

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

In the Matter of the Statement of Issues  
Against:

Case No. 2010-48

**DAVID P. FLORES**  
dba FLO'S TERMITE & PEST  
CONTROL  
1166 Gregory Court  
Merced, California 95340


Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

This Decision shall become effective on May 26, 2010.

It is so ORDERED April 26, 2010.

  
\_\_\_\_\_  
FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF PESTICIDE REGULATION

EDMUND G. BROWN JR.  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
KAREN R. DENVIR  
Deputy Attorney General  
State Bar No. 197268  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 324-5333  
Facsimile: (916) 327-8643  
*Attorneys for Complainant*

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

In the Matter of the Statement of Issues  
Against:

**DAVID P. FLORES**  
dba FLO'S TERMITE & PEST  
CONTROL  
1166 Gregory Court  
Merced, California 95340

Respondent.

Case No. 2010-48

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the Structural Pest Control Board. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Karen R. Denvir, Deputy Attorney General.
2. Respondent David P. Flores (Respondent) is represented in this proceeding by attorney Joyce Gandelman, whose address is 1628 Concord Avenue, Modesto, CA 95350.
3. On or about August 3, 2009, Respondent filed an application dated August 1, 2009, with the Structural Pest Control Board to obtain a Company Registration Certificate.

### JURISDICTION

4. Statement of Issues No. 2010-48 was filed before the Structural Pest Control Board (Board), Department of Pesticide Regulation, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on March 1, 2010. Respondent timely filed his Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. 2010-48 is attached as Exhibit A and incorporated herein by reference.

### ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 2010-48. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

### CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2010-48.

9. Respondent agrees that his application for Company Registration Certificate is subject to denial and he agrees to be bound by the Structural Pest Control Board (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

### CONTINGENCY

10. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

### DISCIPLINARY ORDER

IT IS HEREBY ORDERED that a Company Registration Certificate will be issued to Respondent David P. Flores and automatically revoked. The revocation will be stayed and the Respondent placed on probation to run concurrently with Respondent's probation in Case No. 2002-22, involving Respondent's Operator's License No. OPR 9858. A copy of the Decision

and Order in Case No. 2002-22 is attached as Exhibit B and incorporated herein by reference. The terms and conditions of probation in the pending Statement of Issues matter, Case No. 2010-48 are as follows:

1. **Obey All Laws.** Respondent shall obey all laws and rules relating to the practice of structural pest control.

2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation.** Should Respondent leave California to reside outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Completion of Probation.** Upon successful completion of probation, Respondent's license/certificate will be fully restored.

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

If Respondent violates his probation in Case No. 2002-22, the Board may treat it as a violation of probation in this matter, Case No. 2010-48.

6. **Random Inspections.** Respondent shall reimburse the Board for one random inspection per quarter by Board specialists during the period of probation not to exceed \$125 per inspection.

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ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Joyce Gandelman. I understand the stipulation and the effect it will have on my Company Registration Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 3-17-10.

  
\_\_\_\_\_  
DAVID P. FLORES  
Respondent

I have read and fully discussed with Respondent David P. Flores the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: March 17 2010

  
\_\_\_\_\_  
Joyce Gandelman  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.

Dated: \_\_\_\_\_

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General

KAREN R. DENVIR  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Statement of Issues No. 2010-48**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR TAGGART  
Supervising Deputy Attorney General  
3 KAREN R. DENVIR, State Bar No. 197268  
Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5333  
Facsimile: (916) 324-5567

7 Attorneys for Complainant  
8  
9

**FILED**

Date 1/29/10 By Kelli Okuma

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

13 In the Matter of the Statement of Issues Against:

Case No. 2010-48

14 **DAVID P. FLORES**  
dba FLO'S TERMITE & PEST CONTROL  
15 1166 Gregory Court  
Merced, California 95340

**STATEMENT OF ISSUES**

16 Respondent.  
17

18 Kelli Okuma ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Statement of Issues solely in her official capacity as the  
21 Registrar of the Structural Pest Control Board ("Board"), Department of Consumer Affairs.

22 **APPLICATION INFORMATION**

23 2. On or about August 3, 2009, the Board received an Application for Registration of  
24 Company ("application"), in Branches 2 and 3, from David P. Flores ("Respondent"), doing  
25 business as Flo's Termite & Pest Control. On or about August 1, 2009, Respondent certified  
26 under penalty of perjury to the truthfulness of all statements, answers, and representations in the  
27 application.

