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FILED

Date *6/10/11* By *William H. Douglas*

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

In the Matter of the Accusation Against:
EAGLESHIELD PEST CONTROL, L.P.
P.O. Box 704
Madera, CA 93639
- and -
566 Kent Drive
Madera, CA 93637
Company Registration Certificate No. PR 5706, Br. 2
ROBERT JESSE FLORES, GP and QM
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)
PARTNERS:
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

ACCUSATION

1 BRADLEY D. KENDRICK, Partner
2 158 South Jennifer Drive
3 Porterville, CA 93257
4 Field Representative's License No. FR 45047, Br. 2

4 JONATHAN D. KENDRICK, Partner
5 158 South Jennifer Drive
6 Porterville, CA 93257
7 Field Representative's License No. FR 45029, Br. 2

7 LUIS HURTADO JR., Partner
8 1910 H. Street
9 Livingston, CA 95334
10 Applicator License No. RA 44711, Br. 2 and 3

10 MICHAEL DAVID KLANN, Partner
11 290 North Anderson Avenue
12 Clovis, CA 93612
13 Field Representative's License No. FR 45031, Br. 2
14 Applicator License No. RA 44704, Br. 3

13 JACOB STEVEN MIDDLETON, Partner
14 760 Shasta Street
15 Susanville, CA 96130
16 Field Representative's License No. FR 45135, Br. 2
17 Applicator License No. RA 45305, Br. 3

17 JONATHAN P. BERTRAM, Partner
18 205 Beech Street, #24
19 El Cajon, CA 92020
20 Applicator License No. RA 48099, Br. 2 and 3

20 KEITH W. HANEY, Partner
21 P.O. Box 704
22 Madera, CA 93639

22 TIMOTHY A. SHEPPARD, Partner
23 P.O. Box 784
24 Maricopa, CA 93252

24 TROY DWAYNE SOSA, Partner
25 P.O. Box 704
26 Madera, CA 93639

26 JONATHAN L. HALE, Partner
27 P.O. Box 704
28 Madera, CA 93639

1 **BENIGNO V. CRUZ**
2 **503 1/2 Josephine Avenue**
3 **Corcoran, CA 93212**
4 **(Disassociated 4/1/09)**

5 **APPLICATORS and FIELD REPRESENTATIVES:**

6 **JOSHUA M. WEBB**
7 **2212 Linda Vista Avenue**
8 **Porterville, CA 93257**
9 **Field Representative's License No. FR 45035, Br. 2**
10 **Applicator License No. RA 50212, Br. 3**

11 **SETH D. THOMAS**
12 **40 North Villa Street**
13 **Porterville, CA 93257**
14 **Field Representative's License No. FR 45034, Br. 2**
15 **Applicator License No. RA 50224, Br. 3**

16 **ISAAC M. CRUZ**
17 **17802 Hurley Street**
18 **La Puente, CA 91744**
19 **Applicator License No. RA 50408, Br. 2 and 3**

20 **SEAN D. NEUFELD**
21 **1051 East Lassen Avenue, #21**
22 **Chico, CA 95973**
23 **Applicator License No. RA 50644, Br. 2 and 3**

24 **MARTIN C. AGUINAGA**
25 **2810 North Terrace Street**
26 **Visalia, CA 93291**
27 **Applicator License No. RA 50864, Br. 2 and 3**

28 **ANDREW W. HOWARD**
29 **2121 Chapman Lane**
30 **Petaluma, CA 94952**
31 **Applicator License No. RA 51152, Br. 2 and 3**

32 **JOHN E. PENTON**
33 **1001 Willow Street**
34 **Atwater, CA 95301**
35 **Applicator License No. RA 50355, Br. 2 and 3**

1 JASON L. BOHANNON
2 75070 St. Charles Street
3 Palm Desert, CA 92211
4 Field Representative's License No. FR 45160, Br. 2
5 Applicator License No. RA 48306, Br. 3

6 DAVID H. BERTRAM
7 9119 Dulene Drive
8 Lakeside, CA 92081
9 Field Representative's License No. FR 45266, Br. 2
10 Applicator License No. RA 49653, Br. 3

11 Respondents.

12 William H. Douglas ("Complainant") alleges:

13 **PARTIES**

14 1. Complainant brings this Accusation solely in his official capacity as the Interim
15 Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
16 Pesticide Regulation.

