Applicator License No. RA 44704

10. On or about October 27, 2005, the Board issued Applicator License Number RA 44704 in Branches 2 and 3 to Respondent Klann as an employee of Eagleshield Pest Control. On or about December 14, 2009, the license was downgraded to a Branch 3, and placed on an inactive status due to the issuance of a Branch 2 Field Representative License. The license was in full force and effect at all times relevant to the charges brought herein. The license is inactive and will expire on October 27, 2011, unless renewed.

Field Representative License No. FR 45031

11. On or about December 14, 2009, the Board issued Field Representative's License Number FR 45031 in Branch 2 to Michael D. Klann ("Respondent Klann") as an employee of Eagleshield Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Jacob S. Middleton

Applicator License No. RA 45305

12. On or about March 21, 2006, the Board issued Applicator License Number RA 45305 in Branches 2 and 3 to Respondent Middleton as an employee of Eagleshield Pest Control. On or about January 20, 2010, the license was downgraded to Branch 3 and placed on inactive status due to the issuance of a Branch 2 Field Representative License. The license was in full force and effect at all times relevant to the charges brought herein and will expire on March 21, 2012, unless renewed.

Field Representative's License No. FR 45135

13. On or about January 20, 2010, the Board issued Field Representative's License Number FR 45135 in Branch 2 to Jacob S. Middleton ("Respondent Middleton") as an employee of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Jonathan P. Bertram

Applicator License No. RA 48099

14. On or about October 11, 2007, the Board issued Applicator License Number RA 48099 in Branches 2 and 3 to Jonathan P. Bertram ("Respondent J. Bertram") as an employee of Eagleshield Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on October 11, 2013, unless renewed.

Joshua M. Webb

Applicator License No. RA 50212

15. On or about August 13, 2009, the Board issued Applicator License Number RA 50212 in Branches 2 and 3 to Respondent Webb. On or about December 14, 2009, the license

was downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License. The license was in full force and effect at all times relevant to the charges brought herein and will expire on August 13, 2013, unless renewed.

Field Representative's License No. FR 45035

16. On or about December 14, 2009, the Board issued Field Representative's License Number FR 45035 in Branch 2 to Joshua M. Webb ("Respondent Webb") as an employee of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Seth D. Thomas

Applicator License No. RA 50224

17. On or about August 20, 2009, the Board issued Applicator License Number RA 50224 in Branches 2 and 3 to Respondent Thomas. On or about December 14, 2009, the license was downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License. The license was in full force and effect at all times relevant to the charges brought herein and will expire on August 20, 2012, unless renewed.

Field Representative's License No. FR 45034

18. On or about December 14, 2009, the Board issued Field Representative's License Number FR 45034 in Branch 2 to Seth D. Thomas ("Respondent Thomas") as an employee of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Isaac M. Cruz

Applicator License No. RA 50408

19. On or about October 21, 2009, the Board issued Applicator License Number RA 50408 in Branches 2 and 3 to Isaac M. Cruz ("Respondent Cruz") as an employee of Eagleshield Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on October 21, 2012, unless renewed.

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Sean D. Neufeld

Applicator License No. RA 50644

20. On or about February 4, 2010, the Board issued Applicator License Number RA 50644 in Branches 2 and 3 to Sean D. Neufeld ("Respondent S. Neufeld") as an employee of Eagleshield Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on February 4, 2013, unless renewed.

Martin C. Aguinaga

Applicator License No. RA 50864

21. On or about April 30, 2010, the Board issued Applicator License Number RA 50864 in Branches 2 and 3 to Martin C. Aguinaga ("Respondent Aguinaga") as an employee of Eagleshield Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2013, unless renewed.

Howard W. Howard

Applicator License No. RA 51152

22. On or about July 14, 2010, the Board issued Applicator License Number RA 51152 in Branches 2 and 3 to Andrew W. Howard ("Respondent Howard") as an employee of Eagleshield Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on July 14, 2013, unless renewed.

John E. Penton

Applicator License No. RA 50355

23. On or about September 25, 2009, the Board issued Applicator License Number RA 50355 in Branches 2 and 3 to John E. Penton ("Respondent Penton") as an employee of Eagleshield Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on September 25, 2012, unless renewed.