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1 LICENSE HISTORY

2 David P. Flores, Operator's License No. OPR 9858

3 3. On or about May 7, 1998, the Board issued Operator's License Number  
4 OPR 9858 to David P. Flores, in Branches 2 and 3, as the Qualifying Manager of Merced  
5 Commercial Pest Control. Effective June 12, 2006, Operator's License Number OPR 9858 was  
6 revoked; the revocation was stayed; the license was suspended for a period of 15 days or payment  
7 of a \$3,000 civil penalty in lieu of suspension; the license was placed on probation for a period of  
8 five (5) years; and Respondent was ordered to pay restitution to the homeowner in the amount of  
9 \$5,000 within 30 days; reimburse the Board \$17,100 for investigative costs; complete four hours  
10 of rules and regulations; complete 10 hours of technical in branch 3 within 18 months; and file  
11 quarterly reports with the Board. A copy of the decision is attached hereto as **Exhibit A**, and  
12 incorporated herein by reference.

13 4. On or about January 15, 2008, Respondent paid a \$250 fine levied against him by  
14 the Board for violating Business and Professions Code ("Code") section 8516(b)(7); California  
15 Code of Regulations, title 16, section 1990, and Respondent paid a \$400 fine for violating Code  
16 sections 8518 and 8538, and California Code of Regulations, title 16, section 1970.4.

17 5. On or about June 30, 2009, Respondent's license was suspended for failure to  
18 failing to maintain general liability insurance as required by Code section 8690.

19 6. On or about July 8, 2009, the license was reinstated, and will expire on or about  
20 June 30, 2012, unless renewed.

21 David P. Flores, Company Registration Certificate No. PR 3866

22 7. On or about March 6, 2001, the Board issued Company Registration Certificate  
23 Number PR 3866 to Merced Commercial Pest Control, Inc. in Branches 2 and 3, with Jordan K.  
24 Jensen, Jr. as the President, Richard Steven Schisneswski as the Vice President, George  
25 Schisnewski Jr. as the Treasurer, and David P. Flores as the Secretary and Qualifying Manager.  
26 Effective June 12, 2006, Company Registration Certificate No. PR 3866 was revoked, the  
27 revocation was stayed, and the registration was placed on probation for a period of five (5) years.  
28 A copy of the decision is attached hereto as **Exhibit A**, and incorporated herein by reference.

1 8. On or about January 15, 2008, Respondent paid a \$400 fine for violating Code  
2 sections 8518 and 8538; and California Code of Regulations, title 16, section 1970.4.

3 9. On or about June 30, 2009, Respondent's registration was suspended for failure to  
4 maintain general liability insurance as required by Code section 8690.

5 10. On or about July 8, 2009, the registration was canceled.

6 **STATUTORY PROVISIONS**

7 11. Code section 8568 provides, in pertinent part, that the Board may deny a license  
8 or registration if the applicant, while unlicensed or not registered, knowingly committed or aided  
9 or abetted the commission of any act for which a license or company registration is required, or  
10 has committed any act or omissions constituting grounds for discipline under section 480 of that  
11 Code.

12 12. Code section 8654 states, in pertinent part, that any individual who has been  
13 denied a license for any of the reasons specified in Code section 8568, shall be prohibited from  
14 serving as an officer, director, associate, partner, qualifying manager, or responsible managing  
15 employee of a registered company, and the employment, election or association of such person  
16 by a registered company is a ground for disciplinary action.

17 13. Code section 480 states, in pertinent part:

18 (a) A board may deny a license regulated by this code on the grounds that  
19 the applicant has one of the following:

20 (2) Done any act involving dishonesty, fraud, or deceit with the  
21 intent to substantially benefit himself or herself or another, or  
22 substantially injure another.

23 (3) (A) Done any act that if done by a licentiate of the business  
24 or profession in question, would be grounds for suspension or  
25 revocation of license.

26 (c) A board may deny a license regulated by this code on the  
27 ground that the applicant knowingly made a false statement of fact  
28 required to be revealed in the application for the license.