17 **Company Registration Certificate No. PR 5706**

18 2. On or about October 23, 2008, the Board issued Company Registration Certificate
19 Number PR 5706 ("registration") in Branch 2 to Eagleshield Pest Control, L.P. ("Respondent"),
20 with Robert Jesse Flores as the General Partner and Qualifying Manager, and Benigno V. Cruz,
21 Bradley D. Neufeld, Bradley D. Kendrick, Luis Hurtado Jr., Michael David Klann, Timothy A.
22 Sheppard, Troy Dwayne Sosa, Jacob Steven Middleton, Jonathan P. Bertram, Jonathan D.
23 Kendrick, Keith W. Haney, and Jonathan L. Hale as Partners ("Partners")¹. On or about
24 April 1, 2009, Benigno V. Cruz disassociated. The registration was in full force and effect at all
25 times relevant to the charges brought herein.

26 ¹ On October 3, 2005, the Board issued Company Registration Certificate No. PR 4875 to
27 Eagleshield with Robert Jesse Flores as the owner and Ray Gene Teel as the Qualifying Manager
28 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.

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

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

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

11 4. On or about October 23, 1980, the Board issued Operator's License Number OPR
12 6278 (formerly OB 6278), in Branch 2 to Ray Gene Teel ("Respondent Teel"). On or about
13 October 3, 2005, Respondent Teel became the Qualifying Manager of Eagleshield Pest Control.
14 On or about April 25, 2008, Respondent Teel disassociated as the Qualifying Manager of
15 Eagleshield Pest Control. The license was in full force and effect at all times relevant to the
16 charges brought herein and will expire on June 30, 2012, unless renewed.

17 **Bradley D. Neufeld**

18 **Applicator License No. RA 44714**

19 5. On or about October 27, 2005, the Board issued Applicator License Number RA
20 44714 in Branches 2 and 3 to Respondent B. Neufeld as an employee of Eagleshield Pest Control.
21 On or about August 28, 2009, the license was downgraded to Branch 3 due to the issuance of a
22 Branch 2 Field Representative License. The license was in full force and effect at all times
23 relevant to the charges brought herein. The license is inactive and will expire on
24 October 27, 2011, unless renewed.

25 **Field Representative's License No. FR 44699**

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

3 **Bradley D. Kendrick**

4 **Field Representative License No. FR 45047**

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

9 **Jonathan D. Kendrick**

10 **Field Representative's License No. FR 45029**

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

15 **Luis M. Hurtado, Jr.**

16 **Applicator License No. RA 44711**

17 9. On or about October 27, 2005, the Board issued Applicator License Number RA
18 44711 in Branches 2 and 3 to Luis M. Hurtado, Jr., ("Respondent Hurtado") as an employee of
19 Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the
20 charges brought herein and will expire on October 27, 2011, unless renewed.

21 **Michael David Klann**

22 **Applicator License No. RA 44704**

23 10. On or about October 27, 2005, the Board issued Applicator License Number RA
24 44704 in Branches 2 and 3 to Respondent Klann as an employee of Eagleshield Pest Control. On
25 or about December 14, 2009, the license was downgraded to a Branch 3, and placed on an
26 inactive status due to the issuance of a Branch 2 Field Representative License. The license was in
27 full force and effect at all times relevant to the charges brought herein. The license is inactive and
28 will expire on October 27, 2011, unless renewed.

1 **Field Representative License No. FR 45031**

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

6 **Jacob S. Middleton**

7 **Applicator License No. RA 45305**

8 12. On or about March 21, 2006, the Board issued Applicator License Number RA 45305
9 in Branches 2 and 3 to Respondent Middleton as an employee of Eagleshield Pest Control. On or
10 about January 20, 2010, the license was downgraded to Branch 3 and placed on inactive status
11 due to the issuance of a Branch 2 Field Representative License. The license was in full force and
12 effect at all times relevant to the charges brought herein and will expire on March 21, 2012,
13 unless renewed.

14 **Field Representative's License No. FR 45135**

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

19 **Jonathan P. Bertram**

20 **Applicator License No. RA 48099**

21 14. On or about October 11, 2007, the Board issued Applicator License Number RA
22 48099 in Branches 2 and 3 to Jonathan P. Bertram ("Respondent J. Bertram") as an employee of
23 Eagleshield Pest Control. The license was in full force and effect at all times relevant to the
24 charges brought herein and will expire on October 11, 2013, unless renewed.

25 **Joshua M. Webb**

26 **Applicator License No. RA 50212**

27 15. On or about August 13, 2009, the Board issued Applicator License Number RA
28 50212 in Branches 2 and 3 to Respondent Webb. On or about December 14, 2009, the license

1 was downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License.
2 The license was in full force and effect at all times relevant to the charges brought herein and will
3 expire on August 13, 2013, unless renewed.

