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FILED
Date 4/23/12 By William H. Douglas

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

In the Matter of the First Amended Accusation Against: **EAGLESHIELD PEST CONTROL, L.P.** **ROBERT JESSE FLORES, GP and QM** **P.O. Box 704** **Madera, CA 93639** **- and -** **566 Kent Drive** **Madera, CA 93637** **Company Registration Certificate No. PR 5706, Br. 2** **ROBERT JESSE FLORES** **P.O. Box 704** **Madera, CA 93639** **Operator's License No. OPR 11493, Br. 2** **RAY GENE TEEL** **15190 West C Street** **Kerman, CA 93630** **Operator's License No. OPR 6278, Br. 2** **(Disassociated 4/25/08)** **BRADLEY D. NEUFELD, Partner** **319 Redbud Drive** **Paradise, CA 95969** **Field Representative's License No. FR 44699, Br. 2** **Applicator License No. RA 44714, Br. 3**	Case No. 2011-72 **FIRST AMENDED** **A C C U S A T I O N**

BRADLEY D. KENDRICK, Partner
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Field Representative's License No. FR 45047, Br. 2
Applicator License No. RA 48245

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Field Representative's License No. FR 45029, Br. 2
Applicator License No. RA 47150

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Applicator License No. RA 44711, Br. 2 and 3

MICHAEL DAVID KLANN, Partner
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Field Representative's License No. FR 45031, Br. 2
Applicator License No. RA 44704, Br. 3

JACOB STEVEN MIDDLETON, Partner
566 Kent Drive
Madera, CA 93637
Field Representative's License No. FR 45135, Br. 2
Applicator License No. RA 45305, Br. 3

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

KEITH W. HANEY, Partner
P.O. Box 704
Madera, CA 93639
Applicator License No. RA 48304

TIMOTHY A. SHEPPARD, Partner
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Maricopa, CA 93252
Applicator License No. RA 46761

TROY DWAYNE SOSA, Partner
P.O. Box 704
Madera, CA 93639
Applicator License No. RA 44859

JONATHAN L. HALE, Partner
P.O. Box 704
Madera, CA 93639
Applicator License No. RA 47880

BENIGNO V. CRUZ, Partner
503 1/2 Josephine Avenue
Corcoran, CA 93212
(Disassociated 4/1/09)
Applicator License No. RA 47563

Respondents.

William H. Douglas ("Complainant") alleges:

PARTIES

1. Complainant brings this First Amended Accusation solely in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of Pesticide Regulation. This First Amended Accusation supersedes and replaces nunc pro tunc the Accusation heretofore filed.

Company Registration Certificate No. PR 5706

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

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

Benigno V. Cruz disassociated. The registration was in full force and effect at all times relevant to the charges brought herein.

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

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

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

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

<u>Bradley D. Neufeld</u>

Applicator License No. RA 44714

5. On or about October 27, 2005, the Board issued Applicator License Number RA 44714 in Branches 2 and 3 to Bradley D. Neufeld ("Respondent B. Neufeld") as an employee of Eagleshield Pest Control. On or about October 23, 2008, Respondent B. Neufeld became a Partner of Eagleshield Pest Control L.P. On or about August 28, 2009, the license was downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License. The license was in full force and effect at all times relevant to the charges brought herein. The license expired on October 27, 2011, and has not been renewed.

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Field Representative's License No. FR 44699

6. On or about August 28, 2009, the Board issued Field Representative's License Number FR 44699 in Branch 2 to Respondent B. Neufeld as an employee of Eagleshield Pest Control L.P. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

Bradley D. Kendrick

Applicator License No. RA 48245

7. On or about November 20, 2007, the Board issued Applicator License Number RA 48245 to Bradley D. Kendrick ("Respondent B. Kendrick") as an employee of Eagleshield Pest Control. On or about October 23, 2008, Respondent B. Kendrick became a Partner of Eagleshield Pest Control L.P. The license was canceled on November 20, 2010.