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FIRST CAUSE FOR DENIAL OF APPLICATION

(Committed Acts Which If Done By A Licentiate Would Be Grounds For Discipline)

14. Respondent's application is subject to denial under Code sections 8568 and 480(a)(3)(A), as follows:

a. Respondent, the Qualifying Manager for Merced Commercial Pest Control, committed acts which if done by any licensee, would be grounds for suspension or revocation, in that, while acting as the Qualifying Manager for Merced Commercial Pest Control, Respondent violated Code sections 8641/8516(b) (inspection report requirements); 8644 (fraud or misrepresentation irrespective of report); 8642 (fraud); 8641/8519 (improper certification); and 8622 (failing to correct items contained in the report of findings), as more particularly set forth in Accusation No. 2002-22, attached hereto as Exhibit A.

SECOND CAUSE FOR DENIAL OF APPLICATION

(False Statement)

15. Respondent's application is subject to denial under Code sections 8568 and 480(c), in that Respondent knowingly made a false statement of fact required to be revealed in his application for licensure when, on or about August 1, 2009, Respondent answered "No" to the following questions that stated:

Question Number 8: "Have you, or any of you ever, had a professional or vocational license refused, suspended or revoked by this or any other State?"

Question Number 9: "Have you, or any of you ever, been connected with any person copartnership or corporation, whose professional or vocational license was refused, suspended or revoked by this or any other State?"

In fact, Respondent's Operator's License Number OPR 9858 and Company Registration Certificate Number PR 3866, was revoked, as more particularly set forth in Exhibit A, attached hereto.

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1 THIRD CAUSE FOR DENIAL OF APPLICATION

2 (Dishonesty, Fraud or Deceit)

3 16. Respondent's application is subject to denial under Code sections 8568 and  
4 480(a)(2), in that he committed acts involving dishonesty, fraud or deceit with the intent to  
5 substantially benefit himself or another, or substantially injure another, by failing to disclose the  
6 information as set forth above in paragraph 15.

7 OTHER MATTERS


8 17. Pursuant to Code section 8654, if Respondent's application is denied, then  
9 Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying  
10 manager, or responsible managing employee of a registered company, and the employment,  
11 election or association of such person by a registered company is grounds for disciplinary action.

12 PRAYER

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

- 15 1. Denying the application of David P. Flores for a company registration;
- 16 2. Prohibiting David P. Flores from serving as an officer, director, associate, partner,  
17 qualifying manager, or responsible managing employee of any licensee;
- 18 3. Revoking or suspending any other license for which David P. Flores is furnishing  
19 the qualifying experience or appearance; and,
- 20 4. Taking such other and further action as deemed necessary and proper.

21 DATED: 1/29/10

22   
23 KELLI OKUMA  
24 Registrar  
25 Structural Pest Control Board  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

SA2009102485  
SOI (kdg) 1/11/2010

**Exhibit B**

**Decision and Order No. 2002-22**

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

In the Matter of the First Amended  
Accusation Against:

Case No. 2002-22

OAH No. N2004070299

MERCED COMMERCIAL PEST CONTROL  
DAVID P. FLORES, QM  
P.O. Box 754  
Merced, California 95341  
Company Registration Certificate No. PR3224,  
Br. 2 & 3

- and -

MERCED COMMERCIAL PEST CONT., INC.  
JORDAN K. JENSEN, JR., PR,  
RICHARD STEVEN SCHISNEWSKI, VP  
GEORGE SCHISNEWSKI JR, TR  
DAVID P. FLORES, SEC, QM  
P.O. Box 754  
Merced, California 95341  
Company Registration Certificate No. PR3866,  
Br. 2 & 3

- and -

DAVID P. FLORES  
1446 Brantley Street, Suite C  
Merced, California 95340  
Operator's License No. OPR 9858, Br. 2 & 3

- and -

JORDAN KENNETH JENSEN, JR.  
1446 Brantley Street, Suite C  
Merced, California 95340  
Field Representative License No. FR26989, Br. 3

Respondents.

**DECISION AND ORDER**

The attached Stipulated Settlement and Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, State of California, as its Decision in this matter.

The Decision shall become effective on June 12, 2006.

IT IS SO ORDERED May 12, 2006.