Jason L. Bohannon

Applicator License No. RA 48306

24. On or about December 6, 2007, the Board issued Applicator License Number RA 48306 in Branches 2 and 3 to Jason L. Bohannon ("Respondent Bohannon") as an employee of

Eagleshield Pest Control. On or about January 27, 2010, the license was downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License. The license expired on December 6, 2010, and has not been renewed.

Field Representative's License No. FR 45160

25. On or about January 27, 2010, the Board issued Field Representative's License Number FR 45160 in Branch 2 to Respondent Bohannon. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

David H. Bertram

Applicator License No. RA 49653

26. On or about February 4, 2009, the Board issued Applicator License Number RA 49653 in Branches 2 and 3 to David H. Bertram ("Respondent D. Bertram") as an employee of Eagleshield Pest Control. On or about March 4, 2010, the license was downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License. The license will expire on February 4, 2012, unless.

Field Representative's License No. FR 45266

27. On or about March 4, 2010, the Board issued Field Representative's License Number FR 45266 in Branch 2 to Respondent D. Bertram as an employee of Eagleshield Pest Control, L.P. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

STATUTORY PROVISIONS

28. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that 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.

29. 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.

30. Code section 8637 states:

Misrepresentation of a material fact by the applicant in obtaining a license or company registration is a ground for disciplinary action.

31. Code section 8639 states:

Aiding or abetting an unlicensed individual or un company to evade the provisions of this chapter or knowingly combining or conspiring with an unlicensed individual or un company, or allowing one's license or company registration to be used by an unlicensed individual or un company or acting as an agent or partner or associate or otherwise of an unlicensed individual or un company to evade provisions of this chapter is a ground for disciplinary action.

32. Code section 8641 states:

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 the contract, is a ground for disciplinary action.

33. Code section 8613 states:

A company which changes the location of its principal office or any branch office or which changes its qualifying manager, branch supervisor, officers, or its bond or insurance shall notify the registrar in writing of such change within 30 days thereafter. A fee or filing such changes shall be in accordance with Section 8674.

34. Code section 8651 states:

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 is a ground for disciplinary action.

35. Code section 8610(c) states:

Each company shall designate an individual or individuals who hold an operator's license to act as its qualifying manager or managers. The qualifying manager or managers must be licensed in each branch of pest control in which the company engages in business. The designated qualifying manager or managers shall supervise the daily business of the company and shall be available to supervise and assist all employees of the company, in accordance with regulations which the board may establish.

36. Code section 8612 states:

The licenses of qualifying managers and company registrations shall be prominently displayed in the company's office, and no registration issued hereunder shall authorize the company to do business except from the location for which the registration was issued. Each company having a branch office or more than one branch office shall be required to display its branch office registration prominently in each branch office it maintains.

When a company opens a branch office it shall notify the registrar in writing on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The notification shall include the name of the individual designated as the branch supervisor and shall be submitted with the fee for a branch office prescribed by this chapter.

37. Code section 8550(e) states:

It is unlawful for any firm, sole proprietorship, partnership, corporation, association, or other organization or combination therefore to engage or offer to engage in the practice of structural pest control, unless in accordance with Article 6 (commencing with Section 8610).

REGULATORY PROVISIONS

38. California Code of Regulations, title 16, section 1918 states, in pertinent part:

"Supervise" as used in Business and Professions Code Sections 8506.2, 8610 and 8611 means the oversight, direction, control, and inspection of the daily business of the company and its employees, and the availability to observe, assist, and instruct company employees, as needed to secure full compliance with all laws and regulations governing structural pest control.

39. California Code of Regulations, title 16, section 1999.5 states, in pertinent part:

It is the purpose of this regulation to protect the public from false, misleading, deceptive, or unfair representations or claims concerning structural pest control while enabling the public to receive truthful and legitimate information about those structural pest control products and services and the potential of these products and services to reduce impact to health or the environment.

