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8  
9 **BEFORE THE**  
**DEPARTMENT OF PESTICIDE REGULATION**  
10 **STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

13 **ALPINE HELICOPTER SERVICE, INC.;**  
14 **JOEL C. DOZHIER, PRESIDENT**  
15 **11001 West Highway 12**  
**Lodi, CA 95240**

16 **Pest Control Business - Main License No.**  
17 **30969**

18 **and**

19 **JOEL CONRAD DOZHIER**  
20 **P.O. Box 1405**  
**Woodbridge, CA 95258**

21 **Qualified Applicator License No. 100640**  
22 **Journeyman Pest Control Aircraft Pilot**  
**Certificate No. 76577**

23 **and**

24 **WILLIAM C. HEPPE II**  
25 **1040 Shakeley Lane**  
26 **Ione, CA 95640**

27 **Journeyman Pest Control Aircraft Pilot**  
28 **Certificate No. 141409**

Case No. 20-002L

OAH No. 2020120289

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER [ALPINE**  
**HELICOPTER SERVICE, INC. ONLY]**

1 **and**

2 **CHARLES F. HEPPE**  
3 **4717 Bay Brook Way**  
4 **Bakersfield, CA 93313**

5 **Qualified Applicator License No. 101033**  
6 **Journeyman Pest Control Aircraft Pilot**  
7 **Certificate No. 76719**

**Respondents.**

8  
9 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
10 entitled proceedings that the following matters are true:

11 **PARTIES**

12 1. Ken Everett (Complainant) is the Assistant Director of the Pesticides Program  
13 Division, Department of Pesticide Regulation (“Department”). He brought this action solely in  
14 his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State  
15 of California, by Phillip L. Arthur, Deputy Attorney General.

16 2. Alpine Helicopter Service, Inc., Joel Conrad Dozhier, William C. Heppe II, and  
17 Charles F. Heppe are represented in this proceeding by attorney David M. Leath, whose address  
18 is Petrie Leath Larrivee & O’Rourke, LLP, 6051 N. Fresno Street, Suite 110, Fresno, CA 93710.

19 3. On or about January 10, 2007, the Department issued Pest Control Business - Main  
20 License No. 30969 to Alpine Helicopter Service, Inc. (Respondent Alpine Helicopter) with Joel  
21 C. Dozhier as President and as the designated Qualified Person (Respondent Dozhier). The  
22 license was in full force and effect at all times relevant to the charges brought in First Amended  
23 Accusation No. 20-002L and will expire on December 31, 2024, unless renewed.

24 **JURISDICTION**

25 4. On or about March 4, 2021, First Amended Accusation No. 20-002L was filed before  
26 the Department and is currently pending against Respondents. The First Amended Accusation  
27 and all other statutorily required documents were properly served on Respondents on March 8,  
28

1 2021. A true and correct copy of First Amended Accusation No. 20-002L is attached hereto as  
2 “Exhibit A” and is incorporated by reference as though fully set forth herein.

3 **ADVISEMENT AND WAIVERS**

4 5. Respondent Alpine Helicopter has carefully read, fully discussed with counsel, and  
5 understands the charges and allegations in First Amended Accusation No. 20-002L. Respondent  
6 Alpine Helicopter has also carefully read, fully discussed with counsel, and understands the  
7 effects of this Stipulated Settlement and Disciplinary Order.

8 6. Respondent Alpine Helicopter is fully aware of its legal rights in this matter,  
9 including the right to a hearing on the charges and allegations in the First Amended Accusation;  
10 the right to confront and cross-examine the witnesses against them; the right to present evidence  
11 and testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of  
12 witnesses and the production of documents; the right to reconsideration and court review of an  
13 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
14 and other applicable laws.

15 7. Respondent Alpine Helicopter voluntarily, knowingly, and intelligently waives and  
16 gives up each and every right set forth above.

17 **CULPABILITY**

18 8. Respondent Alpine Helicopter understands and agrees that the charges and allegations  
19 in First Amended Accusation No. 20-002L, if proven at a hearing, constitute cause for imposing  
20 discipline upon its Pest Control Business - Main License.

21 9. For the purpose of resolving the First Amended Accusation without the expense and  
22 uncertainty of further proceedings, Respondent Alpine Helicopter agrees that, at a hearing,  
23 Complainant could establish a factual basis for the charges in the First Amended Accusation, and  
24 that Respondent Alpine Helicopter hereby gives up its right to contest those charges.

25 10. Respondent Alpine Helicopter agrees that its Pest Control Business - Main License is  
26 subject to discipline and agrees to be bound by the Department’s probationary terms as set forth  
27 in the Disciplinary Order below.

28 ///

1 CONTINGENCY

2 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
3 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
4 signatures thereto, shall have the same force and effect as the originals.

5 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
6 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
7 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
8 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
9 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
10 writing executed by an authorized representative of each of the parties.

11 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
12 the Department may, without further notice or formal proceeding, issue and enter the following  
13 Disciplinary Order:

14 DISCIPLINARY ORDER

15 IT IS HEREBY ORDERED that Pest Control Business - Main License No. 30969 issued to  
16 Alpine Helicopter Service, Inc. (Respondent Alpine Helicopter) with Joel C. Dozhier as President  
17 and as the designated Qualified Person is revoked. However, the revocation is stayed and  
18 Respondent Alpine Helicopter is placed on probation for four (4) years on the following terms  
19 and conditions:

20 1. **Obey All Laws.** Respondent Alpine Helicopter shall obey all federal, state, and local  
21 laws, and all laws and rules relating to the practice of pesticide application.

22 2. **Notice to Employees.** Respondent Alpine Helicopter shall, upon or before the  
23 effective date of this Decision, post or circulate a notice to all employees involved in pesticide  
24 application operations which accurately recite the terms and conditions of probation. Respondent  
25 Alpine Helicopter shall be responsible for said notice being immediately available to said  
26 employees. "Employees" as used in this provision includes all full-time, part-time, temporary,  
27 and relief employees and independent contractors employed or hired at any time during  
28 probation.

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

7           4.     **Interview / Records: Department Or Its Designees.** Respondent Alpine Helicopter  
8 shall be available in person upon reasonable request for interviews and the review of records  
9 either at Respondent Alpine Helicopter’s place of business, residence, or other agreed upon  
10 location throughout the term of probation.