Field Representative License No. FR 45047

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

Jonathan D. Kendrick

Applicator License No. RA 47150

9. On or about April 9, 2007, the Board issued Applicator License Number RA 47150 to Jonathan D. Kendrick ("Respondent J. Kendrick") as an employee of Eagleshield Pest Control. On or about October 23, 2008, Respondent J. Kendrick became a Partner of Eagleshield Pest Control L.P. The license was canceled on April 9, 2010.

Field Representative's License No. FR 45029

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

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Luis M. Hurtado, Jr.

Applicator License No. RA 44711

11. On or about October 27, 2005, the Board issued Applicator License Number RA 44711 in Branches 2 and 3 to Luis M. Hurtado, Jr., ("Respondent Hurtado") as an employee of Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the charges brought herein. The license expired on October 27, 2011, and has not been renewed.

Michael David Klann

Applicator License No. RA 44704

12. On or about October 27, 2005, the Board issued Applicator License Number RA 44704 in Branches 2 and 3 to Michael D. Klann ("Respondent Klann") as an employee of Eagleshield Pest Control. On or about October 23, 2008, Respondent Klann became a partner of Eagleshield Pest Control L.P. On or about December 14, 2009, the license was downgraded to a Branch 3, and placed on an inactive status due to the issuance of a Branch 2 Field Representative License. The license was in full force and effect at all times relevant to the charges brought herein. The license expired on October 27, 2011, and has not been renewed.

Field Representative License No. FR 45031

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

Jacob S. Middleton

Applicator License No. RA 45305

14. On or about March 21, 2006, the Board issued Applicator License Number RA 45305 in Branches 2 and 3 to Jacob S. Middleton ("Respondent Middleton") as an employee of Eagleshield Pest Control. On or about October 23, 2008, Respondent Middleton became a partner of Eagleshield Pest Control L.P. On or about January 20, 2010, the license was downgraded to Branch 3 and placed on inactive status due to the issuance of a Branch 2 Field

Representative License. The license was in full force and effect at all times relevant to the charges brought herein and will expire on March 21, 2012, unless renewed.

Field Representative's License No. FR 45135

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

Jonathan P. Bertram

Applicator License No. RA 48099

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

Keith W. Haney

Applicator License No. RA 48304

17. On or about December 5, 2007, the Board issued Applicator License Number RA 48304 to Keith W. Haney as an employee of Eagleshield Pest Control, L.P. The license was canceled on December 5, 2010, and has not been renewed.

Timothy A. Sheppard

Applicator License No. RA 46761

18. On or about December 20, 2006, the Board issued Applicator License Number RA 46761 to Timothy A. Sheppard as an employee of Eagleshield Pest Control, L.P. The license was canceled on December 20, 2009, and has not been renewed.

Troy Dwayne Sosa

Applicator License No. RA 44859

19. On or about December 7, 2005, the Board issued Applicator License Number RA 44859 to Troy Dwayne Sosa as an employee of Eagleshield Pest Control, L.P. The license was canceled December 7, 2008, and has not been renewed.

Jonathan L. Hale

Applicator License No. RA 47880

20. On or about August 17, 2007, the Board issued Applicator License Number RA 47880 to Jonathan L. Hale as an employee of Eagleshield Pest Control, L.P. The license was canceled on August 17, 2010, and has not been renewed.

Benigno V. Cruz

Applicator License No. RA 47563

21. On or about June 20, 2007, the Board issued Applicator License Number RA 47563, to Benigno V. Cruz as an employee of Eagleshield Pest Control, L.P. The license was canceled on June 20, 2010, and has not been renewed.

STATUTORY PROVISIONS

22. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

23. Code section 118 states, in pertinent part:

> (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.
>
> (c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

24. Code section 8624 states:

> If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office.
>
> If the operator is the qualifying manager, a partner, responsible officer, or owner of a registered structural pest control company, the suspension or revocation may be applied to the company registration.

