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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.
- and -**

**DEFAULT DECISION AND ORDER
(KEITH W. HANEY APPLICATOR
LICENSE ONLY)**

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

[Gov. Code, §11520]

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 Keith W. Haney (Respondent) before the Structural Pest Control Board Department of Pesticide Regulation. (First Amended Accusation attached as Exhibit A¹.)

¹ The specific pages of the First Amended Accusation that are relevant to Respondent Keith W. Haney are page nos. 3-4, 7, and 12-14.

1 2. On or about December 5, 2007, the Board issued Applicator License Number RA
2 48304 to Keith W. Haney as an employee of Eagleshield Pest Control, L.P. The license was
3 canceled on December 5, 2010, and has not been renewed. While the license has now expired,
4 this lapse in licensure, pursuant to Business and Professions Code section 118(b), does not
5 deprive the Board of its authority to institute or continue this disciplinary proceeding.

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

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

14 P.O. Box 704
15 Madera, CA 93639.

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

19 6. On or about June 4, 2012, the aforementioned documents were returned by the U.S.
20 Postal Service marked "Unclaimed."

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

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

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

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

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

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

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

16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent Keith W. Haney has subjected
18 his Applicator License No. RA 48304 to discipline.

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

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

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

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

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

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

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

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


12 ORDER

13 IT IS SO ORDERED that Applicator License No. RA 48304, heretofore issued to
14 Respondent Keith W. Haney, is revoked.

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

19 This Decision shall become effective on February 8, 2014

20 It is so ORDERED January 9, 2014

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

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Attachment:
Exhibit A: First Amended Accusation