11          5.     **License Surrender.** Following the effective date of this Decision, if Respondent  
12 Alpine Helicopter ceases practicing in the pesticide industry due to retirement, health reasons, or  
13 is otherwise unable to satisfy the terms and conditions of probation, Respondent Alpine  
14 Helicopter may request the voluntary surrender of Respondent Alpine Helicopter’s license to the  
15 Department. The Department reserves the right to evaluate Respondent Alpine Helicopter’s  
16 request and to exercise its discretion whether to grant the request or to take any other action  
17 deemed appropriate and reasonable under the circumstances. Upon the Department’s acceptance  
18 of the surrender, Respondent Alpine Helicopter shall within fifteen (15) days deliver to the  
19 Department’s offices its licenses. Respondent Alpine Helicopter will no longer be subject to the  
20 terms and conditions of probation and the surrender of Respondent Alpine Helicopter’s license  
21 shall be deemed a disciplinary action. However, if Respondent Alpine Helicopter re-applies for a  
22 license or registration, the application shall be treated as a new application for licensure.  
23 Respondent Alpine Helicopter must comply with all the laws, regulations, and procedures for  
24 licensure in effect at the time the application is filed, and all of the charges and allegations  
25 contained in First Amended Accusation No. 20-002L shall be deemed to be true, correct, and  
26 admitted by Respondent Alpine Helicopter when the Department determines whether to grant or  
27 deny the application.

28          6.     **Completion of Probation.** Upon successful completion of probation, Respondent

1 Alpine Helicopter's license will be fully restored if Respondent maintains its license during the  
2 entirety of this probationary period.

3       **7. Use of Global Positioning System Software.** For all aerial pesticide applications,  
4 Respondent Alpine Helicopter shall use global positioning system software to capture and record  
5 throughout any pesticide application: (a) the position of any aircraft used during the pesticide  
6 application; (b) the speed of any such aircraft; and (c) whether the pesticide application system  
7 control valve is open or closed. Respondent Alpine Helicopter must also maintain the native log  
8 file data captured by such software for four (4) years from the date of the application, and provide  
9 such native log file data upon request to the local County Agricultural Commissioner's (CAC)  
10 office, California Department of Pesticide Regulation (the Department), any county District  
11 Attorney's Office, or the California Attorney General's Office.

12       **8. Observation of All Aerial Pesticide Applications.** For all aerial pesticide  
13 applications, Respondent Alpine Helicopter shall have a person holding a current Qualified  
14 Applicator Certificate issued by the Department, a current Qualified Applicator License issued by  
15 the Department, a current Journeyman Pilot Certificate issued by the Department, or a current  
16 Apprentice Pilot Certificate issued by the Department, and who is not Joel C. Dozhier, William C.  
17 Heppe II, Charles Heppe, Khaythan Chamberlain, Stephen Brunskill, or John Latham, observe the  
18 application. That observer shall be in a position on the ground that is within 100 feet of the  
19 boundary of the intended area to be treated with pesticides, have a means to communicate  
20 instantaneously with the pilot conducting the application, and have the authority to require the  
21 application pilot to immediately cease the application if pesticide drift is observed or becomes  
22 reasonably likely to occur. Within 72 hours after any application, this observer must complete a  
23 certification under penalty of perjury, that: (a) the person was present at the application site on  
24 the ground within 100 feet of the boundary of the intended area to be treated with pesticides;  
25 (b) the person monitored the entirety of the application; (c) the person did not observe any  
26 pesticide drift onto non-target persons or property, or other unintended contamination during the  
27 application, or if drift, exposure, or contamination was observed, describing with specificity all  
28 facts observed, including, at a minimum, weather and wind conditions, names and contact

1 information of persons affected, and description and nature of property drifted upon; and (d) the  
2 person did not observe any departure from the exercise of due care by the applicator during the  
3 application, or if any departures were observed, all facts relating to any observed departures.  
4 Respondent Alpine Helicopter must maintain these certifications, along with the name and license  
5 number of the observer, for four (4) years from the date of the application; and provide such  
6 information and certifications upon request to the local CAC's office, the Department, any county  
7 District Attorney's Office, or the California Attorney General's Office. If the person who  
8 monitored the application observes any drift, exposure, or contamination, or any departures from  
9 the exercise of due care by the applicator during the application, Respondent Alpine Helicopter  
10 must send the certification to the local CAC's office, via email, and to the Department, via email  
11 to [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov) within 96 hours of the application's completion.

12       **9. Weather when Loading Pesticide Material Into Aircraft Tanks for Aerial**  
13 **Pesticide Applications.** For all aerial pesticide applications, prior to loading any pesticide  
14 material into the aircraft's tanks, Respondent Alpine Helicopter shall: (1) have a person  
15 positioned within 100 feet of the boundary of the area intended to be treated with pesticides;  
16 (2) ensure that person uses a digital anemometer to measure the wind speed and direction; and  
17 (3) ensure that person takes a photograph of the anemometer's wind speed and direction  
18 measurement using a camera device that automatically captures the time and location at which a  
19 photograph is taken, such as a cell phone camera. Respondent Alpine Helicopter must maintain  
20 these photographs in native format for four (4) years from the date of the application; and provide  
21 such photographs in native format upon request to the local CAC's office, the Department, any  
22 county District Attorney's Office, or the California Attorney General's Office.

23       **10. Use of Digital Anemometer.** For all aerial pesticide applications, Respondent  
24 Alpine Helicopter shall have a person positioned within 100 feet of the boundary of the area  
25 intended to be treated with pesticides use a digital anemometer to measure the wind speed and  
26 direction after each reload of the aircraft's tanks with additional pesticide material and record the  
27 wind speed and direction for each measurement. Respondent Alpine Helicopter must maintain  
28 the record of these measurements and the date and time they were taken for four (4) years from

1 the date of the application; and provide such information upon request to the local CAC's office,  
2 Department, any county District Attorney's Office, or the California Attorney General's Office.

3 **11. Notice to Occupants of Sensitive Site.** For all aerial pesticide applications made  
4 within one-quarter mile of a sensitive site<sup>1</sup> at least 48 hours prior to the pesticide application,  
5 Respondent Alpine Helicopter must notify the occupants of the sensitive site, in writing in both  
6 English and Spanish, of: (1) the date and time of the anticipated application; (2) the location of  
7 the anticipated application; (3) the pesticide anticipated to be applied, including the active  
8 ingredient, the name of the product, and the EPA Registration number; (4) the telephone number  
9 of the applicator; and (5) early signs and symptoms of exposure to the pesticide(s) anticipated to  
10 be applied. This notice must include the following language: "This application will occur no  
11 earlier than the date and time contained in this notice, but may occur up to 96 hours after the date  
12 and time contained in this notice." The notice must also include the following language: "For  
13 information about reporting pesticide problems, visit the California Department of Pesticide  
14 Regulation's website at <https://www.cdpr.ca.gov/docs/dept/quicklinks/report.htm>." This notice  
15 may be provided by: (1) hand-delivering the written notice to the occupants of the sensitive site  
16 at least 48 hours prior to the anticipated application; (2) placing the written information at  
17 occupants' property in hangers left on occupants' doors at least 48 hours prior to the anticipated  
18 application; or (3) placing the written information on the doorstep of the primary building on the  
19 property that is a sensitive site at least 48 hours prior to the anticipated application.<sup>2</sup> If the