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

25. Code section 8654 states:

Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or registration was denied, suspended or revoked, 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.

26. Code section 8625 states:

The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration.

27. Code section 8639 states:

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

28. Code section 8639 states:

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

29. Code section 8641 states:

Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests or organisms, or

furnishing a notice of work completed prior to the completion of the work specified in the contract, is a ground for disciplinary action.

30. Code section 8613 states:

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

31. Code section 8651 states:

The performing or soliciting of structural pest control work, the inspecting for structural or household pests, or the applying of any pesticide, chemical, or allied substance for the purpose of eliminating, exterminating, controlling, or preventing structural pests in branches of pest control other than those for which the operator, field representative, or applicator is licensed or the company is registered is a ground for disciplinary action.

32. Code section 8610(c) states:

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

33. Code section 8612 states:

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

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

34. Code section 8550(e) states:

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

35. Code section 8649 states:

Conviction of a crime substantially related to the qualifications, functions, and duties of a structural pest control operator, field representative, applicator, or

registered company is a ground for disciplinary action. The certified record of conviction shall be conclusive evidence thereof.

REGULATORY PROVISIONS

36. California Code of Regulations, title 16, section 1912 states:

A registered company that opens a branch office shall notify the board of that fact within 30 days on a written form provided by the board (see form No. 43L-15 at the end of this section) accompanied by the required registration fee.

37. California Code of Regulations, title 16, section 1918 states:

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

In cases of ownership of more than one registered company by the same sole owner, corporation or partnership where the qualifying manager or managers cannot supervise each registered company because of the location of the companies, the qualifying manager or managers may designate an individual or individuals licensed as an operator or as a field representative in the branch or branches of business being conducted to supervise the company. This designated supervisor or supervisors must be under the direct supervision of the qualifying manager or managers. Any such designation of supervisors does not relieve the qualifying manager or managers of responsibility to supervise as required in sections 8506.2 and 8610.

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

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

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

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

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

(11) Any statement or representation that a pesticide or device is certified, sponsored, recommended, endorsed, or approved by any agency of the Federal Government or the State of California, including but not limited to, "tested by the Department of the Interior," "EPA approved," "EPA registered," "approved by the Structural Pest Control Board," or "recommended by the Structural Pest Control Board," except that a statement or representation of this type is permissible if

specifically authorized by the Federal or State agency to which it refers.

COST RECOVERY

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

BACKGROUND INFORMATION

40. On or about June 20, 2010, the Board became aware that Respondent was allowing its employees and/or partners to work on their own behalf without supervision, and allowing them to engage in pest control work that they were not licensed to perform. The partners and/or employees were working and/or living throughout the state of California. The Board also discovered that there were no registered branch offices in the geographical areas where it was engaging in business.

EAGLESHIELD PEST CONTROL L.P.

FIRST CAUSE FOR DISCIPLINE

(Failure to Supervise Company Operations)

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

SECOND CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

42. Respondent's company registration and Respondent Flores' operator's license are subject to discipline under Code section 8639, in that between October 23, 2008, and February 24, 2011, Respondents aided or abetted unlicensed activities by allowing its applicators, who were either employees or partners, to perform activities that they were not licensed to perform, such as making identifications, performing inspections, submitting bids, and securing

pest control work. In addition, on or about July 9, 2010, Ezequiel Ramirez, an unlicensed individual, submitted a bid on behalf of Eagleshield to the City of Fremont that included Branch 3 pest control work.