4 **Field Representative's License No. FR 45035**

5 16. On or about December 14, 2009, the Board issued Field Representative's License
6 Number FR 45035 in Branch 2 to Joshua M. Webb ("Respondent Webb") as an employee of
7 Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the
8 charges brought herein and will expire on June 30, 2012, unless renewed.

9 **Seth D. Thomas**

10 **Applicator License No. RA 50224**

11 17. On or about August 20, 2009, the Board issued Applicator License Number RA
12 50224 in Branches 2 and 3 to Respondent Thomas. On or about December 14, 2009, the license
13 was downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License.
14 The license was in full force and effect at all times relevant to the charges brought herein and will
15 expire on August 20, 2012, unless renewed.

16 **Field Representative's License No. FR 45034**

17 18. On or about December 14, 2009, the Board issued Field Representative's License
18 Number FR 45034 in Branch 2 to Seth D. Thomas ("Respondent Thomas") as an employee of
19 Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the
20 charges brought herein and will expire on June 30, 2012, unless renewed.

21 **Isaac M. Cruz**

22 **Applicator License No. RA 50408**

23 19. On or about October 21, 2009, the Board issued Applicator License Number RA
24 50408 in Branches 2 and 3 to Isaac M. Cruz ("Respondent Cruz") as an employee of Eagleshield
25 Pest Control. The license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on October 21, 2012, unless renewed.

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1 **Sean D. Neufeld**

2 **Applicator License No. RA 50644**

3 20. On or about February 4, 2010, the Board issued (Applicator License Number RA
4 50644 in Branches 2 and 3 to Sean D. Neufeld ("Respondent S. Neufeld") as an employee of
5 Eagleshield Pest Control. The license was in full force and effect at all times relevant to the
6 charges brought herein and will expire on February 4, 2013, unless renewed.

7 **Martin C. Aguinaga**

8 **Applicator License No. RA 50864**

9 21. On or about April 30, 2010, the Board issued Applicator License Number RA 50864
10 in Branches 2 and 3 to Martin C. Aguinaga ("Respondent Aguinaga") as an employee of
11 Eagleshield Pest Control. The license was in full force and effect at all times relevant to the
12 charges brought herein and will expire on April 30, 2013, unless renewed.

13 **Howard W. Howard**

14 **Applicator License No. RA 51152**

15 22. On or about July 14, 2010, the Board issued Applicator License Number RA 51152 in
16 Branches 2 and 3 to Andrew W. Howard ("Respondent Howard") as an employee of Eagleshield
17 Pest Control. The license was in full force and effect at all times relevant to the charges brought
18 herein and will expire on July 14, 2013, unless renewed.

19 **John E. Penton**

20 **Applicator License No. RA 50355**

21 23. On or about September 25, 2009, the Board issued Applicator License Number RA
22 50355 in Branches 2 and 3 to John E. Penton ("Respondent Penton") as an employee of
23 Eagleshield Pest Control. The license was in full force and effect at all times relevant to the
24 charges brought herein and will expire on September 25, 2012, unless renewed.

25 **Jason L. Bohannon**

26 **Applicator License No. RA 48306**

27 24. On or about December 6, 2007, the Board issued Applicator License Number RA
28 48306 in Branches 2 and 3 to Jason L. Bohannon ("Respondent Bohannon") as an employee of

1 Eagleshield Pest Control. On or about January 27, 2010, the license was downgraded to Branch 3
2 due to the issuance of a Branch 2 Field Representative License. The license expired on December
3 6, 2010, and has not been renewed.

4 **Field Representative's License No. FR 45160**

5 25. On or about January 27, 2010, the Board issued Field Representative's License
6 Number FR 45160 in Branch 2 to Respondent Bohannon. The license was in full force and effect
7 at all times relevant to the charges brought herein and will expire on June 30, 2012, unless
8 renewed.

9 **David H. Bertram**

10 **Applicator License No. RA 49653**

11 26. On or about February 4, 2009, the Board issued Applicator License Number RA
12 49653 in Branches 2 and 3 to David H. Bertram ("Respondent D. Bertram") as an employee of
13 Eagleshield Pest Control. On or about March 4, 2010, the license was downgraded to Branch 3
14 due to the issuance of a Branch 2 Field Representative License. The license will expire on
15 February 4, 2012, unless.

16 **Field Representative's License No. FR 45266**

17 27. On or about March 4, 2010, the Board issued Field Representative's License Number
18 FR 45266 in Branch 2 to Respondent D. Bertram as an employee of Eagleshield Pest Control,
19 L.P. The license was in full force and effect at all times relevant to the charges brought herein
20 and will expire on June 30, 2012, unless renewed.