20 <sup>1</sup> For purposes of this Disciplinary Order, "sensitive site" is defined to mean areas  
21 frequented by non-occupational bystanders (especially children). These include residential lawns,  
22 pedestrian sidewalks, outdoor recreational areas such as school grounds, athletic fields, parks, and  
23 all property associated with buildings occupied by humans for residential or commercial  
24 purposes. Sensitive sites include homes, farmworker housing, or other residential buildings,  
25 schools, daycare centers, nursing homes, and hospitals. (U.S. EPA, Office of Chemical Safety  
26 and Pollution Prevention, Decision 059101, July 16, 2012.)

27 <sup>2</sup> For an application that will not be made with Restricted Materials but will be made  
28 within one-quarter mile of a sensitive site, Respondent Alpine Helicopter may send a written  
request via email to the Department at [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov) to shorten the required  
notification times listed in Terms 11 and 12 from 48 hours to 12 hours, and upon receiving  
written email approval from the Department and complying with Terms 11 and 12 at least 12  
hours prior to the start of the application, any such application may proceed. The Department  
will consider approving such a request, up to 12 times per calendar year, for applications that are  
made to: (1) address a local emergency pursuant to Government Code section 8630, (2) address a  
local emergency declared by the U.S. Department of Agriculture or the California Department of

(continued...)



1 pesticide application does not commence within 96 hours of the date and time provided in the  
2 notice, a new notice must be provided before the application may occur. For four years,  
3 Respondent Alpine Helicopter must maintain a copy of each notice it provides, a record of the  
4 recipients who received the notice, and a record of when the notice occurred. Respondent Alpine  
5 Helicopter must provide such records upon request to the local CAC's office, the Department,  
6 any county District Attorney's Office, or the California Attorney General's Office.

7 **12. Notice to Department of Sensitive Site Pesticide Applications.** For all aerial  
8 pesticide applications made following the effective date of this Decision through December 31,  
9 2024, that are made within one-quarter mile of a sensitive site, Respondent Alpine Helicopter  
10 shall notify, in writing, the Department, via email to [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov), and the CAC's  
11 Office in the county in which the application will occur, via email, at least 48 hours in advance<sup>3</sup>  
12 and include in such notice the name of the pilot, the date and time of the anticipated application,  
13 the location of the application, the approximate acres to be treated, the pesticide to be used, a  
14 copy of the notice that has been or will be provided to the occupants of the sensitive sites required  
15 by Term 11, and a list of all sensitive sites notified. If the pesticide application does not  
16 commence within 96 hours of the date and time provided in the notice, Respondent Alpine  
17 Helicopter shall notify, in writing, the Department via email to [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov), and  
18 the CAC's Office in the county in which the application was to occur, via email, within 48 hours  
19 after the 96-hour period has elapsed, that the application did not occur. If the pesticide  
20 application does not commence within 96 hours of the date and time provided in the notice, a new  
21 notice must be provided before the application may occur.

22 **13. Notice Regarding Use of Restricted Materials.** For all aerial applications of  
23 pesticides designated as Restricted Materials under California Code of Regulations, title 3,  
24 section 6400 made following the effective date of this Decision through December 31, 2024,

25 \_\_\_\_\_  
26 Food and Agriculture, or (3) control a quarantine pest declared by the U.S. Department of  
27 Agriculture or the California Department of Food and Agriculture. The Department's written  
28 email approval has no effect on Respondent Alpine Helicopter's obligations under any other term  
of this Stipulation or under California's pesticide laws and regulations in place at the time of the  
application.

<sup>3</sup> The procedure to seek approval to shorten the notice period set forth in the preceding  
footnote shall also apply to this notice period.

1 Respondent Alpine Helicopter shall notify, in writing, the Department, via email to  
2 [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov), and the CAC's Office in the county in which the application will  
3 occur, via email, at least 48 hours in advance and include in such notice a copy of the Notice of  
4 Intent required by California Code of Regulations, title 3, section 6434 for the anticipated  
5 pesticide application, a copy of the notice that has been or will be provided to the occupants of  
6 sensitive sites required by Term 11 if any sensitive sites are within a quarter-mile of the boundary  
7 of the area that is to be treated with pesticides, and a list of all of the properties notified, if any. If  
8 the aerial pesticide application does not commence within the 96 hours of the date and provided  
9 in the notice, Respondent Alpine Helicopter shall notify, in writing, the Department, via email to  
10 [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov), and the CAC's Office in the county in which the application will  
11 occur, via email, within 48 hours after the timeframe provided in the notice has elapsed, that the  
12 application did not occur. If the aerial pesticide application does not commence within 96 hours  
13 of the timeframe provided in the notice, a new notice must be provided before the application  
14 may occur.

15       14. **Monthly Reports.** Beginning January 1, 2025, and continuing until December 31,  
16 2027, Respondent Alpine Helicopter shall submit a report on the first business day of each month  
17 to the Department, via email to [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov), that lists all of the sensitive sites  
18 notified during the prior month under Term 11, details the methods used to notify each site under  
19 Term 11, and includes a copy of all of the notices provided during the prior month under Term  
20 11.


21       15. **Annual Reports.** Beginning January 1, 2024, and continuing until December 31,  
22 2027, Respondent Alpine Helicopter shall submit a report annually via email to  
23 [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov) by the first business day of January that is prepared by a  
24 Compliance Coordinator and that details the dates of all aerial pesticide applications by  
25 Respondent Alpine Helicopter that were observed by the Compliance Coordinator during the  
26 preceding 12 months, any violations of California's pesticide laws and regulations committed by  
27 Respondent Alpine Helicopter during the preceding 12 months, and all steps taken to correct such  
28 violations. The Compliance Coordinator must observe at least 25 applications by Respondent

1 Alpine Helicopter or 5 percent of all of Respondent Alpine Helicopter's aerial applications in the  
2 preceding 12 months, whichever is larger. The Compliance Coordinator may not be an employee  
3 of Respondent Alpine Helicopter and must hold a current Qualified Applicator License issued by  
4 the Department. The Compliance Coordinator's name and Department license number must be  
5 included in the report.