(f) Examples of direct or indirect statements or representations which are unfair, deceptive, untrue or misleading include, but are not limited to, the following:

(6) any statement or representation that a pest control, product, pesticide, or device or combination therefore offers a general environmental protection or benefit unless the statement or representation can be sustained within the meaning of 16 CFR, 260.5 and is limited to the specific nature of the environment or health benefit being asserted.

(10) any unfair, deceptive, untrue or misleading comparison of pest control services, methods, products, pesticides or devices.

(11) any statement or representation that a pesticide or device is certified, sponsored, recommended, endorsed, or approved by any agency of the Federal Government or the State of California, including but not limited to, "tested by the

Department of the Interior," "EPA approved," "EPA ," "approved by the Structural Pest Control Board," or "recommended by the Structural Pest Control Board," except that a statement or representation of this type is permissible specifically authorized by the Federal or State agency to which it prefers.

COST RECOVERY

40. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BACKGROUND INFORMATION

41. On or about June 20, 2010, the Board became aware that Respondent Eagleshield was allowing its employees and/or partners to work on their own behalf without supervision, and allowing them to engage in pest control work that they were not licensed to perform. The partners and/or employees were working and/or living throughout all of California. The Board also discovered that there were no registered branch offices in the near geographic area where the applicators were working and/or living.

DISCIPLINE AGAINST EAGLESHIELD PEST CONTROL, L.P.
Company Registration Certificate No. 5706
Operator's License No. OPR 11493

FIRST CAUSE FOR DISCIPLINE

(Failure to Supervise Company Operations)

42. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses are subject to discipline under Code section 8641, in that between October 23, 2008, and February 24, 2011, Respondents violated Code section 8610(c), by failing to supervise the daily operations of the company and failing to be available to supervise and assist all employees of the company, as defined in California Code of Regulations, title 16, section 1918.

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SECOND CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

43. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses are subject to discipline under Code section 8639, in that between October 23, 2008, and February 24, 2011, Respondents aided or abetted unlicensed activities by allowing its applicators, who were either employees or partners, to perform activities that they were not licensed to perform, such as making identifications, performing inspections, submitting bids, and securing pest control work. In addition, on or about July 9, 2010, Ezequiel Ramirez, an unlicensed individual, submitted a bid on behalf of Eagleshield to the City of Fremont that included Branch 3 pest control work.

THIRD CAUSE FOR DISCIPLINE

(Failed to Properly Re-Register the Registration/License)

44. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses are subject to discipline under Code section 8641, in that between July 2008 and February 2010, Respondents violated Code section 8613 by failing to properly re-register Eagleshield Pest Control L.P. (PR 5706) to include all current partners, branch supervisors and/or principles of the company within 30 days of such change.

FOURTH CAUSE FOR DISCIPLINE

(Offering or Advertising to Perform Out of Classification)

45. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses are subject to discipline under Code section 8641, in that on or about July 9, 2010, Respondents violated 8550(e), by engaging in or offering to engage in Branch 3 pest control work while not being licensed to do so. Specifically, Ezequiel Ramirez, an unlicensed individual, submitted a bid on behalf of Eagleshield to the City of Fremont that included Branch 3 pest control work.

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FIFTH CAUSE FOR DISCIPLINE

(Failure to Register Branch Offices)

46. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses are subject to discipline under Code section 8641, in that between October 23, 2008, and February 24, 2010, Respondents violated Code section 8612 by failing to register branch offices within 30 days of operation and/or performing work from addresses that were not registered with the Board, as defined in California Code of Regulations, title 16, section 1912.

SIXTH CAUSE FOR DISCIPLINE

(False and Misleading Advertisement)

47. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses are subject to discipline under Code section 8641, in that in or about 2010, Respondents violated California Code of Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive advertisements in the following respects:

Section 1999.5, subdivision (f)(6):

a. That it used Eco Friendly products.

Section 1999.5, subdivision (f)(10):

b. That its service was better than others because it had local partners or independent owners when, in fact, it did not.

c. That it had over 50 years of combined experience when, in fact, it does not.

Section 1999.5, subdivision (f)(11):

d. That it used only EPA certified products approved by the State of California.

