

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

FILED

Date 9/22/15 By

Susan Saylor

8
9 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2016-20

13
14 **ALL PEST PROS**
JAMES L. TILTON, QM (Br. 2 and 3) and Treasurer
15 **DANIEL M. JACOB, President**
TONY I. JACOB, Secretary
16 **33336 Agua Dulce Canyon Rd., Suite 105**
Santa Clarita, CA 91390
17 **Company Registration Certificate No. PR 6001**
18 **Branch Office Registration No. BR 5395, Br. 2 and 3**
19 **Branch Office Registration No. BR 5366, Br. 2 and 3**
20 **Branch Office Registration No. BR 5310, Br. 2 and 3**
Branch Office Registration No. BR 5301, Br. 2 and 3

ACCUSATION

21 **JAMES L. TILTON**
330 Sugar Loaf Drive
22 **Palmdale, CA 93551**
Operator License No. OPR 12364, Br. 2 and 3

23 **DANIEL M. JACOB**
24 **33336 Agua Dulce Canyon Rd., Suite 105**
Santa Clarita, CA 91390
25 **Field Representative License No. FR 46722, Br. 3**

26 **TONY I. JACOB**
27 **33336 Agua Dulce Canyon Rd., Suite 105**
Santa Clarita, CA 91390
28 **Field Representative License No. FR 46713, Br. 3**

1 **ADAM W. ASHBURN**
2 33336 Agua Dulce Canyon Road, Suite 105
3 Santa Clarita, CA 91390
4 **And**
5 804 Fetzer Court
6 Oakley, CA 94561
7 Operator License No. OPR 12679, Br. 2
8 Field Representative License No. FR 42783, Br. 3

9 **DAVID W. SAGER**
10 33336 Agua Dulce Canyon Road, Suite 105
11 Santa Clarita, CA 91390
12 **And**
13 38012 Sierra Grande
14 Palmdale, CA 93551
15 Field Representative License No. FR 40935, Br. 2 and 3

16 Respondents.

17 Susan Saylor ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in his official capacity as the
20 Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
21 Consumer Affairs.

22 **All Pest Pros**
23 **Company Registration Certificate No. 6001**

24 2. On or about February 24, 2010, the Board issued Company Registration Certificate
25 Number PR 6001 ("registration"), in Branches 2 and 3 to JHT Pest Pros with Jason Lester Fiala
26 as the President and Qualifying Manager in Branch 2, Tony Jacob as the Vice President, James L.
27 Tilton as the Secretary, and Jeffrey Scott Hiatt as the Qualifying Manager in Branch 3. On or
28 about October 1, 2010, Lawrence Kahner became the Qualifying Manager in Branch 3. On or
about December 3, 2010, Jason Lester Fiala became the Qualifying Manager in Branch 3. On or
about December 13, 2011, the namestyle changed to All Pest Pros ("Respondent"). On or about
May 1, 2012, Daniel M. Jacob became the President, James L. Tilton became the Treasurer, and
Tony Jacob became the Secretary. On or about June 1, 2012, James L. Tilton became the

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1 Qualifying Manager in Branches 2 and 3. On or about August 3, 2015, Travis Matthew Stradley
2 became Qualifying Manager in Branches 2 and 3.

3 **Branch Office Registration No. BR 5395**

4 3. On or about February 26, 2014, the Board issued Branch Office Registration No. BR
5 5395 in Branches 2 and 3 to All Pest Pros with Gerret Lundquist as the Branch Office Supervisor.

6 **Branch Office Registration No. BR 5366**

7 4. On or about September 10, 2013, the Board issued Branch Office Registration No.
8 BR 5366 in Branches 2 and 3 to All Pest Pros with Gerret Lundquist as the Branch Office
9 Supervisor.

10 **Branch Office Registration No. BR 5310**

11 5. On or about October 25, 2012, the Board issued Branch Office Registration No. BR
12 5310 in Branches 2 and 3 to All Pest Pros with Justin R. Kremer as the Branch Office Supervisor.

13 **Branch Office Registration No. BR 5301**

14 6. On or about May 31, 2012, the Board issued Branch Office Registration No. BR 5301
15 in Branches 2 and 3 to All Pest Pros with Edward Avalos as the Branch Office Supervisor.