6 **ACCEPTANCE**

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
8 discussed it with my attorney, David M. Leath. I understand the stipulation and the effect it will  
9 have on my Pest Control Business - Main License. I enter into this Stipulated Settlement and  
10 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
11 Decision and Order of the Director of the California Department of Pesticide Regulation.

12  
13 DATED: 5-12-23

  
ALPINE HELICOPTER SERVICE, INC.;  
JOEL C. DOZHIER, PRESIDENT  
Respondent

14  
15  
16 I have read and fully discussed with Respondent Alpine Helicopter the terms and conditions  
17 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
18 its form and content.

19 DATED: May 12, 2023

  
DAVID M. LEATH  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the California Department of Pesticide Regulation

Dated: May 12 2023

Respectfully submitted,

ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

*Phillip Arthur*

PHILLIP L. ARTHUR  
Deputy Attorney General  
*Attorneys for Complainant  
Pesticide Regulation*

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**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of the California Department of Pesticide Regulation, as the Decision and Order in the above entitled matter.

This Decision shall become effective on July 5, 2023.

It is so ORDERED June 5, 2023.



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JULIE HENDERSON  
DIRECTOR, CALIFORNIA DEPARTMENT OF  
PESTICIDE REGULATION

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PHILLIP L. ARTHUR  
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4 State Bar No. 238339  
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*Attorneys for Complainant*

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**DISCIPLINARY ORDER [JOEL**  
**CONRAD DOZHIER ONLY]**

1 **and**

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**Respondents.**

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11 **PARTIES**

12 1. Ken Everett (Complainant) is the Assistant Director of the Pesticides Program  
13 Division, Department of Pesticide Regulation (“Department”). He brought this action solely in  
14 his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State  
15 of California, by Phillip L. Arthur, Deputy Attorney General.

16 2. Alpine Helicopter Service, Inc., Joel Conrad Dozhier, William C. Heppe II, and  
17 Charles F. Heppe are represented in this proceeding by attorney David M. Leath, whose address  
18 is Petrie Leath Larrivee & O’Rourke, LLP, 6051 N. Fresno Street, Suite 110, Fresno, CA 93710.

19 3. In or about 1994, the Department issued Qualified Applicator License No. 100640 to  
20 Respondent Joel C. Dozhier. The license was in full force and effect at all times relevant to the  
21 charges brought in First Amended Accusation No. 20-002L and will expire on December 31,  
22 2024, unless renewed.

23 4. On or about January 1, 2007, the Department issued Journeyman Pest Control  
24 Aircraft Pilot Certificate No. 76577 to Respondent Dozhier. The license was in full force and  
25 effect at all times relevant to the charges brought in First Amended Accusation No. 20-002L and  
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27 ///

28 ///

1 **JURISDICTION**

2 5. On or about March 4, 2021, First Amended Accusation No. 20-002L was filed before  
3 the Department and is currently pending against Respondents. The First Amended Accusation  
4 and all other statutorily required documents were properly served on Respondents on March 8,  
5 2021. A true and correct copy of First Amended Accusation No. 20-002L is attached hereto as  
6 “Exhibit A” and is incorporated by reference as though fully set forth herein.

7 **ADVISEMENT AND WAIVERS**

8 6. Respondent Dozhier has carefully read, fully discussed with counsel, and understands  
9 the charges and allegations in First Amended Accusation No. 20-002L. Respondent Dozhier has  
10 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
11 Settlement and Disciplinary Order.

12 7. Respondent Dozhier is fully aware of his legal rights in this matter, including the  
13 right to a hearing on the charges and allegations in the First Amended Accusation; the right to  
14 confront and cross-examine the witnesses against him; the right to present evidence and testify on  
15 his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and  
16 the production of documents; the right to reconsideration and court review of an adverse decision;  
17 and all other rights accorded by the California Administrative Procedure Act and other applicable  
18 laws.

19 8. Respondent Dozhier voluntarily, knowingly, and intelligently waives and gives up  
20 each and every right set forth above.

21 **CULPABILITY**

22 9. Respondent Dozhier understands and agrees that the charges and allegations in First  
23 Amended Accusation No. 20-002L, if proven at a hearing, constitute cause for imposing  
24 discipline upon his Qualified Applicator License and Journeyman Pest Control Aircraft Pilot  
25 Certificate.

26 10. For the purpose of resolving the First Amended Accusation without the expense and  
27 uncertainty of further proceedings, Respondent Dozhier agrees that, at a hearing, Complainant  
28



1 could establish a factual basis for the charges in the First Amended Accusation, and that  
2 Respondent Dozhier hereby gives up his right to contest those charges.

3 11. Respondent Dozhier agrees that his Qualified Applicator License and Journeyman  
4 Pest Control Aircraft Pilot Certificate are subject to discipline and agrees to be bound by the  
5 Department's probationary terms as set forth in the Disciplinary Order below.

### 6 CONTINGENCY

7 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
8 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
9 signatures thereto, shall have the same force and effect as the originals.

10 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
13 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
15 writing executed by an authorized representative of each of the parties.

16 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
17 the Department may, without further notice or formal proceeding, issue and enter the following  
18 Disciplinary Order:

### 19 DISCIPLINARY ORDER

20 IT IS HEREBY ORDERED that Qualified Applicator License No. 100640 and Journeyman  
21 Pest Control Aircraft Pilot Certificate No. 76577 issued to Joel Conrad Dozhier (Respondent  
22 Dozhier) are revoked. However, the revocations are stayed and Respondent Dozhier is placed on  
23 probation for four (4) years on the following terms and conditions:

24 1. **Obey All Laws.** Respondent Dozhier shall obey all federal, state, and local laws, and  
25 all laws and rules relating to the practice of pesticide application.

26 2. **Practice outside the State.** In the event Respondent Dozhier should leave California  
27 to reside or practice outside the State, prior to departing, Respondent Dozhier must provide  
28 written notification to the Department of the dates of departure and actual return to the state.

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

7           4.     **Interview / Records: Department Or Its Designees.** Respondent Dozhier shall be  
8 available in person upon reasonable request for interviews and the review of records either at  
9 Respondent Dozhier's place of business, residence, or other agreed upon location throughout the  
10 term of probation.

