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

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
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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

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

Attorneys for Complainant

FILED

Date 1/29/10 By Kelli Okuma

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
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 **STATEMENT OF ISSUES**

Kelli Okuma ("Complainant") alleges:

PARTIES

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

APPLICATION INFORMATION

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

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LICENSE HISTORY

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

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 Effective June 12, 2006, Operator's License Number OPR 9858 was revoked; the revocation was stayed; the license was suspended for a period of 15 days or payment of a $3,000 civil penalty in lieu of suspension; the license was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

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

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

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

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

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

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

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

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

STATUTORY PROVISIONS

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

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

13. Code section 480 states, in pertinent part:

> (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
>
> > (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
> >
> > (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
> >
> > (c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact 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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THIRD CAUSE FOR DENIAL OF APPLICATION

(Dishonesty, Fraud or Deceit)

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

OTHER MATTERS

17. Pursuant to Code section 8654, if Respondent's application is denied, then Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is grounds for 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. Denying the application of David P. Flores for a company registration;

2. Prohibiting David P. Flores from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any licensee;

3. Revoking or suspending any other license for which David P. Flores is furnishing the qualifying experience or appearance; and,

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

DATED: 1/29/10

KELLI OKUMA
Registrar
Structural Pest Control Board
Department of Consumer Affairs
State of California
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: 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.	Case No. 2002-22 OAH No. N2004070299

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

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STATE OF CALIFORNIA
Kelli Okuma
Registrar

ORIGINAL

BILL LOCKYER, Attorney General
of the State of California
ROBERT B. MILLER, State Bar No. 57819
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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against:

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

Respondent.

CASE NO. 2002-22

OAH No. N-2004070299

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

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STATE OF CALIFORNIA
Kelli Okuma
Registrar

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

PARTIES

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

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

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

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

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

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

JURISDICTION

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

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STATE OF CALIFORNIA
Kelli Okuma
Registrar

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

ADVISEMENT AND WAIVERS

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

9. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their 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.

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

RESPONDENTS ADMISSION OF CULPABILITY

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

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STATE OF CALIFORNIA
Kelli Okuma
Registrar

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

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

CONTINGENCY

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

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Kelli Okuma
Registrar

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

15. 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.

16. 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 BY THE STRUCTURAL PEST CONTROL BOARD as follows:

A. STATUS OF CERTIFICATES AND LICENSES

a. Company Registration Certificate No. PR3224, issued in Branches 2 and 3 to Merced Commercial, is revoked, revocation immediately stayed, and the Certificate placed on five (5) years probationary status;

b. Company Registration Certificate No. PR3866, issued in Branches 2 and 3 to Merced Commercial, Inc., is revoked, revocation immediately stayed, and the Certificate placed on five (5) years probationary status;

c. Operator's License No. 9858, issued in Branches 2 and 3 to David P. Flores, is revoked, revocation immediately stayed, and the Certificate placed on five (5) years probationary status;

d. Operator's License No. 9858, issued in Branches 2 and 3 to David P. Flores, is suspended for fifteen (15) days. In lieu of actual suspension, Flores can elect to pay a civil penalty as provided by Business and

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Kelli Okuma
Registrar

Professions Code section 8620;

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

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

B. RESTITUTION TO CONSUMERS

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

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

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Keli Okuma
Registrar

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

C. RECOVERY OF COSTS OF INVESTIGATION AND PROSECUTION

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

D. CONDITIONS OF PROBATION

j. Obey All Laws;

Respondents shall obey all laws and rules relating to the practice of structural pest control.

k. Quarterly Reports;

Respondents shall file quarterly reports with the Board during the period of probation;

l. Tolling of Probation;

Should Respondents David P. Flores and/or Jordan Kenneth Jensen, Jr., leave the State of California to reside outside this state, Respondents Flores and/or Jensen 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.

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Kelli Okuma
Registrar

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;

COPY
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Keli Okuma
Registrar

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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STATE OF CALIFORNIA
Kelli Okuma
Registrar

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

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STATE OF CALIFORNIA
Keli Okuma
Registrar

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: 3-21-06

JEFFREY W. LAMBERT
Attorney for Respondents
for Connolly,

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STATE OF CALIFORNIA
Kelly Gouma
Registrar

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: _____

_____
JEFFREY W. LAMBERT
Attorney for Respondents

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STATE OF CALIFORNIA
Kelli Okuma
Registrar

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

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STATE OF CALIFORNIA
Kelli Okuma
Registrar