  
FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

CERTIFIED COPY



Kelli Okuma  
Registrar

ORIGINAL

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ROBERT B. MILLER, State Bar No. 57819  
Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, CA 94244-2550  
5 Telephone: (916) 322-0253  
Facsimile: (916) 327-8643  
6  
Attorneys for Complainant

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

10 In the Matter of the First Amended  
11 Accusation Against:

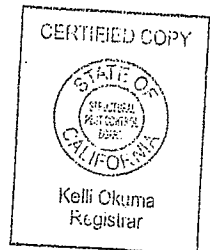
12 MERCED COMMERCIAL PEST  
CONTROL  
13 DAVID P. FLORES, QM  
P.O. Box 754  
14 Merced, California 95341  
Company Registration Certificate No. PR3224,  
15 Br. 2 & 3  
and  
16 MERCED COMMERCIAL PEST CONT.,  
INC.  
17 JORDAN K. JENSEN, JR., PR,  
RICHARD STEVEN SCHISNEWSKI, VP  
18 GEORGE SCHISNEWSKI JR, TR  
DAVID P. FLORES, SEC, QM  
19 P.O. Box 754  
Merced, California 95341  
20 Company Registration Certificate No. PR3866,  
Br. 2 & 3  
21 and  
DAVID P. FLORES  
22 1446 Brantley Street, Suite C  
Merced, California 95340  
23 Operator's License No. OPR 9858, Br. 2 & 3  
and  
24 JORDAN KENNETH JENSEN, JR.  
1446 Brantley Street, Suite C  
25 Merced, California 95340  
Field Representative License No. FR26989, Br. 3

Respondent.

CASE NO. 2002-22

OAH No. N-2004070299

STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER



1                   IT IS HEREBY STIPULATED AND AGREED by and between the parties to  
2 the above-entitled proceedings that the following matters are true:

3   PARTIES

4                   1.       The Complainant herein is Kelli Okuma who serves as the Registrar of the  
5 Structural Pest Control Board (Board), Department of Consumer Affairs. She brought this action  
6 solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General  
7 of the State of California, by Robert Browning Miller, Deputy Attorney General.

8                   2.       The Respondents herein are Merced Commercial Pest Control, David P.  
9 Flores (Qualifying Manager), Merced Commercial Pest Control, Inc., Jordan K. Jensen, Jr.,  
10 President, Richard Steven Schisnewski, Vice President, George Schisnewski Jr., Treasurer,  
11 David P. Flores, Secretary and Qualifying Manager, David P. Flores and Jordan Kenneth Jensen,  
12 Jr. Respondents are represented by attorneys Jeffrey W. Lambert, and Thomas P. Connolly, III,  
13 of the law firm Donahue, Bates, Blakemore & Mackey, Sacramento, California.

14                   3.       On or about February 2, 1998, the Board issued Company Registration  
15 Certificate Number PR3224, in Branches 2 and 3, to Merced Commercial Pest Control, David P.  
16 Flores, QM. On or about March 6, 2001, the Company Registration Certificate was canceled due  
17 to re-registering as a corporation.

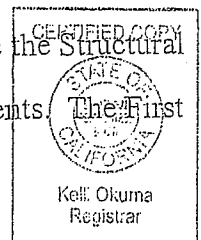
18                   4.       On or about March 6, 2001, the Board issued Company Registration  
19 Certificate Number PR3866, in Branches 2 and 3, to Merced Commercial Pest Control, Inc., with  
20 Jordan K. Jensen, Jr., PR, Richard Steven Schisnewski, VP, George Schisnewski Jr, TR, and  
21 David P. Flores, SEC and QM.

22                   5.       On or about May 7, 1998, the Board issued Operator's License Number  
23 OPR 9858, in Branches 2 and 3, to David P. Flores.

24                   6.       On or about September 4, 1996, the Board issued Field Representative  
25 License Number FR26989, in Branches 2 and 3, to Jordan Kenneth Jensen, Jr..

26   JURISDICTION

27                   7.       First Amended Accusation No. 2002-22 was filed before the Structural  
28 Pest Control Board on May 1, 2003, and is currently pending against Respondents.





1 Amended Accusation and all other statutorily required documents were properly served on  
2 Respondents on May 19, 2003. Respondents had previously and timely filed Notices of Defense  
3 contesting the initial Accusation on or about April 19, 2002. Pursuant to Government Code  
4 section 11507, the First Amended Accusation was deemed controverted by Respondents. A copy  
5 of the First Amended Accusation No. 2002-22 is attached as Exhibit A and incorporated herein  
6 by reference.

