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

In the Matter of the First Amended Accusation  
Against:

Case No. 2011-72

**EAGLESHIELD PEST CONTROL, L.P.,  
ET AL.**

**DEFAULT DECISION AND ORDER  
(TIMOTHY A. SHEPPARD  
APPLICATOR LICENSE ONLY)**

- and -

[Gov. Code, §11520]

**TIMOTHY A. SHEPPARD, Partner  
P.O. Box 784  
Maricopa, CA 93252  
Applicator License No. RA 46761**

Respondents.

FINDINGS OF FACT

1. On or about April 23, 2012, Complainant William H. Douglas, in his official capacity as the Interim Executive Officer of the Structural Pest Control Board, filed First Amended Accusation No. 2011-72 against Eagleshield Pest Control, L.P., etc. and Timothy A. Sheppard

1 (Respondent) before the Structural Pest Control Board Department of Pesticide Regulation. (First  
2 Amended Accusation attached as Exhibit A<sup>1</sup>.)

3 2. On or about December 20, 2006, the Structural Pest Control Board (Board) issued  
4 Applicator License Number RA 46761 to Respondent as an employee of Eagleshield Pest  
5 Control, L.P. This license was canceled on December 20, 2009, and has not been renewed.  
6 While the license has now expired, this lapse in licensure, pursuant to Business and Professions  
7 Code section 118(b), does not deprive the Board of its authority to institute or continue this  
8 disciplinary proceeding.

9 3. On or about October 23, 2008, Respondent became a partner in Eagleshield Pest  
10 Control, L.P.

11 4. On or about May 10, 2012, Respondent was served by Certified and First Class Mail  
12 copies of First Amended Accusation No. 2011-72, Statement to Respondent, Notice of Defense,  
13 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
14 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
15 Code section 136, is required to be reported and maintained with the Board. Respondent's  
16 address of record was and is:

17 P.O. Box 784  
18 Maricopa, CA 93252.

19 5. Service of the First Amended Accusation was effective as a matter of law under the  
20 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
21 Code section 124.

22 6. The aforementioned Certified and First Class mail documents were never returned.

23 7. Government Code section 11506 states, in pertinent part:

24 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
25 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
26 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

27 <sup>1</sup> The specific pages of the First Amended Accusation that are relevant to Respondent  
28 Timothy A. Sheppard are page nos. 3-4, 7, and 12-14.

1 8. Respondent failed to file a Notice of Defense within 15 days after service upon him  
2 of the First Amended Accusation, and therefore waived his right to a hearing on the merits of  
3 First Amended Accusation No. 2011-72.

4 9. California Government Code section 11520 states, in pertinent part:

5 (a) If the respondent either fails to file a notice of defense or to appear at the  
6 hearing, the agency may take action based upon the respondent's express admissions  
7 or upon other evidence and affidavits may be used as evidence without any notice to  
8 respondent.

8 10. Pursuant to its authority under Government Code section 11520, the Board finds  
9 Respondent is in default. The Board will take action without further hearing and, based on the  
10 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
11 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
12 file at the Board's offices regarding the allegations contained in First Amended Accusation No.  
13 2011-72, finds that the charges and allegations in First Amended Accusation No. 2011-72, are  
14 separately and severally, found to be true and correct by clear and convincing evidence.

15 11. Taking official notice of its own internal records, pursuant to Business and  
16 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
17 and Enforcement are \$500.00 as of November 21, 2013.

18 DETERMINATION OF ISSUES

19 1. Based on the foregoing findings of fact, Respondent Timothy A. Sheppard has  
20 subjected his Applicator License No. RA 46761 to discipline.

21 2. The agency has jurisdiction to adjudicate this case by default.

22 3. The Structural Pest Control Board is authorized to revoke Respondent's Applicator  
23 License based upon the following violations alleged in the First Amended Accusation which are  
24 supported by the evidence contained in the Default Decision Evidence Packet in this case:

25 a. Business and Professions Code section 8610(c), failure to supervise the daily  
26 operations of the company and failing to be available to supervise and assist employees;

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1 b. Business and Professions Code section 8639, aiding or abetting unlicensed activities  
2 by allowing applicators, who were either employees or partners, to perform activities that they  
3 were not licensed to perform;

4 c. Business and Professions Code section 8613, failure to properly re-register  
5 Eagleshield Pest Control, L.P. with the Board to include all its partners, branch supervisors,  
6 and/or principles within 30 days of such change;

7 d. Business and Professions Code section 8550(e), engaging in or offering to engage in  
8 Branch 3 pest control work without a valid license;

9 e. Business and Professions Code section 8612, failing to register branch offices with  
10 the Board within 30 days of operation or performing work from said addresses, as defined in  
11 California Code of Regulations, title 16, section 1912; and

12 f. Business and Profession Code section 8641, and California Code of Regulations, title  
13 16, section 1995.5(f)(6) and (10)-(11) by presenting false, misleading, unfair representations, or  
14 deceptive advertisements.


15 ORDER

16 IT IS SO ORDERED that Applicator License No. RA 46761, heretofore issued to  
17 Respondent Timothy A. Sheppard, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
19 written motion requesting that the Decision be vacated and stating the grounds relied on within  
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

22 This Decision shall become effective on February 8, 2014.

23 It is so ORDERED January 9, 2014

24   
25 FOR THE STRUCTURAL PEST CONTROL  
26 BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

27 11223202.DOC/ SA2011100856

28 Attachment:

Exhibit A: First Amended Accusation