11          5.     **License Surrender.** Following the effective date of this Decision, if Respondent  
12 Dozhier ceases practicing in the pesticide industry due to retirement, health reasons, or is  
13 otherwise unable to satisfy the terms and conditions of probation, Respondent Dozhier may  
14 request the voluntary surrender of Respondent Dozhier's license and certificate to the  
15 Department. The Department reserves the right to evaluate Respondent Dozhier's request and to  
16 exercise its discretion whether to grant the request or to take any other action deemed appropriate  
17 and reasonable under the circumstances. Upon the Department's acceptance of the surrender,  
18 Respondent Dozhier shall within fifteen (15) days deliver to the Department's offices his licenses  
19 and certificates. Respondent Dozhier will no longer be subject to the terms and conditions of  
20 probation and the surrender of Respondent Dozhier's license and certificate shall be deemed a  
21 disciplinary action. However, if Respondent Dozhier re-applies for a license or registration, the  
22 application shall be treated as a new application for licensure. Respondent Dozhier must comply  
23 with all the laws, regulations, and procedures for licensure in effect at the time the application is  
24 filed, and all of the charges and allegations contained in First Amended Accusation No. 20-002L  
25 shall be deemed to be true, correct, and admitted by Respondent Dozhier when the Department  
26 determines whether to grant or deny the application.

27          6.     **Completion of Probation.** Upon successful completion of probation, Respondent  
28 Dozhier's license and certificate will be fully restored if Respondent maintains his license and

1 certificate during the entirety of this probationary period.

2       7.     **Take And Pass Qualified Applicator Licensing Exam.** Beginning April 1, 2023,  
3 and continuing until December 31, 2027, Respondent Dozhier is prohibited from acting pursuant  
4 to his Qualified Applicator License No. 100640 on an aerial pesticide application until he takes  
5 and passes the Qualified Applicator License examination offered by the Department. He may  
6 take this examination at any time during the term of his probation.

7       8.     **Take And Pass Journeyman Pilot Certificate Exam.** Beginning April 1, 2024, and  
8 continuing until December 31, 2027, Respondent Dozhier is prohibited from making an aerial  
9 pesticide application pursuant to his Journeyman Pest Control Aircraft Pilot Certificate No. 76577  
10 until he takes and passes the Journeyman Pilot Certificate examination offered by the  
11 Department. He may take this examination at any time during the term of his probation.

12       9.     **Continuing Education.** If Respondent Dozhier maintains his Qualified Applicator  
13 License No. 100640 and/or his Journeyman Pest Control Aircraft Pilot Certificate No. 76577,  
14 Respondent Dozhier is prohibited from performing aerial applications unless he annually submits  
15 verification of completion of two hours of Continuing Education courses designated as “Law”  
16 courses to the Department’s Legal Office via email to [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov) that are in  
17 addition to the Continuing Education courses that Respondent Dozhier submits in support of a  
18 request to renew his license.

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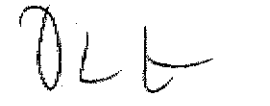
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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David M. Leath. I understand the stipulation and the effect it will have on my Qualified Applicator License and Journeyman Pest Control Aircraft Pilot Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the California Department of Pesticide Regulation.

DATED: 5-12-23   
JOEL CONRAD DOZHIER  
Respondent

I have read and fully discussed with Respondent Dozhier the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

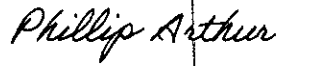
DATED: May 12, 2023   
DAVID M. LEATH  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the California Department of Pesticide Regulation

Dated: May 12 2023

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

  
PHILLIP L. ARTHUR  
Deputy Attorney General  
Attorneys for Complainant  
Pesticide Regulation

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**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of the California Department of Pesticide Regulation, as the Decision and Order in the above entitled matter.

This Decision shall become effective on July 5, 2023.

It is so ORDERED June 5, 2023.



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JULIE HENDERSON  
DIRECTOR, CALIFORNIA DEPARTMENT OF  
PESTICIDE REGULATION

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PHILLIP L. ARTHUR  
Deputy Attorney General  
4 State Bar No. 238339  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7866  
Facsimile: (916) 327-8643  
7 E-mail: Phillip.Arthur@doj.ca.gov  
*Attorneys for Complainant*  
8

9 **BEFORE THE**  
**DEPARTMENT OF PESTICIDE REGULATION**  
10 **STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

13 **ALPINE HELICOPTER SERVICE, INC.;**  
14 **JOEL C. DOZHIER, PRESIDENT**  
15 **11001 West Highway 12**  
**Lodi, CA 95240**

16 **Pest Control Business - Main License No.**  
17 **30969**

18 **and**

19 **JOEL CONRAD DOZHIER**  
20 **P.O. Box 1405**  
**Woodbridge, CA 95258**

21 **Qualified Applicator License No. 100640**  
22 **Journeyman Pest Control Aircraft Pilot**  
**Certificate No. 76577**

23 **and**

24 **WILLIAM C. HEPPE II**  
25 **1040 Shakeley Lane**  
26 **Ione, CA 95640**

27 **Journeyman Pest Control Aircraft Pilot**  
28 **Certificate No. 141409**

Case No. 20-002L

OAH No. 2020120289

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER [WILLIAM C.**  
**HEPPE II ONLY]**

1 and

2 **CHARLES F. HEPPE**  
3 **4717 Bay Brook Way**  
4 **Bakersfield, CA 93313**

5 **Qualified Applicator License No. 101033**  
6 **Journeyman Pest Control Aircraft Pilot**  
7 **Certificate No. 76719**

**Respondents.**

8  
9 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
10 entitled proceedings that the following matters are true:

11 **PARTIES**

12 1. Ken Everett (Complainant) is the Assistant Director of the Pesticides Program  
13 Division, Department of Pesticide Regulation (“Department”). He brought this action solely in  
14 his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State  
15 of California, by Phillip L. Arthur, Deputy Attorney General.

16 2. Alpine Helicopter Service, Inc., Joel Conrad Dozhier, William C. Heppe II, and  
17 Charles F. Heppe are represented in this proceeding by attorney David M. Leath, whose address  
18 is Petrie Leath Larrivee & O’Rourke, LLP, 6051 N. Fresno Street, Suite 110, Fresno, CA 93710.

19 3. On or about July 14, 2016, the Department issued Journeyman Pest Control Aircraft  
20 Pilot Certificate No. 141409 to William C. Heppe II (Respondent William Heppe II). The license  
21 was in full force and effect at all times relevant to the charges brought in First Amended  
22 Accusation No. 20-002L and will expire on December 31, 2024, unless renewed.

23 **JURISDICTION**

24 4. On or about March 4, 2021, First Amended Accusation No. 20-002L was filed before  
25 the Department and is currently pending against Respondents. The First Amended Accusation  
26 and all other statutorily required documents were properly served on Respondents on March 8,  
27 2021. A true and correct copy of First Amended Accusation No. 20-002L is attached hereto as  
28 “Exhibit A” and is incorporated by reference as though fully set forth herein.

1 **ADVISEMENT AND WAIVERS**

2 5. Respondent William Hepe II has carefully read, fully discussed with counsel, and  
3 understands the charges and allegations in First Amended Accusation No. 20-002L. Respondent  
4 William Hepe II has also carefully read, fully discussed with counsel, and understands the  
5 effects of this Stipulated Settlement and Disciplinary Order.

