KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General
KENT D. HARRIS
Deputy Attorney General
State Bar No. 144804
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-7859
Facsimile: (916) 327-8643
Attorneys for Complainant

FILED
Date 4/11/12 By William H. Douglas

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

In the Matter of the First Amended Accusation Against: **JASON L. BOHANNON** **320 Pomelo Drive, #182** **Vista, CA 92081** **Field Representative's License No. FR 45160, Br. 2** **Applicator License No. RA 48306, Br. 3** Respondent.	Case No. 2011-72(b) **FIRST AMENDED** **ACCUSATION**

William H. Douglas ("Complainant") alleges:

PARTIES

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

Field Representative License

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

///

Applicator License

3. On or about December 6, 2007, the Board issued Applicator License Number RA 48306, in Branch 2 and 3, to Respondent as an employee of Eagleshield Pest Control, L.P. On or about January 27, 2010, the license was downgraded to include Branch 3 only due to the issuance of a field representative license in Branch 2. In addition, the license was placed on inactive status. The license expired on December 6, 2010, and has not been renewed.

STATUTORY PROVISIONS

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

5. Code section 8654 states:

> Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or registration was denied, suspended or revoked, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is a ground for disciplinary action.

6. Code section 8625 states:

> The lapsing or suspension of a license or company registration by operation of 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 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 registration.

7. Code section 8641 states:

> 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 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

the contract, is a ground for disciplinary action.

8. Code section 8651 states:

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

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Unlicensed Activity)

10. Respondent's applicator's license and field representative license are subject to discipline under Code section 8651, in that between December 6, 2007, and January 27, 2010, while an applicator, he engaged in field representative work without holding a valid license.

OTHER MATTERS

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

12. Pursuant to Code section 8654, if discipline is imposed on Field Representative's License No. FR 45160 and/or Registered Applicator's License No. RA 48306, issued to Respondent, then Respondent shall be prohibited from serving as an officer, director, associate, partner or responsible managing employee of a registered company, and any licensee which employs, elects, or associates Respondent shall be subject to disciplinary action.

///

PRAYER

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

1. Revoking or suspending Field Representative's License Number FR 45160, issued to Jason L. Bohannon;

2. Revoking or suspending Registered Applicator's License Number RA 48306, issued to Jason L. Bohannon;

3. Revoking or suspending any other license for which Jason L. Bohannon is furnishing the qualifying experience or appearance;

4. Prohibiting Jason L. Bohannon from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Field Representative's License Number FR 45160, issued to Jason L. Bohannon;

5. Prohibiting Jason L. Bohannon from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Registered Applicator's License Number RA 48306, issued to Jason L. Bohannon;

6. Ordering Jason L. Bohannon 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,

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

DATED: 4/11/12

William H. Douglas

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

SA2011101885
10834395.doc