21 **STATUTORY PROVISIONS**

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

26 29. Code section 8625 states:

27 The lapsing or suspension of a license or company registration by operation of
28 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

1 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
2 registration.

3 30. Code section 8637 states:

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

5 31. Code section 8639 states:

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

10 32. Code section 8641 states:

11 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
12 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
13 the contract, is a ground for disciplinary action.

14 33. Code section 8613 states:

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

17 34. Code section 8651 states:

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

22 35. Code section 8610(c) states:

23 Each company shall designate an individual or individuals who hold an
operator's license to act as its qualifying manager or managers. The qualifying
24 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
25 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
26 may establish.

1 36. Code section 8612 states:

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

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

13 37. Code section 8550(e) states:

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

18 REGULATORY PROVISIONS

19 38. California Code of Regulations, title 16, section 1918 states, in pertinent part:

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

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

26 It is the purpose of this regulation to protect the public from false, misleading,
27 deceptive, or unfair representations or claims concerning structural pest control while
28 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, product, pesticide, or
device or combination thereof offers a general environmental protection or benefit
unless the statement or representation can be sustained within the meaning of 16
CFR, 260.5 and is limited to the specific nature of the environment 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

1 Department of the Interior," "EPA approved," "EPA," "approved by the Structural
2 Pest Control Board," or "recommended by the Structural Pest Control Board," except
3 that a statement or representation of this type is permissible specifically authorized by
4 the Federal or State agency to which it prefers.

4 **COST RECOVERY**

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

9 **BACKGROUND INFORMATION**

10 41. On or about June 20, 2010, the Board became aware that Respondent Eagleshield was
11 allowing its employees and/or partners to work on their own behalf without supervision, and
12 allowing them to engage in pest control work that they were not licensed to perform. The
13 partners and/or employees were working and/or living throughout all of California. The Board
14 also discovered that there were no registered branch offices in the near geographic area where the
15 applicators were working and/or living.

16 **DISCIPLINE AGAINST EAGLESHIELD PEST CONTROL, L.P.**

17 **Company Registration Certificate No. 5706**

18 **Operator's License No. OPR 11493**

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Failure to Supervise Company Operations)**

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

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SECOND CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

43. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses 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)

44. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses 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) to include all current 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)

45. Respondent Eagleshield's company registration and Respondent Flores' operator's licenses 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 while not being licensed to do so. Specifically, Ezequiel Ramirez, an unlicensed individual, submitted a bid on behalf of Eagleshield to the City of Fremont that included Branch 3 pest control work.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Register Branch Offices)**

3 46. Respondent Eagleshield's company registration and Respondent Flores' operator's
4 licenses are subject to discipline under Code section 8641, in that between October 23, 2008, and
5 February 24, 2010, Respondents violated Code section 8612 by failing to register branch offices
6 within 30 days of operation and/or performing work from addresses that were not registered with
7 the Board, as defined in California Code of Regulations, title 16, section 1912.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(False and Misleading Advertisement)**

10 47. Respondent Eagleshield's company registration and Respondent Flores' operator's
11 licenses are subject to discipline under Code section 8641, in that in or about 2010, Respondents
12 violated California Code of Regulations, title 16, by presenting false, misleading, unfair
13 representations, or deceptive advertisements in the following respects:

14 **Section 1999.5, subdivision (f)(6):**

15 a. That it used Eco Friendly products.

16 **Section 1999.5, subdivision (f)(10):**

17 b. That its service was better than others because it had local partners or independent
18 owners when, in fact, it did not.

19 c. That it had over 50 years of combined experience when, in fact, it does not.

20 **Section 1999.5, subdivision (f)(11):**

21 d. That it used only EPA certified products approved by the State of California.

22 **DISCIPLINE AGAINST RAY GENE TEEL**

23 **Operator's License No. OPR 7278**

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Supervise Company Operations)**

26 48. Respondent Teel's operator license is subject to discipline under Code section 8641,
27 in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of
28 Eagleshield Pest Control (PR 4875), Respondent Teel violated Code section 8610(c), by failing to

1 supervise the daily operations of the company and be available to supervise and assist all
2 employees of the company, as defined in California Code of Regulations, title 16, section 1918.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Aiding and Abetting Unlicensed Activity)**

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

10 **NINTH CAUSE FOR DISCIPLINE**

11 **(Misrepresentation of a Material Fact)**

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

16 **TENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Register Branch Offices)**

18 51. Respondent Teel's operator license is subject to discipline under Code section 8641,
19 in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of
20 Eagleshield Pest Control (PR 4875), Respondent violated Code section 8612 by failing to register
21 branch offices within 30 days of operation and/or performing work from addresses that were not
22 registered with the Board, as defined in California Code of Regulations, title 16, section 1912.