6 6. Respondent William Hepe II is fully aware of his legal rights in this matter,  
7 including the right to a hearing on the charges and allegations in the First Amended Accusation;  
8 the right to confront and cross-examine the witnesses against him; the right to present evidence  
9 and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of  
10 witnesses and the production of documents; the right to reconsideration and court review of an  
11 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
12 and other applicable laws.

13 7. Respondent William Hepe II voluntarily, knowingly, and intelligently waives and  
14 gives up each and every right set forth above.

15 **CULPABILITY**

16 8. Respondent William Hepe II understands and agrees that the charges and allegations  
17 in First Amended Accusation No. 20-002L, if proven at a hearing, constitute cause for imposing  
18 discipline upon his Journeyman Pest Control Aircraft Pilot Certificate.

19 9. For the purpose of resolving the First Amended Accusation without the expense and  
20 uncertainty of further proceedings, Respondent William Hepe II agrees that, at a hearing,  
21 Complainant could establish a factual basis for the charges in the First Amended Accusation, and  
22 that Respondent William Hepe II hereby gives up his right to contest those charges.

23 10. Respondent William Hepe II agrees that his Journeyman Pest Control Aircraft Pilot  
24 Certificate No. 141409 is subject to discipline and agrees to be bound by the Department's  
25 probationary terms as set forth in the Disciplinary Order below.

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1 CONTINGENCY

2 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
3 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
4 signatures thereto, shall have the same force and effect as the originals.

5 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
6 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
7 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
8 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
9 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
10 writing executed by an authorized representative of each of the parties.

11 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
12 the Department may, without further notice or formal proceeding, issue and enter the following  
13 Disciplinary Order:

14 DISCIPLINARY ORDER

15 IT IS HEREBY ORDERED that Journeyman Pest Control Aircraft Pilot Certificate No.  
16 141409 issued to William C. Hepe II (Respondent William Hepe II) is revoked. However, the  
17 revocation is stayed and Respondent William Hepe II is placed on probation for four (4) years  
18 on the following terms and conditions:

19 1. **Obey All Laws.** Respondent William Hepe II shall obey all federal, state, and local  
20 laws, and all laws and rules relating to the practice of pesticide application.

21 2. **Practice outside the State.** In the event Respondent William Hepe II should leave  
22 California to reside or practice outside the State, prior to departing, Respondent William Hepe II  
23 must provide written notification to the Department of the dates of departure and actual return to  
24 the state.

25 3. **Violation of Probation.** Should Respondent William Hepe II violate probation in  
26 any respect, the Department, after giving Respondent William Hepe II notice and an opportunity  
27 to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an  
28 accusation or a petition to revoke probation is filed against Respondent William Hepe II during

1 probation, the Department shall have continuing jurisdiction until the matter is final, and the  
2 period of probation shall be extended until the matter has been acted upon by the Department.

3 4. **Interview / Records: Department Or Its Designees.** Respondent William Heppe II  
4 shall be available in person upon reasonable request for interviews and the review of records  
5 either at Respondent William Heppe II's place of business, residence, or other agreed upon  
6 location throughout the term of probation.

7 5. **License Surrender.** Following the effective date of this Decision, if Respondent  
8 William Heppe II ceases practicing in the pesticide industry due to retirement, health reasons, or  
9 is otherwise unable to satisfy the terms and conditions of probation, Respondent William Heppe  
10 II may request the voluntary surrender of Respondent William Heppe II's certificate to the  
11 Department. The Department reserves the right to evaluate Respondent William Heppe II's  
12 request and to exercise its discretion whether to grant the request or to take any other action  
13 deemed appropriate and reasonable under the circumstances. Upon the Department's acceptance  
14 of the surrender, Respondent William Heppe II shall within fifteen (15) days deliver to the  
15 Department's offices his licenses and certificates. Respondent William Heppe II will no longer  
16 be subject to the terms and conditions of probation and the surrender of Respondent William  
17 Heppe II's certificate shall be deemed a disciplinary action. However, if Respondent William  
18 Heppe II re-applies for a license or registration, the application shall be treated as a new  
19 application for licensure. Respondent William Heppe II must comply with all the laws,  
20 regulations, and procedures for licensure in effect at the time the application is filed, and all of the  
21 charges and allegations contained in First Amended Accusation No. 20-002L shall be deemed to  
22 be true, correct, and admitted by Respondent William Heppe II when the Department determines  
23 whether to grant or deny the application.

24 6. **Completion of Probation.** Upon successful completion of probation, Respondent  
25 William Heppe II's certificate will be fully restored if Respondent maintains his certificate during  
26 the entirety of this probationary period.

27 7. **Take And Pass Journeyman Pilot Certificate Exam.** Beginning April 1, 2024, and  
28 continuing until December 31, 2027, Respondent William Heppe II is prohibited from making an

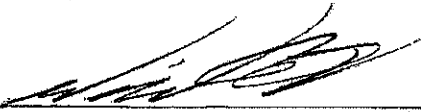
1 aerial pesticide application pursuant to his Journeyman Pest Control Aircraft Pilot Certificate No.  
2 141409 until he takes and passes the Journeyman Pilot Certificate examination offered by the  
3 Department. He may take this examination at any time during the term of his probation.

4 8. **Continuing Education.** If Respondent William Hepe II maintains his Journeyman  
5 Pest Control Aircraft Pilot Certificate No. 141409, Respondent William Hepe II is prohibited  
6 from performing aerial applications unless he annually submit verification of completion of two  
7 hours of Continuing Education courses designated as "Law" courses to the Department's Legal  
8 Office via email to [pesticidenotice@cdpr.ca.gov](mailto:pesticidenotice@cdpr.ca.gov) that are in addition to the Continuing Education  
9 courses that Respondent William Hepe II submits in support of a request to renew his certificate.

10 **ACCEPTANCE**

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney, David M. Leath. I understand the stipulation and the effect it will  
13 have on my Journeyman Pest Control Aircraft Pilot Certificate. I enter into this Stipulated  
14 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
15 bound by the Decision and Order of the Director of the California Department of Pesticide  
16 Regulation.

17  
18 DATED: 5/12/2023

  
19 WILLIAM C. HEPPE II  
Respondent

20 I have read and fully discussed with Respondent William C. Hepe II the terms and  
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
22 I approve its form and content.

23 DATED: May 12, 2023

  
24 DAVID M. LEATH  
Attorney for Respondent William C. Hepe II

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the California Department of Pesticide Regulation.