16 **James L. Tilton**

17 **Operator's License No. OPR 12364**

18 7. On or about June 1, 2012, the Board issued Operator's License Number OPR 12364
19 in Branches 2 and 3 to James L. Tilton ("Respondent Tilton") as the Qualifying Manager of All
20 Pest Pros. On or about August 3, 2015, Respondent Tilton disassociated as Branch 2 and 3
21 Qualifying Manager and was placed on inactive status. The license will expire on June 30, 2017,
22 unless renewed.

23 **Tony I. Jacob**

24 **Field Representative License No. FR 46713**

25 8. On or about April 28, 2011, the Board issued Field Representative's License Number
26 FR 46713 in Branch 3 to Tony I Jacob ("Respondent T.J.") as an employee of All Pest Pros. The
27 license was in full force and effect at all times relevant to the charges brought herein and will
28 expire on June 30, 2016, unless renewed.

Daniel M. Jacob
Field Representative License No. FR 46722

9. On or about April 29, 2011, the Board issued Field Representative's License Number FR 46722 in Branch 3 to Daniel M. Jacob ("Respondent D.J.") as an employee of All Pest Pros. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

Adam W. Ashburn
Operator's License No. OPR 12679

10. On or about March 24, 2014, the Board issued Operator's License Number OPR 12679 in Branch 2 to Adam W. Ashburn ("Respondent Ashburn"). On or about July 1, 2014, the license reflected employment with All Pest Pros. The license will expire on June 30, 2016, unless renewed.

Field Representative License No. FR 42783

11. On or about February 8, 2008, the Board issued Field Representative's License Number FR 42783 in Branches 2 and 3 to Respondent Ashburn. On or about March 24, 2014, the license was downgraded to Branch 3 only due to the issuance of a Branch 2 operator's license, set forth above in paragraph 10. On or about July 1, 2014, Respondent Ashburn became employed by All Pest Pros. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

David W. Sager
Field Representative License No. FR 40935

12. On or about October 24, 2006, the Board issued Field Representative's License Number FR 40935 in Branch 3 to David W. Sager ("Respondent Sager"). On or about September 1, 2010, Respondent Sager became employed at All Pest Pros. On or about January 22, 2015, the license was upgraded to include Branch 2. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2018, unless renewed.

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JURISDICTION

13. 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.

14. Code section 8624 states:

If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office.

If the operator is the qualifying manager, a partner, responsible officer, or owner of a registered structural pest control company, the suspension or revocation may be applied to the company registration.

The performance by any partnership, corporation, firm, association, or registered company of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who, at the time the act or omission occurred, was the qualifying manager, a partner, responsible officer, or owner of the partnership, corporation, firm, association, or registered company whether or not he or she had knowledge of, or participated in, the prohibited act or omission.

15. 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.

16. Code section 8622 states:

When a complaint is accepted for investigation of a registered company, the board, through an authorized representative, may inspect any or all properties on which a report has been issued pursuant to Section 8516 or a notice of completion has been issued pursuant to Section 8518 by the registered company to determine compliance with the provisions of this chapter and the rules and regulations issued thereunder. If the board determines the property or properties are not in compliance, a notice shall be sent to the registered company so stating. The registered company shall have 30 days from the receipt of the notice to bring such property into compliance, and it shall submit a new original report or completion notice or both and an inspection fee of not more than one hundred twenty-five dollars (\$125) for each property inspected. If a subsequent reinspection is necessary, pursuant to the board's review of the new original report or notice or both, a commensurate reinspection fee shall also be charged. If the board's authorized

1 representative makes no determination or determines the property is in compliance, no
2 inspection fee shall be charged.

3 The notice sent to the registered company shall inform the registered company that if
4 it desires a hearing to contest the finding of noncompliance, the hearing shall be requested
5 by written notice to the board within 20 days of receipt of the notice of noncompliance from
6 the board. Where a hearing is not requested pursuant to this section, payment of any
7 assessment shall not constitute an admission of any noncompliance charged.

8 STATUTORY PROVISIONS

9 17. Section 8505 of the Code states:

10 (a) "Structural pest control" and "pest control" as used in this chapter are
11 synonymous. Except as provided in Section 8555 and elsewhere in this chapter, it is, with
12 respect to household pests and wood destroying pests or organisms, or other pests that may
13 invade households or other structures, including railroad cars, ships, docks, trucks,
14 airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for,
15 soliciting, or the performance of, any of the following:

16 (1) Identification of infestations or infections.