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**DISCIPLINE AGAINST FIELD REPRESENTATIVES
AND/OR APPLICATORS LICENSES**

BRADLEY D. NEUFELD (Partner)

Field Representative License No. FR 44699

Applicator License No. RA 44714

ELEVENTH CAUSE FOR DISCIPLINE

(Unlicensed Activity)

52. Respondent Bradley 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, while an applicator, 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)

53. Respondent Bradley 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 Eaglesfield, 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)

54. Respondent Bradley 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:

Section 1999.5, subdivision (f)(6):

a. That he used Eco Friendly products.

Section 1999.5, subdivision (f)(11):

b. That he used only EPA certified products approved by the State of California.

1 **JONATHAN D. KENDRICK (Partner)**

2 **Field Representative License No. FR 45047**

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 **(Aiding and Abetting Unlicensed Activities)**

5 55. Respondent Jonathan D. Kendrick's field representative license is subject to discipline
6 under Code section 8639, in that between October 23, 2008, and February 2011, while a partner
7 of Eaglesfield, he aided or abetted unlicensed activities by allowing applicators, who were either
8 employees or partners, to perform activities that they were not licensed to perform.

9 **BRADLEY D. KENDRICK (Partner)**

10 **Field Representative License No. FR 45047**

11 **FIFTEENTH CAUSE FOR DISCIPLINE**

12 **(Aiding and Abetting Unlicensed Activities)**

13 56. Respondent Bradley Kendrick's field representative license is subject to discipline
14 under Code section 8639, in that between October 23, 2008, and February 2011, while a partner
15 of Eaglesfield, he aided or abetted unlicensed activities by allowing applicators, who were either
16 employees or partners, to perform activities for that they were not licensed to perform.

17 **JONATHAN P. BERTRAM (Partner)**

18 **Applicator License No. RA 48099**

19 **SIXTEENTH CAUSE FOR DISCIPLINE**

20 **(Unlicensed Activity)**

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

24 **MICHAEL DAVID KLANN (Partner)**

25 **Field Representative License No. FR 45031**

26 **Applicator License No. RA 44704**

27 **SEVENTEENTH CAUSE FOR DISCIPLINE**

28 **(Unlicensed Activity)**

58. Respondent Michael David Klann's field representative license and applicator
licenses are subject to discipline under Code section 8651, in that between October 27, 2005, and

1 December 14, 2009, while an applicator, he engaged in pest control work in a branch other than
2 that for which he was licensed.

3 **EIGHTEENTH CAUSE FOR DISCIPLINE**

4 **(Aiding and Abetting Unlicensed Activities)**

5 59. Respondent Michael David Klann's field representative license and applicator license
6 are subject to discipline under Code section 8639, in that between October 23, 2008, and
7 February 2011, while a partner of Eagleshield, he aided or abetted unlicensed activities by
8 allowing applicators, who were either employees or partners, to perform activities that which
9 they were not licensed to perform.

10 **JACOB S. MIDDLETON (Partner)**

11 **Field Representative License No. FR 45135**

12 **Applicator License No. RA 45305**

13 **NINETEENTH CAUSE FOR DISCIPLINE**

14 **(Unlicensed Activity)**

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

19 **TWENTIETH CAUSE FOR DISCIPLINE**

20 **(Aiding and Abetting Unlicensed Activities)**

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

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1 **JOSHUA M. WEBB**

2 Field Representative License No. FR 45035

3 Applicator License No. RA 50212

4 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

5 (Unlicensed Activity)

6 62. Respondent Joshua M. Webb's field representative license and applicator license are
7 subject to discipline under Code section 8651, in that between August 13, 2009, and
8 December 14, 2009, while an applicator, he engaged in pest control work in a branch other than
9 that for which he was licensed.

10 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

11 (False and Misleading Advertisement)

12 63. Respondent Joshua M. Webb's field representative license and applicator license are
13 subject to discipline under Code section 8641, in that in or about 2010, he violated California
14 Code of Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive
15 advertisements in the following respects:

16 a. **Section 1999.5, subdivision (f)(11):** That he used only EPA certified products
17 approved by the State of California.

18 **SETH D. THOMAS**

19 Field Representative License No. FR 45034

20 Applicator License No. RA 50224

21 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

22 (Unlicensed Activity)

23 64. Respondent Seth D. Thomas' field representative license and applicator license are
24 subject to discipline under Code section 8651, in that between August 20, 2009, and
25 December 14, 2009, while an applicator, he engaged in pest control work in a branch other than
26 that for which he was licensed.