#### 7 ADVISEMENT AND WAIVERS

8 8. Respondents have carefully read, and understand the charges and  
9 allegations in First Amended Accusation No. 2002-22. Respondent has also carefully read, and  
10 understands the effects of this Stipulated Settlement and Disciplinary Order.

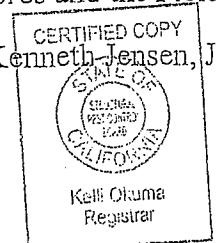
11 9. Respondents are fully aware of their legal rights in this matter, including  
12 the right to a hearing on the charges and allegations in the First Amended Accusation; the right to  
13 confront and cross-examine the witnesses against them; the right to present evidence and to  
14 testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of  
15 witnesses and the production of documents; the right to reconsideration and court review of an  
16 adverse Decision; and all other rights accorded by the California Administrative Procedure Act  
17 and other applicable laws.

18 10. Respondents voluntarily, knowingly, and intelligently waive and give up  
19 each and every right set forth above.

#### 20 RESPONDENTS ADMISSION OF CULPABILITY

21 11. Respondents understand and agree that the charges and allegations in  
22 Structural Pest Control Board First Amended Accusation No. 2002-22, if proven at a hearing,  
23 constitute cause for imposing discipline upon the Company Registration Certificate No. PR3224,  
24 in Branches 2 & 3, issued to Merced Commercial Pest Control, the Company Registration  
25 Certificate No. PR3866, in Branches 2 & 3, issued to Merced Commercial Pest Control, Inc., the  
26 Operator's License No. OPR9858, in Branches 2 & 3, issued to David P. Flores and the Field  
27 Representative License No. FR26989, in Branches 2 & 3, issued to Jordan Kenneth Jensen, Jr.

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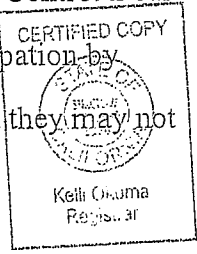


1           12. For the purpose of resolving the Accusation without the expense and  
2 uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could  
3 establish a factual basis for the charges in the First Amended Accusation, and that Respondents  
4 hereby give up their right to contest those charges. The foregoing admission of culpability is  
5 made only for the purpose of this proceeding and any subsequent proceedings between  
6 Respondents, individually and/or collectively, and the Complainant Registrar of the  
7 Structural Pest Control Board, and any other boards, bureaus or agencies of the  
8 Department of Consumer Affairs, State of California, responsible for issuing occupational  
9 licenses to individuals and/or entities. This Stipulated Settlement and Disciplinary Order shall  
10 not be used or be admissible for any purpose in any other civil or criminal proceedings. Further,  
11 this Stipulation shall have no force or effect in any other case or proceeding where the Registrar  
12 of the Structural Pest Control Board or the Structural Pest Control Board, itself, is not a party  
13 thereto. In the event this Stipulated Settlement is not adopted by the Structural Pest Control  
14 Board, it shall be null and void, and may not be used by the parties or any other person for any  
15 purpose.

16           13. Respondents agree that the Company Registration Certificate No. PR3224,  
17 in Branches 2 & 3, issued to Merced Commercial Pest Control, the Company Registration  
18 Certificate No. PR3866, in Branches 2 & 3, issued to Merced Commercial Pest Control, Inc., the  
19 Operator's License No. OPR9858, in Branches 2 & 3, issued to David P. Flores and the Field  
20 Representative License No. FR26989, in Branches 2 & 3 issued to Jordan Kenneth Jensen, Jr. are  
21 subject to discipline and agree to be bound by the Structural Pest Control Board's imposition of  
22 disciplines as set forth in the Disciplinary Order below.

23   CONTINGENCY

24           14. This stipulation shall be subject to approval by the Structural Pest Control  
25 Board. Respondents understand and agree that counsel for Complainant and the staff of the  
26 Structural Pest Control Board may communicate directly with the Structural Pest Control Board  
27 regarding this Stipulation and the terms of settlement, without notice to or participation by  
28 Respondents. By signing the Stipulation, Respondents understand and agree that they may not



1 withdraw their agreement or seek to rescind the stipulation prior to the time the Structural Pest  
2 Control Board considers and acts upon the Stipulation. If the Structural Pest Control Board fails  
3 to adopt this Stipulation as its Disciplinary Order, the Stipulated Settlement shall be of no force  
4 or effect, except for this paragraph, shall be inadmissible in any legal action between the parties,  
5 and the Structural Pest Control Board shall not be disqualified from further action by having  
6 considered this matter.