17 (2) The making of an inspection or inspections for the purpose of identifying or
18 attempting to identify infestations or infections of household or other structures by those
19 pests or organisms.

20 (3) The making of inspection reports, recommendations, estimates, and bids, whether
21 oral or written, with respect to those infestations or infections.

22 (4) The making of contracts, or the submitting of bids for, or the performance of any
23 work including the making of structural repairs or replacements, or the use of pesticides, or
24 mechanical devices for the purpose of eliminating, exterminating, controlling or preventing
25 infestations or infections of those pests, or organisms.

26 (b) "Household pests" are defined for the purpose of this chapter as those pests other
27 than wood destroying pests or organisms, which invade households and other structures,
28 including, but not limited to, rodents, vermin, and insects.

Section 8641 of the Code 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.

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18. Section 8642 of the Code states:

The commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a registered company is a ground for disciplinary action.

19. Section 8648 of the Code states:

Authorizing, directing, conniving at or aiding in the publication, advertisement, distribution or circulation of any material by false statement or representation concerning a registered company's business is a ground for disciplinary action.

REGULATIONS

20. 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.

(a) It is unlawful for any licensee, or any employee thereof, directly or indirectly to make, disseminate, represent, claim, state, or advertise, or cause to be made, disseminated, represented, claimed, stated or advertised by any manner or means whatever, any statement or representation concerning structural pest control, as defined in Business and Professions Code section 8505, which is unfair, deceptive, untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be unfair, deceptive, untrue or misleading.

(b) As used in this section, the terms "make," "disseminate," "represent," "claim," "state," or "advertise" and any of their variants include, but are not limited to any print communications (for example, telephone directories, newspapers, magazines or other publications or books, notices, circulars, pamphlets, letters, handbills, posters, bills, signs, placards, cards, labels, tags, vehicle or equipment signage, window displays, or store signs), electronic communication (for example, radio, television, audio or video tape, telephone, or the Internet), demonstration, direct person-to-person contact, or other means or methods now or hereafter employed to bring structural pest control services, methods, products, pesticides, or devices to the attention of the public for the direct or indirect purpose of performing or offering to perform services for which a license is required by section 8500 and following of the Code.

(c) As used in this section "the exercise of reasonable care" includes a duty to investigate the basis of any statement or representation to assure that the statement or representation is not unfair, deceptive, untrue or misleading. The making of a statement or representation without knowledge of its truthfulness breaches the duty to investigate.

(d) Violation of this section occurs at the time an unfair, deceptive, untrue or misleading statement or representation is made. Once a violation occurs, subsequent disclosures, caveats, disclaimers, or waivers cannot eliminate it.

(e) The remedies or penalties provided by this section are cumulative to each other and to the remedies or penalties available under all other laws and regulations of this State.

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

2 (6) any statement or representation that a pest control service, product,
3 pesticide, or device or combination thereof offers a general environmental protection
4 or benefit unless the statement or representation can be substantiated within the
5 meaning of section 260.5 of title 16 of the Code of Federal Regulations (2008),
hereby incorporated by reference, and is limited to the specific nature of the
environmental or health benefit being asserted;

6 COST RECOVERY

7 21. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee 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 BACKGROUND INFORMATION

12 22. On or about October 3, 2014, the Board received a copy of an advertisement that was
13 placed in the Sacramento Bee on May 29, 2014, from H.D. of the Yolo County Consumer and
14 Environmental unit. The advertisement stated that Respondents will "install new Greenfiber
15 Cellulose insulation up to or above recommended levels." In fact, Respondent is not licensed to
16 install insulation. In addition, the advertisement stated "Don't Put Your Health At Risk" –
17 "Rodent droppings contribute to many health issues and diseases including asthma, respiratory
18 infection, allergies, bacterial diseases, Hantavirus, tularemia, and more," when, in fact, not all
19 rodent droppings contribute to health issues and diseases. Based on prior consumer complaints of
20 unlicensed and fraudulent activity performed by Respondent and a Citation issued to Respondent
21 by the Board for false advertising, the Board conducted an undercover sting operation, as more
22 particularly set forth below:

23 UNDERCOVER OPERATION

24 23. On or about November 4, 2014, in cooperation with the Board, an undercover agent
25 called Respondent and scheduled an appointment for an attic inspection on November 13, 2014.