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1 **LUIS M. HURTADO, JR. (Partner)**

2 **Applicator License No. RA 44711**

3 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

4 **(Unlicensed Activity)**

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

8 **ISAAC M. CRUZ**

9 **Applicator License No. RA 50408**

10 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

11 **(Unlicensed Activity)**

12 66. Respondent Isaac M. Cruz's applicator license is subject to discipline under Code
13 section 8651, in that between October 21, 2009, and March 2010, while an applicator, he engaged
14 in pest control work in a branch other than that for which he was licensed.

15 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

16 **(False and Misleading Advertisement)**

17 67. Respondent Isaac Cruz's applicator license is subject to discipline under Code section
18 8641, in that in or about 2010, he violated California Code of Regulations, title 16, by presenting
19 false, misleading, unfair representations, or deceptive advertisements in the following respects:

20 a. **Section 1999.5, subdivision (f)(10):** Having local partners or independent owners
21 when, in fact, he did not.

22 **SEAN D. NEUFELD**

23 **Applicator License No. RA 50644**

24 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

25 **(Unlicensed Activity)**

26 68. Respondent Sean Neufeld's applicator license is subject to discipline under Code
27 section 8651, in that between February 4, 2010, and March 2010, while an applicator, he engaged
28 in pest control work in a branch other than that for which he was licensed.

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1 **MARTIN C. AGUINAGA**
2 **Applicator License No. RA 50864**

3 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

4 **(Unlicensed Activity)**

5 69. Respondent Martin C. Aguinaga's applicator license is subject to discipline under
6 Code section 8651, in that in or about April 2010, while an applicator, he engaged in pest control
7 work in a branch other than that for which he was licensed.

8 **ANDREW W. HOWARD**
9 **Applicator License No. RA 51152**

10 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

11 **(Unlicensed Activity)**

12 70. Respondent Andrew W. Howard's applicator license is subject to discipline under
13 Code section 8651, in that in or about July 2010, while an applicator, he engaged in pest control
14 work in a branch other than that for which he was licensed.

15 **JOHN E. PENTON**
16 **Applicator License No. RA 50355**

17 **THIRTIETH CAUSE FOR DISCIPLINE**

18 **(Unlicensed Activity)**

19 71. Respondent John E. Penton's applicator license is subject to discipline under Code
20 section 8651, in that between September 25, 2009, and October 2010, while an applicator, he
21 engaged in pest control work in a branch other than that for which he was licensed.

22 **JASON L. BOHANNON**
23 **Applicator License No. RA 48306**
24 **Field Representative License No. FR 45160**

25 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

26 **(Unlicensed Activity)**

27 72. Respondent Jason L. Bohannon's applicator's license and field representative license
28 are subject to discipline under Code section 8651, in that between December 6, 2007, and January

1 27, 2010, while a applicator, he engaged in pest control work in a branch other than that for
2 which he was licensed.

3 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

4 **(False and Misleading Advertisement)**

5 73. Respondent Jason L. Bohannon's applicator's license and field representative license
6 are subject to discipline under Code section 8641, in that in or about 2010, he violated California
7 Code of Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive
8 advertisements in the following respects:

9 a. **Section 1999.5, subdivision (f)(6):** That he had 50 years combined experience.

10 **DAVID H. BERTRAM**

11 **Applicator License No. RA 49653**

12 **Field Representative License No. FR 45266**

13 **FORTIETH CAUSE FOR DISCIPLINE**

14 **(False and Misleading Advertisement)**

15 74. Respondent Jason L. Bohannon's applicator's license and field representative license
16 are subject to discipline under Code section 8641, in that in or about 2010, he violated California
17 Code of Regulations, title 16, section 1999.5(f)(10), by presenting false, misleading, unfair
18 representations, or deceptive advertisements.

19 **PRIOR DISCIPLINE**

20 **Company Registration Certificate No. PR 5706**

21 75. On or about August 25, 2009, the company registration paid a fine in the amount of
22 \$250 levied by the San Diego County Agricultural Commissioner for violating Food and
23 Agricultural Code section 15204.

24 **Operator's License No. OPR 11493**

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

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OTHER MATTERS

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

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

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

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

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

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

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

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

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

25 86. Pursuant to Code section 8624, the causes for discipline established as to Company
26 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
27 constitute cause for discipline against Applicator License No. RA 45305 and Field Representative
28 License No. FR 45135, issued to Jacob S. Middleton, who serves as a Partner of Eagleshield Pest

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

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

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

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

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

27 91. Pursuant to Code section 8654, if discipline is imposed on Company Registration
28 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Bradley D. Kendrick,

1 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
2 responsible managing employee for any registered company during the time the discipline is
3 imposed, and any registered company which employs, elects, or associates him, shall be subject
4 to disciplinary action.

