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B	BEFORE THE
STRUCTURAL	PEST CONTROL BOARD OF CONSUMER AFFAIRS
STATE	E OF CALIFORNIA
In the Matter of the First Amended Accusa	ation Case No. 2011-72
Against:	
	DEFAULT DECISION AND ORDER
EAGLESHIELD PEST CONTROL, L.F ET AL.	
- and –	[Gov. Code, §11520]
JONATHAN L. HALE, Partner P.O. Box 704	
Madera, CA 93639 Applicator License No. RA 47880	
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Respon	
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<u>FINI</u>	DINGS OF FACT
1. On or about April 23, 2012, Complainant William H. Douglas, in his official capacity	
	ructural Pest Control Board, filed First Amended
	eld Pest Control, L.P., etc. and Jonathan L. Hale
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(Respondent) before the Structural Pest Control Board Department of Pesticide Regulation. (First Amended Accusation attached as Exhibit A¹.)

2. On or about August 17, 2007, the Structural Pest Control Board (Board) issued Applicator License Number RA 47880 to Respondent 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 in First Amended Accusation No. 2011-72. The license was canceled on August 17, 2010, and has not been renewed. While the license has now expired, this lapse in licensure, pursuant to Business and Professions Code section 118(b), does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

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

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

18 P.O. Box 704 Madera, CA 93639.

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

6. On or about June 6, 2012, the aforementioned documents were returned by the U.S.
Postal Service marked "Unclaimed."

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¹ The specific pages of the First Amended Accusation that are relevant to Respondent Jonathan L. Hale are page nos. 3-4, 8, and 12-14.

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

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts 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.

8. Respondent failed to file a Notice of Defense within 15 days after service upon him

of the First Amended Accusation, and therefore waived his right to a hearing on the merits of

First Amended Accusation No. 2011-72.

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

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

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12 10. Pursuant to its authority under Government Code section 11520, the Board finds 13 Respondent is in default. The Board will take action without further hearing and, based on the 14 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as 15 taking official notice of all the investigatory reports, exhibits and statements contained therein on 16 file at the Board's offices regarding the allegations contained in First Amended Accusation No. 17 2011-72, finds that the charges and allegations in First Amended Accusation No. 2011-72, are 18 separately and severally, found to be true and correct by clear and convincing evidence.

- 19 11. Taking official notice of its own internal records, pursuant to Business and
 20 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
 21 and Enforcement are \$500.00 as of November 22, 2013.
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DETERMINATION OF ISSUES

- Based on the foregoing findings of fact, Respondent Jonathan L. Hale has subjected
 his Applicator License No. RA 47880 to discipline.
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2. The agency has jurisdiction to adjudicate this case by default.

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

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

Ъ. Business and Professions Code section 8639, aiding or abetting unlicensed activities by allowing applicators, who were either employees or partners, to perform activities that they 4 5 were not licensed to perform:

Business and Professions Code section 8613, failure to properly re-register c. 6 Eagleshield Pest Control, L.P. with the Board to include all its partners, branch supervisors, 7 and/or principles within 30 days of such change; 8

đ. 9 Business and Professions Code section 8550(e), engaging in or offering to engage in Branch 3 pest control work without a valid license: 10

11 e. Business and Professions Code section 8612, failing to register branch offices with the Board within 30 days of operation or performing work from said addresses, as defined in 12 California Code of Regulations, title 16, section 1912; and 13

f. 14 Business and Profession Code section 8641, and California Code of Regulations, title 16, section 1995.5(f)(6) and (10)-(11) by presenting false, misleading, unfair representations, or 15 deceptive advertisements. 16

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DEFAULT DECISION AND ORDER (JONATHAN L. HALE APPLICATOR LICENSE ONLY)

1	ORDER	
2	IT IS SO ORDERED that Applicator License No. RA 47880, heretofore issued to	
3	Respondent Jonathan L. Hale, is revoked.	
4	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a	
5	written motion requesting that the Decision be vacated and stating the grounds relied on within	
6	seven (7) days after service of the Decision on Respondent. The agency in its discretion may	
7	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.	
8	This Decision shall become effective on February 8, 2014	
9	It is so ORDERED January 9, 2014	
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13	FOR THE STRUCTURAL PEST CONTROL BOARD	
14	DEPARTMENT OF CONSUMER AFFAIRS	
15	11223830.DOC	
' 16	SA2011100856	
17	Attachment: Exhibit A: First Amended Accusation	
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	DEFAULT DECISION AND ORDER (JONATHAN L. HALE APPLICATOR LICENSE ONLY)	