26 24. On or about November 13, 2014, an agent from the Yolo County Consumer and
27 Environmental unit, H.D. ("H.D."), a Yolo County Investigator, P.H. ("P.H."), and two

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1 investigators from the Contractor's State License Board, B.W. ("B.W.") and J.M. ("J.M.")
2 conducted an undercover sting operation at a secured residence in Yolo County.

3 25. At about 1510 hours, Respondent Ashburn arrived at the secured residence to inspect
4 the attic for rodent activity. Respondent Ashburn was met by H.D. and J.M., who were posing as
5 husband and wife and the owners of the residence. H.D. and J.M. were wearing concealed
6 recording devices (wires). Respondent Ashburn provided H.D. and J.M. with a business card that
7 had his name on it as the Branch Manager of the Sacramento and San Jose Branch. The backside
8 of the business card stated, "Attic Decontamination" and "Insulation upgrades." Respondent
9 Ashburn explained the rodent prevention work, the attic cleaning, and insulation process, and
10 made comments about the dangers rodent fecal matter has on people's health. Respondent
11 Ashburn inspected the attic and told H.D. and J.M. that there were areas where rodents were
12 getting in and he recommended sealing the areas for exclusion, vacuuming droppings, sanitizing,
13 installing insulation above the garage and setting traps to catch rats after exclusion. Respondent
14 Ashburn presented H.D. and J.M. with a bid in the amount of \$3,175.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Exceeding the Scope of Structural Pest Control Work)**

17 26. Respondent's company registration, Respondent Tilton's operator's license,
18 Respondent T.J.'s field representative license, Respondent D.J.'s field representative license,
19 Respondent Ashburn's operator license and field representative license, and Respondent Sager's
20 field representative's license are subject to discipline under Code section 8648, in that
21 Respondents exceeded the scope of structural pest control work as defined by Code section 8505.
22 On or about May 29, 2014, Respondents represented and advertised in the Sacramento Bee
23 newspaper that the installation of insulation is within the scope of Structural Pest Control, when
24 in fact, it is not.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(False and Misleading Advertisement Regarding Health Risks)**

27 27. Respondent's company registration, Respondent Tilton's operator's license,
28 Respondent T.J.'s field representative license, Respondent D.J.'s field representative license,

1 Respondent Ashburn's operator license and field representative license, and Respondent Sager's
2 field representative's license are subject to discipline under Code section 8641, in that
3 Respondents violated California Code of Regulations, title 16, by presenting false, misleading,
4 unfair representations, or deceptive advertisements in the following respects:

5 a. Section 1999.5, subdivision (a):

6 i. On or about May 29, 2014, Respondent Tilton represented and advertised in the
7 Sacramento Bee that consumer's health was at risk, in that rodent droppings contribute to many
8 health issues and diseases including asthma, respiratory infection, allergies, bacterial diseases,
9 Hantavirus, tularemia, and more, when, in fact, not all rodent droppings contribute to health
10 issues and diseases. In addition, in March 2015, Respondents represented and advertised in the
11 Home Concepts Magazine that, "rodents, their droppings and urine left behind contribute to and
12 cause allergies, asthma, bacterial diseases..."

13 ii. On or about May 29, 2014, Respondent Tilton advertised in the Sacramento
14 Bee to perform work (install insulation) that it was not licensed to perform, in that it requires a
15 contractor's license, C-2 classification.

16 iii. On or about November 13, 2014, Respondent Ashburn made false statements to
17 H.D. and J.M., including, but not limited to, that the insulation (Greenfiber cellulose) is a
18 recycled material that contains boric acid, which acts as a pest preventative material that rats do
19 not like and causes their skin to dry out.

20 b. Section 1999.5, subdivision (f)(6):

21 i. On or about May 29, 2014, Respondents represented and advertised in the
22 Sacramento Bee that consumer's health was at risk, in that rodent droppings contribute to many
23 health issues and diseases including asthma, respiratory infection, allergies, bacterial diseases,
24 Hantavirus, tularemia, and more, when, in fact, not all rodent droppings contribute to health
25 issues and diseases.