5 92. Pursuant to Code section 8624, the causes for discipline established as to Company
6 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
7 constitute cause for discipline against Applicator License No. RA 44711, issued to Luis M.
8 Hurtado, Jr., who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or
9 not he had knowledge of or participated in the acts or omissions which constitute cause for
10 discipline against Eagleshield Pest Control, L.P.

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

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

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

1 96. Pursuant to Code section 8624, the causes for discipline established as to Company
2 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
3 constitute cause for discipline against Applicator License No. RA 48306, and Field
4 Representative License No. FR 45160, issued to Jason Bohannon, regardless of whether or not he
5 had knowledge of or participated in the acts or omissions which constitute cause for discipline
6 against Eagleshield Pest Control, L.P.

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

13 98. Pursuant to Code section 8624, the causes for discipline established as to Company
14 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
15 constitute cause for discipline against Applicator License No. RA 49653 and Field Representative
16 License No. FR 45266, issued to David H. Bertram, regardless of whether or not he had
17 knowledge of or participated in the acts or omissions which constitute cause for discipline against
18 Eagleshield Pest Control, L.P.

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

25 100. Pursuant to Code section 8624, the causes for discipline established as to Company
26 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
27 constitute cause for discipline against Applicator License No. RA 50212 and Field Representative
28 License No. FR 45035, issued to Joshua M. Webb, regardless of whether or not he had

1 knowledge of or participated in the acts or omissions which constitute cause for discipline against
2 Eagleshield Pest Control, L.P.

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

9 102. Pursuant to Code section 8624, the causes for discipline established as to Company
10 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
11 constitute cause for discipline against Applicator License No. RA 50224 and Field Representative
12 License No. FR 45034, issued to Seth D. Thomas, regardless of whether or not he had knowledge
13 of or participated in the acts or omissions which constitute cause for discipline against
14 Eagleshield Pest Control, L.P.

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

21 104. Pursuant to Code section 8624, the causes for discipline established as to Company
22 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
23 constitute cause for discipline against Applicator License No. RA 50408, issued to Isaac Cruz,
24 regardless of whether or not he had knowledge of or participated in the acts or omissions which
25 constitute cause for discipline against Eagleshield Pest Control, L.P.

26 105. Pursuant to Code section 8654, if discipline is imposed on Company Registration
27 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Isaac Cruz; shall be
28 prohibited from serving as an officer, director, associate, partner, qualifying manager, or

1 responsible managing employee for any registered company during the time the discipline is
2 imposed, and any registered company which employs, elects, or associates him, shall be subject
3 to disciplinary action.

4 106. Pursuant to Code section 8624, the causes for discipline established as to Company
5 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
6 constitute cause for discipline against Applicator License No. RA 50644, issued to Sean D.
7 Neufeld, regardless of whether or not he had knowledge of or participated in the acts or omissions
8 which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

15 108. Pursuant to Code section 8624, the causes for discipline established as to Company
16 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
17 constitute cause for discipline against Applicator License No. RA 50864, issued to Martin C.
18 Aguinaga, regardless of whether or not he had knowledge of or participated in the acts or
19 omissions which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

26 110. Pursuant to Code section 8624, the causes for discipline established as to Company
27 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
28 constitute cause for discipline against Applicator License No. RA 51152, issued to Andrew w.

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

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

9 112. Pursuant to Code section 8624, the causes for discipline established as to Company
10 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
11 constitute cause for discipline against Applicator License No. RA 50355, issued to John E.
12 Penton, regardless of whether or not he had knowledge of or participated in the acts or omissions
13 which constitute cause for discipline against Eagleshield Pest Control, L.P.

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

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

26 115. Pursuant to Code section 8654, if discipline is imposed on Company Registration
27 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Timothy A. Sheppard,
28 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or

1 responsible managing employee for any registered company during the time the discipline is
2 imposed, and any registered company which employs, elects, or associates him, shall be subject
3 to disciplinary action.