DISCIPLINE AGAINST RAY GENE TEEL
Operator's License No. OPR 7278

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Supervise Company Operations)

48. Respondent Teel's operator license is subject to discipline under Code section 8641, in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of Eagleshield Pest Control (PR 4875), Respondent Teel violated Code section 8610(c), by failing to

supervise the daily operations of the company and be available to supervise and assist all employees of the company, as defined in California Code of Regulations, title 16, section 1918. .

EIGHTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activity)

49. Respondent Teel's operator license is subject to discipline under Code section 8639, in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of Eagleshield Pest Control (PR 4875), Respondent aided or abetted unlicensed activities by allowing applicators to perform activities that they were not licensed to perform, such as making identifications, performing inspections, submitting bids, and securing pest control work.

NINTH CAUSE FOR DISCIPLINE

(Misrepresentation of a Material Fact)

50. Respondent Teel's operator license is subject to discipline under Code section 8637, in that on or about October 3, 2005, Respondent Teel misrepresented a material fact in his application for a company registration for Eagleshield Pest Control, PR 4875, by stating that the registration was a sole ownership when, in fact, it was a limited partnership.

TENTH CAUSE FOR DISCIPLINE

(Failure to Register Branch Offices)

51. Respondent Teel's operator license is subject to discipline under Code section 8641, in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of Eagleshield Pest Control (PR 4875), Respondent violated Code section 8612 by failing to register branch offices within 30 days of operation and/or performing work from addresses that were not registered with the Board, as defined in California Code of Regulations, title 16, section 1912.

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DISCIPLINE AGAINST FIELD REPRESENTATIVES AND/OR APPLICATORS LICENSES

BRADLEY D. NEUFELD (Partner)
Field Representative License No. FR 44699
Applicator License No. RA 44714

ELEVENTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

52. Respondent Bradley Neufeld's field representative license and applicator license are subject to discipline under Code section 8651, in that between October 27, 2005, and August 28, 2009, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

TWELFTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

53. Respondent Bradley Neufeld's field representative license and applicator license are subject to discipline under Code section 8639, in that between October 23, 2008, and February 24, 2011, while a partner of Eagleshield, he aided or abetted unlicensed activities by allowing applicators, who were either employees or partners, to perform activities that they were not licensed to perform.

THIRTEENTH CAUSE FOR DISCIPLINE

(False and Misleading Advertisement)

54. Respondent Bradley Neufeld's field representative license and applicator license are subject to discipline under Code section 8641, in that in or about 2010, he violated California Code of Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive advertisements in the following respects:

Section 1999.5, subdivision (f)(6):

a. That he used Eco Friendly products.

Section 1999.5, subdivision (f)(11):

b. That he used only EPA certified products approved by the State of California.

JONATHAN D. KENDRICK (Partner)
Field Representative License No. FR 45047

FOURTEENTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

55. Respondent Jonathan D. Kendrick's field representative license is subject to discipline under Code section 8639, in that between October 23, 2008, and February 2011, while a partner of Eagleshield, he aided or abetted unlicensed activities by allowing applicators, who were either employees or partners, to perform activities that they were not licensed to perform.

BRADLEY D. KENDRICK (Partner)
Field Representative License No. FR 45047

FIFTEENTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

56. Respondent Bradley Kendrick's field representative license is subject to discipline under Code section 8639, in that between October 23, 2008, and February 2011, while a partner of Eagleshield, he aided or abetted unlicensed activities by allowing applicators, who were either employees or partners, to perform activities for that they were not licensed to perform.

JONATHAN P. BERTRAM (Partner)
Applicator License No. RA 48099

SIXTEENTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

57. Respondent Jonathan Bertram's applicator license is subject to discipline under Code section 8651, in that between October 11, 2007, and February 2011, while an applicator, he engaged in pest control work in a branch other than that which he was licensed.

MICHAEL DAVID KLANN (Partner)
Field Representative License No. FR 45031
Applicator License No. RA 44704

SEVENTEENTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

58. Respondent Michael David Klann's field representative license and applicator licenses are subject to discipline under Code section 8651, in that between October 27, 2005, and

December 14, 2009, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

59. Respondent Michael David Klann's field representative license and applicator license are subject to discipline under Code section 8639, in that between October 23, 2008, and February 2011, while a partner of Eagleshield, he aided or abetted unlicensed activities by allowing applicators, who were either employees or partners, to perform activities that which they were not licensed to perform.

