

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

In the Matter of the First Amended Accusation
Against:

Case No. 2011-72

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,
Branch 2,

and

ROBERT JESSE FLORES
P.O. Box 704
Madera, CA 93639
Operator's License No. OPR 11493, Branch 2

Respondents.

DECISION AND ORDER

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

The Decision shall become effective on December 1, 2013.

IT IS SO ORDERED November 1, 2013.


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

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

Case No. 2011-72

13 **EAGLESHIELD PEST CONTROL, L.P.**
14 **P.O. Box 704**
Madera, CA 93639
15 **-and-**
16 **566 Kent Drive**
Madera, CA 93637
17 **Company Registration Certificate No. PR**
5706, Br. 2,

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18 **ROBERT JESSE FLORES**
19 **P.O. Box 704**
Madera, CA 93639
20 **Operator's License No. OPR 11493, Br. 2**

21 Respondents.

22
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 PARTIES

26 1. William H. Douglas (Complainant) was the former Interim Registrar/Executive
27 Officer of the Structural Pest Control Board. He brought these actions solely in his official
28 capacity. Susan Saylor is the current Interim Registrar/Executive Officer of the Structural Pest

1 Control. She maintains these actions solely in her official capacity and is represented in this
2 matter by Kamala D. Harris, Attorney General of the State of California, by Phillip L. Arthur,
3 Deputy Attorney General.

4 2. Respondents Eaglesfield Pest Control, L.P., and Robert Jesse Flores (Respondents)
5 are representing themselves in this proceeding and have chosen not to exercise their right to be
6 represented by counsel.

7 3. On or about October 23, 2008, the Structural Pest Control Board issued Company
8 Registration Certificate No. PR 5706, Br. 2, to Eaglesfield Pest Control, L.P. (Respondent). The
9 Company Registration Certificate was in full force and effect at all times relevant to the charges
10 brought in First Amended Accusation No. 2011-72.

11 4. On or about March 23, 2007, the Structural Pest Control Board issued Operator's
12 License No. OPR 11493, Br. 2, to Robert Jesse Flores (Respondent). The Operator's License was
13 in full force and effect at all times relevant to the charges brought in the First Amended
14 Accusation No. 2011-72, and will expire on June 30, 2015, unless renewed.

15 JURISDICTION

16 5. First Amended Accusation No. 2011-72 was filed before the Structural Pest Control
17 Board (Board), Department of Pesticide Regulation, and is currently pending against
18 Respondents. The First Amended Accusation and all other statutorily required documents were
19 properly served on Respondents on May 11, 2012. Respondents timely appeared, waived their
20 right to a hearing, and requested settlement terms.

21 6. A copy of First Amended Accusation No. 2011-72 is attached as exhibit A and
22 incorporated herein by reference.

23 ADVISEMENT AND WAIVERS

24 7. Respondents have carefully read, and understand the charges and allegations in First
25 Amended Accusation No. 2011-72. Respondents have also carefully read, and understand the
26 effects of this Stipulated Settlement and Disciplinary Order.

27 8. Respondents are fully aware of their legal rights in this matter, including the right to a
28 hearing on the charges and allegations in the First Amended Accusation; the right to be

1 represented by counsel at their own expense; the right to confront and cross-examine the
2 witnesses against them; the right to present evidence and to testify on their own behalf; the right
3 to the issuance of subpoenas to compel the attendance of witnesses and the production of
4 documents; the right to reconsideration and court review of an adverse decision; and all other
5 rights accorded by the California Administrative Procedure Act and other applicable laws.

6 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
7 every right set forth above.

8 CULPABILITY

9 10. Respondents admit the truth of each and every charge and allegation in First
10 Amended Accusation No. 2011-72.

11 11. Respondents agree that the Company Registration Certificate and Operator's License
12 are subject to discipline and they agree to be bound by the Board's probationary terms as set forth
13 in the Disciplinary Order below.

14 CONTINGENCY

15 12. This stipulation shall be subject to approval by the Structural Pest Control Board.
16 Respondents understand and agree that counsel for Complainant and the staff of the Structural
17 Pest Control Board may communicate directly with the Board regarding this stipulation and
18 settlement, without notice to or participation by Respondents. By signing the stipulation,
19 Respondents understand and agree that they may not withdraw their agreement or seek to rescind
20 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
21 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
22 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
23 between the parties, and the Board shall not be disqualified from further action by having
24 considered this matter.

25 13. The parties understand and agree that electronic or facsimile copies of this Stipulated
26 Settlement and Disciplinary Order, including electronic or facsimile signatures thereto, shall have
27 the same force and effect as the originals.

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

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

6 6. **Notice to Employers.** Respondent Robert Jesse Flores shall notify all present and
7 prospective employers of the decision in case no. 2011-72 and the terms, conditions and
8 restrictions imposed on Respondents by said decision.

9 Within 30 days of the effective date of this decision, and within 15 days of Respondent
10 Robert Jesse Flores undertaking new employment, Respondent Robert Jesse Flores shall cause his
11 employer to report to the Board in writing acknowledging the employer has read the decision in
12 case no. 2011-72.

13 7. **Notice to Employees.** Respondents shall, upon or before the effective date of this
14 decision, post or circulate a notice to all employees involved in structural pest control operations
15 which accurately recite the terms and conditions of probation. Respondents shall be responsible
16 for said notice being immediately available to said employees. "Employees" as used in this
17 provision includes all full-time, part-time, temporary and relief employees and independent
18 contractors employed or hired at any time during probation.

19 8. **Posted Notice of Suspension.** Respondents shall prominently post a suspension
20 notice provided by the Board of the Board's order of suspension at its principal office and each of
21 its branch offices in a place conspicuous and readable to the public. Said notice shall remain so
22 posted during the entire period of actual suspension.

23 9. **Completion of Probation.** Upon successful completion of probation, Respondents'
24 licenses will be fully restored.

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

3 11. **Random Inspections.** Respondents shall reimburse the Board for one (1) random
4 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
5 inspection.


6 12. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
7 **Manager.** Respondent Robert Jesse Flores is prohibited from serving as an officer, director,
8 associate, partner, qualifying manager or branch office manager of any registered company other
9 than Eaglesfield Pest Control, L.P. during the period that discipline is imposed on Company
10 Registration Certificate No. PR 5706, Br. 2, and Operator's License No. OPR 11493, Br. 2.

11 13. **Cost Recovery.** Respondents shall reimburse the Board for its costs of investigation
12 and enforcement in these matters in the pro rata amount of \$7,472.89. Said amount may be paid
13 in monthly installments as agreed by the Board, and shall be paid in full no later than six (6)
14 months before the end of probation. Probation shall not be terminated until the costs are paid in
15 full.

16 ACCEPTANCE


17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Company Registration Certificate. I enter into this
19 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
20 to be bound by the Decision and Order of the Structural Pest Control Board.

21
22 DATED: 7-22-13



ROBERT JESSE FLORES, GENERAL PARTNER for
EAGLESHIELD PEST CONTROL, L.P., PR 5706, Br.
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Respondent

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27 DATED: 7-22-13



ROBERT JESSE FLORES, OPR 11493, Br. 2
Respondent

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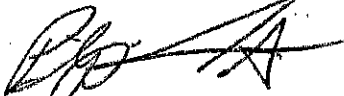
ENDORSEMENT

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

Dated: 7/31/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General



PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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