

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

In the Matter of the First Amended Accusation
and Statement of Issues Against:

JONATHAN P. BERTRAM

**205 Beech Street, #24
El Cajon, CA 92020
Applicator License No. RA 48099**

Respondent.

Case No. 2011-72 and 2012-46

OAH No. 2012040879

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

This Decision shall become effective on May 31, 2013.

It is so ORDERED May 1, 2013.



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
and Statement of Issues Against:

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13 **205 Beech Street, #24**
14 **El Cajon, CA 92020**
15 **Applicator License No. RA 48099**

16 Respondent.

Case No. 2011-72 and 2012-46(SOI)

OAH No. 2012040879

17 **STIPULATED SETTLEMENT AND**
18 **DISCIPLINARY ORDER**

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

20 PARTIES

21 1. William H. Douglas (Complainant) was the former Interim Registrar/Executive
22 Officer of the Structural Pest Control Board. He brought these actions solely in his official
23 capacity. Susan Saylor is the current Interim Registrar/Executive Officer of the Structural Pest
24 Control Board. She maintains these actions solely in her official capacity and is represented in
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Kent D. Harris,
26 Deputy Attorney General.

27 2. Respondent Jonathan P. Bertram (Respondent) is representing himself in these
28 proceedings and has chosen not to exercise his right to be represented by counsel.

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2 3. On or about October 11, 2007, the Structural Pest Control Board issued Applicator
3 License No. RA 48099 to Jonathan P. Bertram (Respondent). The license has been in full force
4 and effect at all times relevant herein, and will expire on October 11, 2013 unless renewed.

5 JURISDICTION

6 4. First Amended Accusation No. 2011-72 and Statement of Issues No. 2012-46 were
7 filed before the Structural Pest Control Board (Board) , Department of Pesticide Regulation, and
8 are currently pending against Respondent. The First Amended Accusation and Statement of
9 Issues and all other statutorily required documents were properly served on Respondent on May
10 10, 2012 and April 9, 2012, respectively.

11 5. A copy of First Amended Accusation No. 2011-72 and Statement of Issues No. 2012-
12 46 are attached as exhibit A and B respectively and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, and understands the charges and allegations in First
15 Amended Accusation No. 2011-72 and Statement of Issues No.2012-46. Respondent has also
16 carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

17 7. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the First Amended Accusation and Statement of Issues;
19 the right to be represented by counsel at his own expense; the right to confront and cross-examine
20 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
21 to the issuance of subpoenas to compel the attendance of witnesses and the production of
22 documents; the right to reconsideration and court review of an adverse decision; and all other
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 CULPABILITY

27 9. Respondent admits the truth of each and every charge and allegation as they relate to
28 him in First Amended Accusation No. 2011-72 and Statement of Issues No. 2012-46.

1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Applicator license No. RA 48099 Br. 2 and 3 issued to
3 Respondent Jonathan P. Bertram, is revoked. Further, Respondent's application for Field
4 Representative License is granted, and the license shall also be immediately revoked. However,
5 the revocations are stayed and respondent is placed on probation for three (3) years on the
6 following terms and conditions:

7 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and rules
8 relating to the practice of structural pest control.

9 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during
10 the period of probation.

11 3. **Tolling of Probation.** Should Respondent leave California to reside outside this
12 state, Respondent must notify the Board in writing of the dates of departure and return. Periods
13 of residency or practice outside the state shall not apply to reduction of the probationary period.

14 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
15 of the decision in case nos. 2011-72 and 2012-46 and the terms, conditions and restrictions
16 imposed on Respondent by said decision.

17 Within 30 days of the effective date of this decision, and within 15 days of Respondent
18 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
19 writing acknowledging the employer has read the decision in case No s. 2011-72 and 2012-46.

20 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this
21 decision, post or circulate a notice to all employees involved in structural pest control operations
22 which accurately recite the terms and conditions of probation. Respondent shall be responsible
23 for said notice being immediately available to said employees. "Employees" as used in this
24 provision includes all full-time, part-time, temporary and relief employees and independent
25 contractors employed or hired at any time during probation.

26 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
27 licenses will be fully restored.

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1 7. **Violation of Probation.** Should Respondent violate probation in any respect, the
2 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
3 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
4 Respondent during probation, the Board shall have continuing jurisdiction until the matter is
5 final, and the period of probation shall be extended until the matter is final.

6 8. **Random Inspections.** Respondent shall reimburse the Board for one (1) random
7 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
8 inspection.

9 9. **Future Applications.** Should respondent apply for an Operator's License during the
10 period of probation, and should the Board issue said license, the issuance of said license shall be
11 under the same terms and conditions and probationary term as set forth herein.

12 10. **Cost Recovery.** Respondent shall reimburse the Board for its costs of investigation
13 and enforcement in these matters in the amount of \$500.00. Said amount may be paid in monthly
14 installments as agreed by the Board, and shall be paid in full no later than six (6) months before
15 the end of probation. Probation shall not be terminated until the costs are paid in full.

16 ACCEPTANCE

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Applicator License and Field Representative license.
19 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
20 intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control
21 Board.

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23 DATED: 11-16-12

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JONATHAN P. BERTRAM
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.

Dated: 11/16/12

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



KENT D. HARRIS
Deputy Attorney General
Attorneys for Complainant

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