JACOB S. MIDDLETON (Partner)
Field Representative License No. FR 45135
Applicator License No. RA 45305

NINETEENTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

60. Respondent Jacob Middleton's field representative license and applicator license are subject to discipline under Code section 8651, in that between March 21, 2006, and January 20, 2010, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

TWENTIETH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

61. Respondent Jacob Middleton's field representative license and applicator license are subject to discipline under Code section 8639, in that between October 23, 2008, and February 2011, while a partner of Eagleshield, he aided or abetted unlicensed activities by allowing applicators, who were either employees or partners, to perform activities that they were not licensed to perform.

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JOSHUA M. WEBB
Field Representative License No. FR 45035
Applicator License No. RA 50212

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Unlicensed Activity)

62. Respondent Joshua M. Webb's field representative license and applicator license are subject to discipline under Code section 8651, in that between August 13, 2009, and December 14, 2009, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(False and Misleading Advertisement)

63. Respondent Joshua M. Webb's field representative license and applicator license are subject to discipline under Code section 8641, in that in or about 2010, he violated California Code of Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive advertisements in the following respects:

a. **Section 1999.5, subdivision (f)(11):** That he used only EPA certified products approved by the State of California.

SETH D. THOMAS
Field Representative License No. FR 45034
Applicator License No. RA 50224

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Unlicensed Activity)

64. Respondent Seth D. Thomas' field representative license and applicator license are subject to discipline under Code section 8651, in that between August 20, 2009, and December 14, 2009, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

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LUIS M. HURTADO, JR. (Partner)
Applicator License No. RA 44711

TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

65. Respondent Luis M. Hurtado's applicator license is subject to discipline under Code section 8651, in that between October 27, 2005, and March 2010, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

ISAAC M. CRUZ
Applicator License No. RA 50408

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

66. Respondent Isaac M. Cruz's applicator license is subject to discipline under Code section 8651, in that between October 21, 2009, and March 2010, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(False and Misleading Advertisement)

67. Respondent Isaac Cruz's applicator license is subject to discipline under Code section 8641, in that in or about 2010, he violated California Code of Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive advertisements in the following respects:

a. **Section 1999.5, subdivision (f)(10):** Having local partners or independent owners when, in fact, he did not.

SEAN D. NEUFELD
Applicator License No. RA 50644

TWENTY-SEVENTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

68. Respondent Sean Neufeld's applicator license is subject to discipline under Code section 8651, in that between February 4, 2010, and March 2010, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

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MARTIN C. AGUINAGA
Applicator License No. RA 50864

TWENTY-EIGHTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

69. Respondent Martin C. Aguinaga's applicator license is subject to discipline under Code section 8651, in that in or about April 2010, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

ANDREW W. HOWARD
Applicator License No. RA 51152

TWENTY-NINTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

70. Respondent Andrew W. Howard's applicator license is subject to discipline under Code section 8651, in that in or about July 2010, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

JOHN E. PENTON
Applicator License No. RA 50355

THIRTIETH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

71. Respondent John E. Penton's applicator license is subject to discipline under Code section 8651, in that between September 25, 2009, and October 2010, while an applicator, he engaged in pest control work in a branch other than that for which he was licensed.

JASON L. BOHANNON
Applicator License No. RA 48306
Field Representative License No. FR 45160

THIRTY-FIRST CAUSE FOR DISCIPLINE

(Unlicensed Activity)

72. Respondent Jason L. Bohannon's applicator's license and field representative license are subject to discipline under Code section 8651, in that between December 6, 2007, and January

27, 2010, while a applicator, he engaged in pest control work in a branch other than that for which he was licensed.

THIRTY-SECOND CAUSE FOR DISCIPLINE

(False and Misleading Advertisement)

73. Respondent Jason L. Bohannon's applicator's license and field representative license are subject to discipline under Code section 8641, in that in or about 2010, he violated California Code of Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive advertisements in the following respects:

a. **Section 1999.5, subdivision (f)(6):** That he had 50 years combined experience.