7 15. The parties understand and agree that facsimile copies of this Stipulated  
8 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
9 force and effect as the originals.

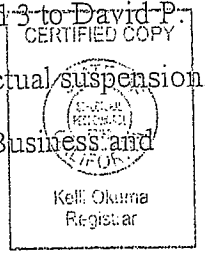
10 16. In consideration of the foregoing admissions and stipulations, the parties  
11 agree that the Board may, without further notice or formal proceeding, issue and enter the  
12 following Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 **IT IS HEREBY ORDERED BY THE STRUCTURAL PEST CONTROL**  
15 **BOARD** as follows:

16 **A. STATUS OF CERTIFICATES AND LICENSES**

- 17 a. Company Registration Certificate No. PR3224, issued in Branches 2 and 3  
18 to Merced Commercial, is revoked, revocation immediately stayed, and the  
19 Certificate placed on five (5) years probationary status;
- 20 b. Company Registration Certificate No. PR3866, issued in Branches 2 and 3  
21 to Merced Commercial, Inc., is revoked, revocation immediately stayed,  
22 and the Certificate placed on five (5) years probationary status;
- 23 c. Operator's License No. 9858, issued in Branches 2 and 3 to David P.  
24 Flores, is revoked, revocation immediately stayed, and the Certificate  
25 placed on five (5) years probationary status;
- 26 d. Operator's License No. 9858, issued in Branches 2 and 3 to David P.  
27 Flores, is suspended for fifteen (15) days. In lieu of actual suspension,  
28 Flores can elect to pay a civil penalty as provided by Business and



1 Professions Code section 8620;

2 e. Field Representative's License No. 26989, issued in Branches 2 and 3 to  
3 Jordan Kenneth Jensen, Jr., is revoked, revocation immediately stayed, and  
4 the Certificate placed on five (5) years probationary status;

5 f. Field Representative's License No. 26989, issued in Branches 2 and 3 to  
6 Jordan Kenneth Jensen, Jr., is suspended for thirty (30) days. In lieu of  
7 actual suspension, Jensen can elect to pay a civil penalty as provided by  
8 Business and Professions Code section 8620 as to twenty five (25) days of  
9 the thirty (30) day suspension period, with actual suspension of Field  
10 Representative License issued in Branch 3 for five (5) consecutive  
11 working days.

12 **B. RESTITUTION TO CONSUMERS**

13 g. With regard to the Paseo Redondo Drive property and consumer Sharon  
14 Reid, consumer Reid is to receive a lump sum payment of five thousand  
15 dollars (\$5000.00) within thirty (30) days from the effective date of the  
16 Disciplinary Order adopting the Stipulated Settlement;

17 h. With regard to the Falcon Heights Apartment Complex property and  
18 consumer Cameron Lee, consumer Lee is presently pursuing a civil  
19 lawsuit against, and seeking monetary damages from, Respondent Merced  
20 Commercial Pest Control, Inc., in Merced County Superior Court. The  
21 gravamen of the Lee litigation includes those items of restitution set forth  
22 in the First Amended Accusation. In the event that consumer Lee accepts  
23 a monetary settlement in the Merced County Superior Court litigation  
24 concerning all damage claims arising from the failure of Respondent  
25 Merced Commercial Pest Control, Inc., to properly inspect and correct  
26 conditions at the Falcon Heights Apartment Complex, such settlement  
27 amount shall be deemed to be the appropriate sum for restitution. In the  
28 event consumer Lee and Respondent Merced Commercial Pest Control,



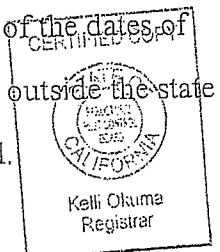
1 Inc., are not able to settle the pending litigation, the parties agree to  
2 convene a Status Conference in ninety (90) days from December 19, 2005,  
3 for the purpose of ascertaining the amount of restitution to be paid by  
4 Respondents to consumer Lee.