26 ii. In or about March 2015, Respondents represented and advertised in the Home
27 Concepts Magazine that, "rodents, their droppings and urine left behind contribute to and cause

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1 allergies, asthma, bacterial diseases..." when, in fact, not all rodent droppings contribute to health
2 issues and diseases.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Fraudulent Act)**

5 28. Respondent's company registration, Respondent Tilton's operator's license, and
6 Respondent Ashburn's operator's license and field representative license are subject to discipline
7 under Code section 8642, in that Respondents committed fraudulent acts, as follows:

8 a. On or about November 13, 2014, Respondent Ashburn submitted an estimate for the
9 secured undercover operation address that included work (install insulation) that he was not
10 licensed to perform, in that it required a contractor's license (C-2 classification).

11 b. On or about November 13, 2014, Respondent Ashburn submitted an estimate for the
12 secured undercover operation address to perform work that was not necessary, including
13 vacuuming mice droppings and sanitizing the attic, and installing insulation, with the intent to
14 defraud and charge the client for work that was not needed. In addition, Respondent Ashburn
15 included in the estimate a bi-monthly pest control service fee of \$69 as part of the job ("a package
16 deal") and in order to warranty the work performed.

17 c. On or about October 17, 2014, Respondent Ashburn submitted an estimate to a
18 homeowner located at 2236 Muirwoods Place, in Davis, California, that included the installation
19 of insulation.

20 d. On or about November 12, 2014, Respondent Ashburn submitted an estimate to a
21 homeowner located at 1850 Montara Ave., in Sacramento, California, that included the
22 installation of insulation.

23 **PRIOR DISCIPLINE**

24 **Operator's License No. OPR 12364**
25 **Company Registration Certificate No. PR 6001**

26 29. On or about March 13, 2015, the operator's license and registration paid a fine in the
27 amount of \$350 levied by the Los Angeles County Agricultural Commissioner for violating

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1 California Code of Regulations, title 16, sections 6630 (failure to identify service rig) and 6678
2 (failure to label service container) on or about February 25, 2015.

3 30. On or about May 22, 2015, the Board issued Respondents a Citation in the amount of
4 \$250 for violating California Code of Regulations, title 16, sections 1999.5 (the use of any
5 advertising that contains any false or misleading information in any manner). The circumstances
6 of the Citation were that on or about January 21, 2014, in the Orange County Register,
7 Respondents advertisement contains references to the use of attic insulation as a control measure
8 for rats and mice. Respondents paid the fine on or about August 14, 2015.

9 **OTHER MATTERS**

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

15 32. Pursuant to Code section 8624, if Operator's License Number OPR 12364, issued to
16 James L. Tilton is suspended or revoked, then the Board may suspend or revoke the registration
17 of any branch office registered under the name of All Pest Pros with James L. Tilton as the
18 Qualifying Manager.

19 33. Pursuant to Code section 8624, if Operator License Number OPR 12364, issued to
20 James L. Tilton is suspended or revoked, then the Board may suspend or revoke Company
21 Registration Certificate Number PR 6001, issued to All Pest Pros.

22 34. Pursuant to Code section 8624, the causes for discipline established as to All Pest
23 Pros, likewise constitutes causes for discipline against James L. Tilton regardless of whether he
24 had knowledge of or participate in the acts or omissions which constitutes cause for discipline
25 against All Pest Pros.

26 35. Pursuant to Code section 8654, if discipline is imposed on Operator's License
27 Number OPR 12679, issued to Adam W. Ashburn, then Adam W. Ashburn shall be prohibited
28 from serving as an officer, director, associate, partner, qualifying manager, or responsible

1 managing employee for any registered company during the time the discipline is imposed, and
2 any registered company which employs, elects, or associates Adam W. Ashburn shall be subject
3 to disciplinary action.

4 36. Pursuant to Code section 8654, if discipline is imposed on Operator's License
5 Number OPR 12364, issued to James L. Tilton, then James L. Tilton shall be prohibited from
6 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
7 employee for any registered company during the time the discipline is imposed, and any
8 registered company which employs, elects, or associates James L. Tilton shall be subject to
9 disciplinary action.

10 37. Pursuant to Code section 8654, if discipline is imposed on Field Representative
11 License Number FR 42783, issued to Adam W. Ashburn, then Adam W. Ashburn shall be
12 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
13 responsible managing employee for any registered company during the time the discipline is
14 imposed, and any registered company which employs, elects, or associates Adam W. Ashburn
15 shall be subject to disciplinary action.

16 38. Pursuant to Code section 8654, if discipline is imposed on Field Representative
17 License Number FR 46713, issued to Tony I. Jacob, then Tony I. Jacob shall be prohibited from
18 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
19 employee for any registered company during the time the discipline is imposed, and any
20 registered company which employs, elects, or associates Tony I. Jacob shall be subject to
21 disciplinary action.