THIRD CAUSE FOR DISCIPLINE

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

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

FOURTH CAUSE FOR DISCIPLINE

(Offering or Advertising to Perform Out of Classification)

44. Respondent's company registration and Respondent Flores' operator's license are subject to discipline under Code section 8641, in that on or about July 9, 2010, Respondents violated 8550(e), by engaging in or offering to engage in Branch 3 pest control work without a valid license. Specifically, Ezequiel Ramirez, an unlicensed individual, submitted a bid on behalf of Eagleshield Pest Control L.P. to the City of Fremont that included Branch 3 pest control work.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Register Branch Offices)

45. Respondent's company registration and Respondent Flores' operator's license are subject to discipline under Code section 8641, in that between October 23, 2008, and February 24, 2010, Respondents violated Code section 8612, by failing to register its branch offices with the Board within 30 days of operation or performing work from said addresses, as defined in California Code of Regulations, title 16, section 1912.

SIXTH CAUSE FOR DISCIPLINE

(False and Misleading Advertisement)

46. Respondent's company registration and Respondent Flores' operator's license are subject to discipline under Code section 8641, in that in or about 2010, Respondents violated

California Code of Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive advertisements in the following respects:

a. **Section 1999.5, subdivision (f)(6):** Respondents used Eco Friendly products.

b. **Section 1999.5, subdivision (f)(10):**

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

ii. Respondents had over 50 years of combined experience when, in fact, it does not.

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

RAY GENE TEEL

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Supervise Company Operations)

47. Respondent Teel's operator license is subject to discipline under Code section 8641, in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of Eagleshield Pest Control (PR 4875), Respondent Teel violated Code section 8610(c), by failing to supervise the daily operations of the company and be available to supervise and assist all employees of the company, as defined in California Code of Regulations, title 16, section 1918.

EIGHTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activity)

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

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NINTH CAUSE FOR DISCIPLINE

(Misrepresentation of a Material Fact)

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

TENTH CAUSE FOR DISCIPLINE

(Failure to Register Branch Offices)

50. Respondent Teel's operator license is subject to discipline under Code section 8641, in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of Eagleshield Pest Control (PR 4875), Respondent Teel violated Code section 8612 by failing to register branch offices with the Board within 30 days of operation and/or performing work from said addresses, as defined in California Code of Regulations, title 16, section 1912.

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

ELEVENTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

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

TWELFTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

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

THIRTEENTH CAUSE FOR DISCIPLINE

(False and Misleading Advertisement)

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

a. **Section 1999.5, subdivision (f)(6):** Respondent used Eco Friendly products.

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

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Register Branch Office)

54. Respondent B. Neufeld's field representative license and applicator license are subject to discipline under Code section 8641, in that while a partner of Eagleshield Pest Control L.P., he violated Code section 8612 and California Code of Regulations, title 16, section 1912, by failing to register as a branch office with the Board within 30 days of that fact.

BRADLEY D. KENDRICK (Partner)
Field Representative License No. FR 45047
Applicator License No. RA 48245

FIFTEENTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

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

SIXTEENTH CAUSE FOR DISCIPLINE

(Failure to Register Branch Office)

56. Respondent B. Kendrick's field representative and applicator license are subject to discipline under Code section 8641, in that while a partner of Eagleshield Pest Control L.P., he

violated Code section 8612 and California Code of Regulations, title 16, section 1912, by failing to register as a branch office with the Board within 30 days of that fact.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Conviction of a Crime)

57. Respondent B. Kendrick's field representative and applicator license are subject to discipline under Code section 8649, in that on or about October 6, 2011, in the case of *People v. Bradley David Kendrick*, (Super. Ct. Tulare County, 2011, Case No. VCF248952), Respondent was convicted by the Court on his plea of nolo contendere of violating five counts Penal Code section 288A(B)(1) (lewd or lascivious acts with a minor), two counts of violating Penal Code section 286(B)(1) (sodomy), one count of Penal Code section 288.2 (harmful matter sent with intent of seduction of minor), Penal Code section 289(H) (forcible acts of sexual penetration), Penal Code section 261.5(C) (rape), and Penal Code section 261(B)(C) (rape by menace or duress). These crimes are substantially related to the qualifications, functions or duties of the profession of a registered applicator and field representative.