Dated: May 12 2023

Respectfully submitted,

ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

*Phillip Arthur*

PHILLIP L. ARTHUR  
Deputy Attorney General  
*Attorneys for Complainant  
Pesticide Regulation*

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**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of the California Department of Pesticide Regulation, as the Decision and Order in the above entitled matter.

This Decision shall become effective on July 5, 2023.

It is so ORDERED June 5, 2023.



---

JULIE HENDERSON  
DIRECTOR, CALIFORNIA DEPARTMENT OF  
PESTICIDE REGULATION

**Exhibit A**

**First Amended Accusation No. 20-002L**

1 XAVIER BECERRA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PHILLIP L. ARTHUR  
Deputy Attorney General  
4 State Bar No. 238339  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7866  
Facsimile: (916) 327-8643  
7 E-mail: Phillip.Arthur@doj.ca.gov  
*Attorneys for Complainant*  
8

9 **BEFORE THE**  
**DEPARTMENT OF PESTICIDE REGULATION**  
10 **STATE OF CALIFORNIA**  
11

12 In the Matter of the Accusation Against:

Case No. 20-002L

13 **ALPINE HELICOPTER SERVICE, INC.;**  
**JOEL C. DOZHIER, PRESIDENT**  
14 **11001 West Highway 12**  
**Lodi, CA 95240**  
15

**FIRST AMENDED**  
**ACCUSATION**

16 **Pest Control Business - Main License No.**  
**30969**  
17

18 **and**

19 **JOEL CONRAD DOZHIER**  
**P.O. Box 1405**  
20 **Woodbridge, CA 95258**

21 **Qualified Applicator License No. 100640**  
**Journeyman Pest Control Aircraft Pilot**  
22 **Certificate No. 76577**

23 **and**

24 **WILLIAM C. HEPPE II**  
25 **1040 Shakeley Lane**  
26 **Ione, CA 95640**

27 **Journeyman Pest Control Aircraft Pilot**  
28 **Certificate No. 141409**

1 **and**

2 **CHARLES F. HEPPE**  
3 **4717 Bay Brook Way**  
4 **Bakersfield, CA 93313**

5 **Qualified Applicator License No. 101033**  
6 **Journeyman Pest Control Aircraft Pilot**  
7 **Certificate No. 76719**

8 Respondents.

9 Ken Everett (“Complainant”) alleges:

10 **PARTIES**

11 1. Complainant brings this Accusation solely in his official capacity as the Assistant  
12 Director of the Pesticides Program Division, Department of Pesticide Regulation (“Department”).

13 2. On or about January 10, 2007, the Department issued Pest Control Business - Main  
14 License No. 30969 to Alpine Helicopter Service, Inc. (Respondent Alpine Helicopter) with Joel  
15 C. Dozhier as President and as the designated Qualified Person (Respondent Dozhier). The  
16 license was in full force and effect at all times relevant to the charges brought herein and will  
17 expire on December 31, 2022, unless renewed.

18 3. In or about 1994, the Department issued Qualified Applicator License No. 100640 to  
19 Respondent Dozhier. The license was in full force and effect at all times relevant to the charges  
20 brought herein and will expire on December 31, 2022, unless renewed.

21 4. On or about January 1, 2007, the Department issued Journeyman Pest Control  
22 Aircraft Pilot Certificate No. 76577 to Respondent Dozhier. The license was in full force and  
23 effect at all times relevant to the charges brought herein and will expire on December 31, 2022,  
24 unless renewed.

25 5. On or about July 14, 2016, the Department issued Journeyman Pest Control Aircraft  
26 Pilot Certificate No. 141409 to William C. Heppe II (Respondent William Heppe II). The license  
27 was in full force and effect at all times relevant to the charges brought herein and will expire on  
28 December 31, 2022, unless renewed.

///





1 condition placed upon, a license upon correction of the defects of equipment,  
2 establishment of adequate safety practices, or any other corrective action as he or she  
3 deems satisfactory to assure compliance with the requirements of statutes and  
4 regulations. In that event, the matter may proceed to hearing as though the license had  
5 not been suspended or the conditions placed upon it.

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10 10. Code section 11791 provides, in pertinent part:

11 It is unlawful for any person subject to this division to do any of the following:

12 . . .

13 (b) Operate in a faulty, careless, or negligent manner.

14 (c) Refuse or neglect to comply with this division, or any regulation issued  
15 pursuant to this division, or any lawful order of the commissioner or the director. . . .

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23 11. Code section 11910 provides, in pertinent part:

24 (a) The director may refuse to issue a manned or unmanned pest control aircraft  
25 pilot certificate to an applicant and may revoke or suspend a manned or unmanned pest  
26 control aircraft pilot certificate after a hearing in which one or more of the following  
27 findings are made:

28 . . .

(4) The person has violated any provision of, or any regulation adopted pursuant  
to, this division or Division 7 (commencing with Section 12501) pertaining to pesticides,  
any regulation of a county agricultural commissioner, or any industrial safety order of the  
Department of Industrial Relations, or has not complied with any order of the director or  
commissioner as authorized by Section 11737.

. . .

(b) The director may, pending a hearing, suspend or condition the certificate of any  
pest control aircraft pilot when, upon an investigation that the director determines to be  
necessary and upon the receipt of affidavits by the enforcement personnel provided in  
Section 11501.5 or injured parties, the director finds that continuance of the certificate  
endangers public welfare or safety. The director may terminate the suspension or  
condition upon the taking of corrective action that the director determines to be  
satisfactory to ensure qualification or compliance with the law or regulations. In that  
event, the matter may proceed to hearing as though that action had not been taken.

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A qualified applicator license may be refused, revoked, or suspended by the  
director, after a hearing, for any of the following:

(a) Failure to comply with this division or Division 7 (commencing with  
Section 12501) or regulations adopted pursuant to these divisions.

. . .

(d) Failure to supervise operations, activities, and employees of the pest control

1 business in a manner that ensures compliance with this division and Division 7  
2 (commencing with Section 12501) pertaining to pesticides.

3 13. Code section 12972 states, “The use of any pesticide by any person shall be in  
4 such a manner as to prevent substantial drift to nontarget areas.”

5 14. Code section 12973 states, “The use of any pesticide shall not conflict with  
6 labeling registered pursuant to this chapter which is delivered with the pesticide or with any  
7 additional limitations applicable to the conditions of any permit issued by the director or  
8 commissioner.”

### 9 **REGULATORY PROVISIONS**

10 15. California Code of Regulations, title 3 (Regulation), section 6600, states:

11 Each person performing pest control shall:

12 (a) Use only pest control equipment which is in good repair and safe to  
13 operate.

14 (b) Perform all pest control in a careful and effective manner.