22 39. Pursuant to Code section 8654, if discipline is imposed on Field Representative
23 License Number FR 46722, issued to Daniel M. Jacob, then Daniel M. Jacob shall be prohibited
24 from serving as an officer, director, associate, partner, qualifying manager, or responsible
25 managing employee for any registered company during the time the discipline is imposed, and
26 any registered company which employs, elects, or associates Daniel M. Jacob shall be subject to
27 disciplinary action.

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40. Pursuant to Code section 8654, if discipline is imposed on Field Representative License Number FR 40935, issued to David W. Sager, then David W. Sager 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 David W. Sager 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 6001, issued to All Pest Pros;
2. Revoking or suspending Operator's License Number OPR 12364, issued to James L. Tilton;
3. Revoking or suspending any other license for which James L. Tilton is furnishing the qualifying experience or appearance;
4. Prohibiting James L. Tilton from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Company Registration Certificate Number PR 6001, issued to All Pest Pros and Operator's License No. OPR 12364, issued to James L. Tilton;
5. Revoking or suspending Operator's License Number OPR 12679, issued to Adam W. Ashburn;
6. Revoking or suspending Field Representative License Number FR 42783, issued to Adam W. Ashburn;
7. Revoking or suspending any other license for which Adam W. Ashburn is furnishing the qualifying experience or appearance;
8. Prohibiting Adam W. Ashburn from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the

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1 period that discipline is imposed on Operator's License Number OPR 12679, issued to Adam W.
2 Ashburn;

3 9. Revoking or suspending Field Representative License Number FR 46713, issued to
4 Tony I. Jacob;

5 10. Revoking or suspending any other license for which Tony I. Jacob is furnishing the
6 qualifying experience or appearance;

7 11. Prohibiting Tony I. Jacob from serving as an officer, director, associate, partner,
8 qualifying manager or responsible managing employee of any registered company during the
9 period that discipline is imposed on Field Representative License Number FR 46713, issued to
10 Tony I. Jacob;

11 12. Revoking or suspending Field Representative License Number FR 46722, issued to
12 Daniel M. Jacob;

13 13. Revoking or suspending any other license for which Daniel M. Jacob is furnishing the
14 qualifying experience or appearance;

15 14. Prohibiting Daniel M. Jacob from serving as an officer, director, associate, partner,
16 qualifying manager or responsible managing employee of any registered company during the
17 period that discipline is imposed on Field Representative License Number FR 46722, issued to
18 Daniel M. Jacob;

19 15. Revoking or suspending Field Representative License Number FR 40935, issued to
20 David W. Sager;

21 16. Revoking or suspending any other license for which David W. Sager is furnishing the
22 qualifying experience or appearance;

23 17. Prohibiting David W. Sager from serving as an officer, director, associate, partner,
24 qualifying manager or responsible managing employee of any registered company during the
25 period that discipline is imposed on Field Representative License Number FR 40935, issued to
26 David W. Sager;

1 18. Revoking or suspending Branch Office Registration Number BR 5395, issued to All
2 Pest Pros with James L. Tilton as the Qualifying Manager during the times relevant to the charges
3 herein;

4 19. Revoking or suspending Branch Office Registration Number BR 5366, issued to All
5 Pest Pros with James L. Tilton as the Qualifying Manager during the times relevant to the charges
6 herein;

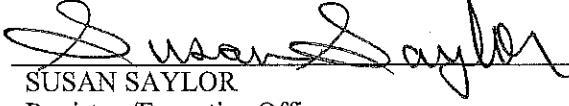
7 20. Revoking or suspending Branch Office Registration Number BR 5310, issued to All
8 Pest Pros with James L. Tilton as the Qualifying Manager during the times relevant to the charges
9 herein;

10 21. Revoking or suspending Branch Office Registration Number BR 5301, issued to All
11 Pest Pros with James L. Tilton as the Qualifying Manager during the times relevant to the charges
12 herein;

13 22. Ordering All Pest Pros, James L. Tilton, Adam W. Ashburn, Tony I. Jacob, Daniel M.
14 Jacob, and David W. Sager to pay the Structural Pest Control Board the reasonable costs of the
15 investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3; and,

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

18 DATED: 9/22/15


SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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