5 **C. RECOVERY OF COSTS OF INVESTIGATION AND PROSECUTION**

- 6 i. Merced Commercial Pest Control, Merced Commercial Pest Control, Inc.,  
7 David P. Flores and Jordan Kenneth Jensen, Jr., agreed to repay the costs  
8 of investigation and prosecution, incurred by the Structural Pest Control  
9 Board and the Office of the Attorney General, respectively, in the amount  
10 of seventeen thousand one hundred dollars and no cents (\$17,100.00).  
11 Repayment shall be made to the Board on monthly basis during the five  
12 year term of probation for company registration certificates, operator's  
13 license and field representative license. Monthly repayments shall be no  
14 less than two hundred and ninety dollars and no cents per month  
15 (\$290.00).

16 **D. CONDITIONS OF PROBATION**

- 17 j. Obey All Laws;  
18 Respondents shall obey all laws and rules relating to the practice of  
19 structural pest control.
- 20 k. Quarterly Reports;  
21 Respondents shall file quarterly reports with the Board during the period  
22 of probation;
- 23 l. Tolling of Probation;  
24 Should Respondents David P. Flores and/or Jordan Kenneth Jensen, Jr.,  
25 leave the State of California to reside outside this state, Respondents  
26 Flores and/or Jensen must notify the Board in writing of the dates of  
27 departure and return. Periods of residency or practice outside the state  
28 shall not apply to reduction of the probationary period.



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- m. Posted Notice of Suspension;  
Respondent Jordan Kenneth Jensen, Jr., shall prominently post a suspension notice to be provided by the Board of the Board's order of suspension at his principal office in a place conspicuous and readable to the public. Said notice shall be so posted during the entire five day period of actual suspension.
- n. Completion of Probation;  
Upon successful completion of probation, all Respondents' certificates and licenses will be full restore.
- o. Violation of Probation;  
Should Respondents, collectively and/or individually, violate probation in any respect, the Board, after giving Respondents, collectively and/or individually, notice and an opportunity to be heard, may revoke probation and carry out the Disciplinary Order which was stayed. If a Petition to Revoke Probation is filed against Respondents, collectively and/or individually, during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final;
- p. Continuing Education in Courses - Branches 2 and 3;  
Respondents David P. Flores and Jordan Kenneth Jensen, Jr., shall satisfactorily complete a continuing education course, Branch 2 - General Pest, and Branch 3 - Wood Destroying Pests and Organisms, Repairs and Corrections, within eighteen months of the effective date of the Disciplinary Order;
- q. Random Inspections;  
Respondents shall reimburse the Board for one random inspection per quarter by Board specialists during the period of probation not to exceed \$125 per inspection;



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r. Inspection Fees;

Respondent Merced Commercial Pest Control, Inc., shall pay to the Registrar of the Board, or designee, an inspection fee of \$50 within thirty (30) days of the effective date of the Disciplinary Order.

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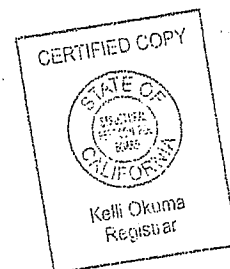
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ACCEPTANCE OF STIPULATED SETTLEMENT AND DISCIPLINARY ORDER BY  
THE VICE PRESIDENT AND TREASURER OF RESPONDENT  
MERCED COMMERCIAL PEST CONTROL, INC.

I, Richard Steven Schisnewski, Vice President of Merced Commercial Pest Control, Inc., state that I have been duly authorized by the Board of Directors of the Merced Commercial Pest Control, Inc., to enter this Stipulated Settlement and Disciplinary Order, that on behalf of the corporation I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the terms of the Stipulation and the effect it will have on Company Registration Certificate No. PR3866, in Branches 2 & 3. Merced Commercial Pest Control, Inc., enters into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agrees to be bound by the Disciplinary Order of the Structural Pest Control Board.

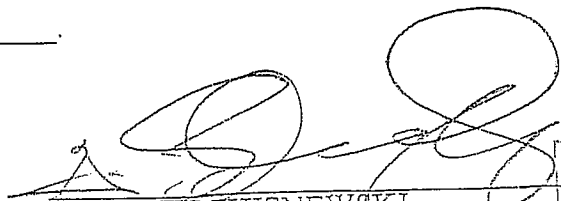
DATED: 3/15/06



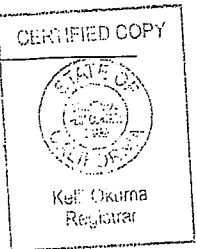
RICHARD STEVEN SCHISNEWSKI  
Vice President, Merced Commercial Pest Control, Inc.