DAVID H. BERTRAM
Applicator License No. RA 49653
Field Representative License No. FR 45266

FORTIETH CAUSE FOR DISCIPLINE

(False and Misleading Advertisement)

74. Respondent Jason L. Bohannon's applicator's license and field representative license are subject to discipline under Code section 8641, in that in or about 2010, he violated California Code of Regulations, title 16, section 1999.5(f)(10), by presenting false, misleading, unfair representations, or deceptive advertisements.

PRIOR DISCIPLINE

Company Registration Certificate No. PR 5706

75. On or about August 25, 2009, the company registration paid a fine in the amount of $250 levied by the San Diego County Agricultural Commissioner for violating Food and Agricultural Code section 15204.

Operator's License No. OPR 11493

76. On or about August 25, 2009, the operator's license paid a fine in the amount of $250 levied by the San Diego County Agricultural Commissioner for violating Food and Agricultural Code section 15204.

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OTHER MATTERS

77. Code section 8620 provides, in pertinent part, that a respondent may request that a civil penalty of not more than $5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or not more than $10,000 for an actual suspension of 20 to 45 days. Such request must be made at the time of the hearing and must be noted in the proposed decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

78. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Operator's License Number OPR 11493, issued to Robert Jesse Flores, who serves as the Qualifying Manager of Eagleshield Pest Control, L.P., regardless of whether Robert Jesse Flores had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

79. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Robert Jesse Flores, who serves as the Qualifying Manager of Eagleshield Pest Control, L.P., shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any company during the time the discipline is imposed, and any company which employs, elects, or associates him, shall be subject to disciplinary action.

80. Pursuant to section 8624 of the Code, if Operator License Number OPR 11493, issued to Robert Jesse Flores, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P.

81. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Operator's License Number OPR 11493, issued to Robert Jesse Flores, who serves as the Qualifying Manager of Eagleshield Pest Control, L.P., regardless of whether Robert Jesse Flores had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

82. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 44704 and Field Representative License No. FR 45031, issued to Michael David Klann, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

83. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Michael David Klann, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any company which employs, elects, or associates him, shall be subject to disciplinary action.

84. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 44714 and Field Representative License No. FR 44699, issued to Bradley D. Neufeld, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

85. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Bradley D. Neufeld, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

86. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 45305 and Field Representative License No. FR 45135, issued to Jacob S. Middleton, who serves as a Partner of Eagleshield Pest

Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

87. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jacob S. Middleton, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

88. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Field Representative License No. FR 45029, issued to Jonathan D. Kendrick, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

89. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jonathan D. Kendrick, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

90. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Field Representative License No. FR 45047, issued to Bradley D. Kendrick, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

91. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Bradley D. Kendrick,

shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

92. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 44711, issued to Luis M. Hurtado, Jr., who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

93. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Luis M. Hurtado, Jr. shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

94. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 48099, issued to Jonathan P. Bertram, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

95. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jonathan P. Bertram, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

96. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 48306, and Field Representative License No. FR 45160, issued to Jason Bohannon, regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

97. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jason Bohannon, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

98. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 49653 and Field Representative License No. FR 45266, issued to David H. Bertram, regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

99. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then David H. Bertram, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

100. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 50212 and Field Representative License No. FR 45035, issued to Joshua M. Webb, regardless of whether or not he had

knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

101. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Joshua M. Webb, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any company which employs, elects, or associates him, shall be subject to disciplinary action.

102. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 50224 and Field Representative License No. FR 45034, issued to Seth D. Thomas, regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

103. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Seth D. Thomas, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

104. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 50408, issued to Isaac Cruz, regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

105. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Isaac Cruz, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or

responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

106. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 50644, issued to Sean D. Neufeld, regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

107. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Sean D. Neufeld, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

108. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 50864, issued to Martin C. Aguinaga, regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

109. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Martin C. Aguinaga, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

110. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 51152, issued to Andrew w.