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

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

16 **PRAYER**

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

- 19 1. Revoking or suspending Company Registration Certificate Number PR 5706,
20 issued to Eagleshield Pest Control LP;
- 21 2. Revoking or suspending Operator's License Number OPR 11493, issued to Robert
22 Jesse Flores;
- 23 3. Revoking or suspending Operator's License Number OPR 6278, issued to Ray
24 Gene Teel;
- 25 4. Revoking or suspending Field Representative's License Number FR 45031, issued
26 to Michael David Klann;
- 27 5. Revoking or suspending Applicator License Number RA 44704, issued to Michael
28 David Klann;

- 1 6. Revoking or suspending Field Representative's License Number FR 44699, issued
2 to Bradley D. Neufeld;
- 3 7. Revoking or suspending Applicator License Number RA 44714, issued to Bradley
4 D. Neufeld;
- 5 8. Revoking or suspending Field Representative's License Number FR 45135, issued
6 to Jacob S. Middleton;
- 7 9. Revoking or suspending Applicator License Number RA 45305, issued to Jacob S.
8 Middleton;
- 9 10. Revoking or suspending Field Representative's License Number FR 45029, issued
10 to Jonathan D. Kendrick;
- 11 11. Revoking or suspending Field Representative's License Number FR 45057, issued
12 to Bradley K. Kendrick;
- 13 12. Revoking or suspending Field Representative's License Number FR 45160, issued
14 to Jason L. Bohannon;
- 15 13. Revoking or suspending Applicator License Number RA 48360, issued to Jason L.
16 Bohannon;
- 17 14. Revoking or suspending Field Representative's License Number FR 45266, issued
18 to David H. Bertram;
- 19 15. Revoking or suspending Applicator License Number RA 49653, issued to David
20 H. Bertram;
- 21 16. Revoking or suspending Field Representative's License Number FR 45035, issued
22 to Joshua M. Webb;
- 23 17. Revoking or suspending Applicator License Number RA 50212, issued to Joshua
24 M. Webb;
- 25 18. Revoking or suspending Field Representative's License Number FR 45034, issued
26 to Seth D. Thomas;
- 27 19. Revoking or suspending Applicator License Number RA 50224, issued to Seth D.
28 Thomas;

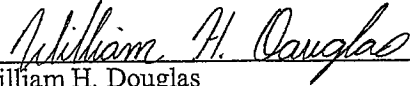
- 1 20. Revoking or suspending Applicator License Number RA 44711, issued to Luis M.
2 Hurtado, Jr.;
- 3 21. Revoking or suspending Applicator License Number RA 48099, issued to
4 Jonathan P. Bertram;
- 5 22. Revoking or suspending Applicator License Number RA 50408, issued to Isaac M.
6 Cruz;
- 7 23. Revoking or suspending Applicator License Number RA 50644, issued to Sean D.
8 Neufeld;
- 9 24. Revoking or suspending Applicator License Number RA 45317, issued to Sean D.
10 Neufeld;
- 11 25. Revoking or suspending Applicator License Number RA 50864, issued to Martin
12 C. Aguinaga;
- 13 26. Revoking or suspending Applicator License Number RA 51152, issued to Andrew
14 W. Howard;
- 15 27. Revoking or suspending Applicator License Number RA 50355, issued to John E.
16 Penton;
- 17 28. Prohibiting Robert Jesse Flores, Ray Gene Teel, Michael D. Klann, Bradley D.
18 Neufeld, Jacob S. Middleton, Jonathan D. Kendrick, Bradley K. Kendrick, Jason L. Bohannon,
19 David H. Bertram, Joshua M. Webb, Seth D. Thomas, Luis M. Hurtado, Jr., Jonathan P. Bertram,
20 Isaac M. Cruz, Sean D. Neufeld, Martin C. Aguinaga, John E. Penton, Keith W. Haney, Timothy
21 A. Sheppard, Troy Dwayne Sosa, Jonathan L. Hale, and Andrew W. Howard from serving as an
22 officer, director, associate, partner, qualifying manager or responsible managing employee of any
23 company during the period that discipline is imposed on Company Registration Certificate
24 Number PR 5706, issued to Eaglesfield Pest Control, L.P.;
- 25 29. Ordering Robert Jesse Flores, Ray Gene Teel, Michael D. Klann, Bradley D.
26 Neufeld, Jacob S. Middleton, Jonathan D. Kendrick, Bradley K. Kendrick, Jason L. Bohannon,
27 David H. Bertram, Joshua M. Webb, Seth D. Thomas, Luis M. Hurtado, Jr., Jonathan P. Bertram,
28 Isaac M. Cruz, Sean D. Neufeld, Martin C. Aguinaga, Keith W. Haney, Timothy A. Sheppard,

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Troy Dwayne Sosa, Jonathan L. Hale, John E. Penton, and Andrew W. Howard, 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,

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

DATED: 6/16/11


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

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