I, George Schisnewski, Treasurer of Merced Commercial Pest Control, Inc., state that I have been duly authorized by the Board of Directors of the Merced Commercial Pest Control, Inc., to enter this Stipulated Settlement and Disciplinary Order, that on behalf of the corporation I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the terms of the Stipulation and the effect it will have on Company Registration Certificate No. PR3866, in Branches 2 & 3. Merced Commercial Pest Control, Inc., enters into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agrees to be bound by the Disciplinary Order of the Structural Pest Control Board.

DATED: 3/15/06



GEORGE SCHISNEWSKI  
Treasurer  
Merced Commercial Pest Control, Inc.






ACCEPTANCE OF STIPULATED SETTLEMENT AND DISCIPLINARY ORDER BY  
RESPONDENT DAVID P. FLORES


I, David P. Flores, have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Operator's License No. OPR9858, in Branches 2 & 3. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Order of the Structural Pest Control Board.

DATED: 3-17-06

  
DAVID P. FLORES  
Respondent

I, Jordan Kenneth Jensen, Jr., have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Field Representative License No. FR26989, in Branches 2 & 3. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Order of the Structural Pest Control Board.

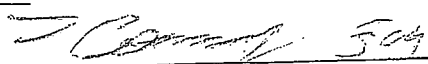
DATED: 02/27/06

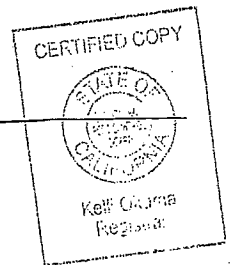
  
JORDAN KENNETH JENSEN, JR.  
Respondent

ACCEPTANCE OF STIPULATION BY COUNSEL

I, Jeffrey W. Lambert, attorney for Respondents, have read the above Stipulation In Settlement and Disciplinary Order, and, on behalf of Respondents, accept the terms and conditions thereof. Further, I have fully discussed the terms and conditions and other matters herein with Respondents who acknowledge acceptance of the Disciplinary Order, and who accepts the Stipulated Settlement and Disciplinary Order as the final Decision in First Amended Accusation Case No. 2002-22.

DATED: 5-21-06

  
JEFFREY W. LAMBERT  
Attorney for Respondents  
Tom Corbett,



ACCEPTANCE OF STIPULATED SETTLEMENT AND DISCIPLINARY ORDER BY  
RESPONDENT DAVID P. FLORES

I, David P. Flores, have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Operator's License No. OPR9858, in Branches 2 & 3. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Order of the Structural Pest Control Board.

DATED: \_\_\_\_\_

\_\_\_\_\_  
DAVID P. FLORES  
Respondent

I, Jordan Kenneth Jensen, Jr., have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Field Representative License No. FR26989, in Branches 2 & 3. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Order of the Structural Pest Control Board.

DATED: 02/27/06

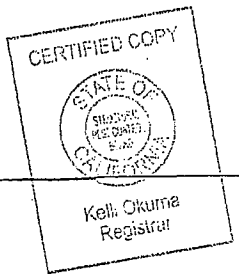
\_\_\_\_\_  
JORDAN KENNETH JENSEN, JR.  
Respondent

ACCEPTANCE OF STIPULATION BY COUNSEL

I, Jeffrey W. Lambert, attorney for Respondents, have read the above Stipulation in Settlement and Disciplinary Order, and, on behalf of Respondents, accept the terms and conditions thereof. Further, I have fully discussed the terms and conditions and other matters herein with Respondents who acknowledge acceptance of the Disciplinary Order, and who accepts the Stipulated Settlement and Disciplinary Order as the final Decision in First Amended Accusation Case No. 2002-22.

DATED: \_\_\_\_\_

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JEFFREY W. LAMBERT  
Attorney for Respondents



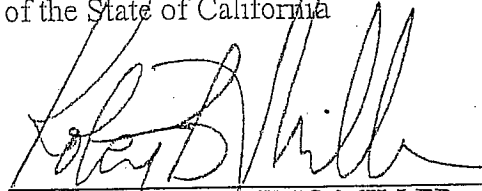
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs, State of California.

DATED: MARCH 29, 2006

BILL LOCKYER, Attorney General  
of the State of California



ROBERT BROWNING MILLER  
Deputy Attorney General

Attorneys for Complainant