JONATHAN D. KENDRICK (Partner)
Field Representative License No. FR 45047
Applicator License No. RA 47150

EIGHTEENTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

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

NINETEENTH CAUSE FOR DISCIPLINE

(Failure to Register Branch Office)

59. Respondent J. Kendrick's field representative and applicator license are subject to discipline under Code section 8641, in that while a partner of Eagleshield Pest Control L.P., he

violated Code section 8612 and California Code of Regulations, title 16, section 1912, by failing to register as a branch office with the Board within 30 days of that fact.

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

TWENTIETH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

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

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

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Unlicensed Activity)

61. Respondent M. Klann's field representative license and applicator license are subject to discipline under Code section 8651, in that between October 27, 2005, and December 14, 2009, he engaged in pest control work in a branch other than that for which he was licensed.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

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

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

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Unlicensed Activity)

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

TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

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

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

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

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

PRIOR DISCIPLINE

Company Registration Certificate No. PR 5706

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

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Operator's License No. OPR 11493

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

OTHER MATTERS

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

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

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

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

72. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitute cause for discipline against Operator's License Number OPR 11493, issued to Robert

Jesse Flores, who serves as the Qualifying Manager of Eagleshield Pest Control, L.P., regardless of whether Robert Jesse Flores had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

73. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitutes cause for discipline against Operator's License Number OPR 6278, issued to Ray Gene Teel, who served as the Qualifying Manager of Eagleshield Pest Control, L.P., regardless of whether Ray Gene Teel had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

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

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

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

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

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

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

81. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitutes cause for discipline against Applicator License No. RA 44711, issued to Luis M. Hurtado, Jr., who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or

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

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

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

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

85. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitutes cause for discipline against Applicator License No. RA 45305 and Field Representative License No. FR 45135, issued to Jacob S. Middleton, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

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

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

89. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitutes cause for discipline against Applicator License No. RA 48304, issued to Keith W. Haney, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

91. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitutes cause for discipline against Applicator License No. RA 46761, issued to Timothy A. Sheppard, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

93. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitutes cause for discipline against Applicator License No. RA 44859, issued to Troy Dwayne Sosa, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

95. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise

constitutes cause for discipline against Applicator License No. RA 47880, issued to Jonathan L. Hale, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

97. Pursuant to Code section 8624, the causes for discipline established as to Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise constitutes cause for discipline against Applicator License No. RA 47563, issued to Benigno V. Cruz, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

PRAYER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Revoking or suspending Applicator License Number RA 48304, issued to Keith W. Haney;

15. Revoking or suspending Applicator License Number RA 46761, issued to Timothy A. Sheppard;

16. Revoking or suspending Applicator License Number RA 44859, issued to Troy Dwayne Sosa;

17. Revoking or suspending Applicator License Number RA 47880, issued to Jonathan L. Hale;

18. Revoking or suspending Applicator License Number RA 47563, issued to Benigno V. Cruz;

19. Prohibiting Robert Jesse Flores, Ray Gene Teel, Bradley D. Neufeld, Bradley D. Kendrick, Jonathan D. Kendrick, Luis Hurtado Jr., Michael David Klann, Jacob Steven Middleton, Jonathan P. Bertram, Keith W. Haney, Timothy A. Sheppard, Troy Dwayne Sosa, Jonathan L. Hale, and Benigno v. Cruz, from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any company during the period that discipline is imposed on Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P.;

20. Ordering Robert Jesse Flores, Ray Gene Teel, Bradley D. Neufeld, Bradley D. Kendrick, Jonathan D. Kendrick, Luis Hurtado Jr., Michael David Klann, Jacob Steven Middleton, Jonathan P. Bertram, Keith W. Haney, Timothy A. Sheppard, Troy Dwayne Sosa, Jonathan L. Hale, and Benigno v. Cruz, to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 4/23/12

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

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