Howard, regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

111. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Andrew W. Howard, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

112. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Applicator License No. RA 50355, issued to John E. Penton, regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

113. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then John E. Penton, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

114. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Keith W. Haney, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

115. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Timothy A. Sheppard, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or

responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

116. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Troy Dwayne Sosa, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

117. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jonathan L. Hale, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control LP;

2. Revoking or suspending Operator's License Number OPR 11493, issued to Robert Jesse Flores;

3. Revoking or suspending Operator's License Number OPR 6278, issued to Ray Gene Teel;

4. Revoking or suspending Field Representative's License Number FR 45031, issued to Michael David Klann;

5. Revoking or suspending Applicator License Number RA 44704, issued to Michael David Klann;

6. Revoking or suspending Field Representative's License Number FR 44699, issued to Bradley D. Neufeld;

7. Revoking or suspending Applicator License Number RA 44714, issued to Bradley D. Neufeld;

8. Revoking or suspending Field Representative's License Number FR 45135, issued to Jacob S. Middleton;

9. Revoking or suspending Applicator License Number RA 45305, issued to Jacob S. Middleton;

10. Revoking or suspending Field Representative's License Number FR 45029, issued to Jonathan D. Kendrick;

11. Revoking or suspending Field Representative's License Number FR 45057, issued to Bradley K. Kendrick;

12. Revoking or suspending Field Representative's License Number FR 45160, issued to Jason L. Bohannon;

13. Revoking or suspending Applicator License Number RA 48360, issued to Jason L. Bohannon;

14. Revoking or suspending Field Representative's License Number FR 45266, issued to David H. Bertram;

15. Revoking or suspending Applicator License Number RA 49653, issued to David H. Bertram;

16. Revoking or suspending Field Representative's License Number FR 45035, issued to Joshua M. Webb;

17. Revoking or suspending Applicator License Number RA 50212, issued to Joshua M. Webb;

18. Revoking or suspending Field Representative's License Number FR 45034, issued to Seth D. Thomas;

19. Revoking or suspending Applicator License Number RA 50224, issued to Seth D. Thomas;

20. Revoking or suspending Applicator License Number RA 44711, issued to Luis M. Hurtado, Jr.;

21. Revoking or suspending Applicator License Number RA 48099, issued to Jonathan P. Bertram;

22. Revoking or suspending Applicator License Number RA 50408, issued to Isaac M. Cruz;

23. Revoking or suspending Applicator License Number RA 50644, issued to Sean D. Neufeld;

24. Revoking or suspending Applicator License Number RA 45317, issued to Sean D. Neufeld;

25. Revoking or suspending Applicator License Number RA 50864, issued to Martin C. Aguinaga;

26. Revoking or suspending Applicator License Number RA 51152, issued to Andrew W. Howard;

27. Revoking or suspending Applicator License Number RA 50355, issued to John E. Penton;

28. Prohibiting Robert Jesse Flores, Ray Gene Teel, Michael D. Klann, Bradley D. Neufeld, Jacob S. Middleton, Jonathan D. Kendrick, Bradley K. Kendrick, Jason L. Bohannon, David H. Bertram, Joshua M. Webb, Seth D. Thomas, Luis M. Hurtado, Jr., Jonathan P. Bertram, Isaac M. Cruz, Sean D. Neufeld, Martin C. Aguinaga, John E. Penton, Keith W. Haney, Timothy A. Sheppard, Troy Dwayne Sosa, Jonathan L. Hale, and Andrew W. Howard from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any company during the period that discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P.;

29. Ordering Robert Jesse Flores, Ray Gene Teel, Michael D. Klann, Bradley D. Neufeld, Jacob S. Middleton, Jonathan D. Kendrick, Bradley K. Kendrick, Jason L. Bohannon, David H. Bertram, Joshua M. Webb, Seth D. Thomas, Luis M. Hurtado, Jr., Jonathan P. Bertram, Isaac M. Cruz, Sean D. Neufeld, Martin C. Aguinaga, Keith W. Haney, Timothy A. Sheppard,

Troy Dwayne Sosa, Jonathan L. Hale, John E. Penton, and Andrew W. Howard, to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 6/16/11

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

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