15 (c) Use only methods and equipment suitable to insure proper application of  
16 pesticides.

17 (d) Perform all pest control under climatic conditions suitable to insure  
18 proper application of pesticides.

19 (e) Exercise reasonable precautions to avoid contamination of the  
20 environment.

21 16. Regulation section 6614, states in pertinent part:

22 . . .

23 (b) Notwithstanding that substantial drift will be prevented, no pesticide  
24 application shall be made or continued when:

25 (1) There is a reasonable possibility of contamination of the bodies or  
26 clothing of persons not involved in the application process;

27 (2) There is a reasonable possibility of damage to nontarget crops, animals or other  
28 public or private property . . . .

### 29 **PESTICIDES**

30 17. *Luna Sensation* (EPA Registration No. 264-1090) is a broad-spectrum fungicide  
31 with preventative, systemic, and curative properties labeled for the control or suppression of  
32 certain crop diseases. Fluopyram and Trifloxystrobin are the active ingredients for Luna

1 Sensation. Luna Sensation’s label that is registered with the Department states, “Harmful if  
2 swallowed, absorbed through skin, or inhaled. Avoid contact with skin, eyes, or clothing. Avoid  
3 breathing vapor or spray mist.” The label further cautions the applicator against spraying the  
4 pesticide during windy conditions.

5 18. *Fulfill* (EPA Registration. No. 100-912) is a pesticide and aphid (a minute bug that  
6 feeds by sucking sap from plants and causes extensive damage to crops) specialist with a unique  
7 mode of action that inhibits feeding soon after ingestion and results in aphid death. Aphids  
8 quickly stop feeding one to two hours after they ingest the active ingredient in Fulfill  
9 (Pymetrozine), which helps prevent the spread of persistently and non-persistently transmitted  
10 plant viruses. The Department-registered label for Fulfill notes that the pesticide is “harmful if  
11 absorbed through skin,” and advises applicators not to “allow spray to drift onto adjacent land or  
12 crops.” It also prohibits application of “this product in a way that will contact workers or other  
13 persons, either directly or through drift.”

14 19. *Zeal* (EPA Reg. No. 59639-138) is a pesticide that removes the yield-drag potential<sup>1</sup>  
15 that two-spotted spider mites, banks grass mites, and other species of spider mites can cause on a  
16 farm. Zeal affects all stages of mites from egg to adult—even for those resistant to other  
17 chemistries. Etoxazole is the active ingredient for Zeal. The Department-registered label for Zeal  
18 notes that the pesticide “[c]auses moderate eye irritation,” directs applicators not to apply “when  
19 weather conditions favor drift from treated areas,” and warns applicators to “not apply this  
20 product in a way that will contact workers or other persons.”

21 **SEPTEMBER 7, 2019 SAN JOAQUIN INCIDENT**

22 20. On or about September 7, 2019, between 7 and 9 a.m., Respondent William Heppe II  
23 made an aerial pesticide application on behalf of Respondent Alpine Helicopter to a pumpkin  
24 field, Site 25-5, which is located next to the San Joaquin County Regional Sports Complex in  
25 Stockton, California. September 7, 2019, was a Saturday and numerous families were at the  
26 Sports Complex soccer fields for youth soccer games.

27 \_\_\_\_\_  
28 <sup>1</sup> A negative effect on grain yield associated with crop plants that have a specific gene or a  
specific trait. This renders the resident gene inactive and unable to produce the protein it  
encoded.

1           21. On or about September 9, 2019, a concerned citizen, D.G., contacted the San Joaquin  
2 County Agricultural Commissioner’s Office and reported Respondent William Heppe II’s  
3 misapplication of pesticides.

4           22. In response to D.G.’s complaint, the San Joaquin County Agricultural  
5 Commissioner’s Office initiated an investigation into Respondent William Heppe II’s September  
6 7, 2019, pesticide application. Three witnesses reported observing William Heppe II’s helicopter  
7 applying pesticides at the pumpkin field. In addition, Respondent William Heppe II admitted  
8 applying pesticides to the pumpkin field and that he observed children at the soccer fields in the  
9 Sports Complex next to the pumpkin field while he was making his pesticide application.  
10 Respondent William Heppe II also admitted that during his application, he tested the wind  
11 direction using smoke and noted the wind blowing toward the Sports Complex soccer fields.

12           23. On September 9, 2019, pesticide residue samples were collected from the parking  
13 area immediately west of the soccer field. The samples returned positive for the active  
14 ingredients in Luna Sensation, the pesticide Respondent William Heppe II applied to the pumpkin  
15 field on September 7, 2019.

16           24. A Pesticide Use Report submitted by Respondent Alpine Helicopter confirmed that it  
17 applied pesticides to the pumpkin field on September 7, 2019.

18 **RESPONDENT ALPINE HELICOPTER**

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
21 **Areas)**

22           25. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
23 under Code sections 11708, subdivision (d), 11791, subdivision (c), and 12972, in that on  
24 September 7, 2019, Alpine Helicopter applied the pesticide Luna Sensation in a manner which  
25 resulted in substantial drift to nontarget areas. The facts and circumstances are described with  
26 more particularity in paragraphs 20-24, above.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

3 26. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
4 under Code sections 11708, subdivision (d), 11791, subdivision (c), and 12973, in that on  
5 September 7, 2019, Alpine Helicopter applied the pesticide Luna Sensation in conflict with its  
6 label, which states, “Do not apply this product in a way that will contact workers or other persons,  
7 either directly or through drift,” and which instructs applicators to “avoid spraying when windy.”  
8 The facts and circumstances are described with more particularity in paragraphs 20-24, above.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
11 **Manner)**

12 27. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
13 under Code sections 11708, subdivision (d), and 11791, subdivisions (b) and (c), in that on  
14 September 7, 2019, Alpine Helicopter operated in a faulty, careless, or negligent manner. The  
15 facts and circumstances are described with more particularity in paragraphs 20-24, above.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Regulation section 6614, subdivision (b)(1)—Application of Pesticide With a Reasonable**  
18 **Possibility of Contamination of the Bodies or Clothing of Non-Involved Persons)**

19 28. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
20 under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
21 Regulation section 6614, subdivision (b)(1), in that on September 7, 2019, Alpine Helicopter  
22 made a pesticide application when there was a reasonable possibility of contamination of the  
23 bodies or clothing of persons not involved in the application process. The facts and  
24 circumstances are described with more particularity in paragraphs 20-24, above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Regulation section 6614, subdivision (b)(2)—Application of Pesticide With a Reasonable**  
3 **Possibility of Damage to Nontarget Crops, Animals, or Other Property)**

4 29. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
5 under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
6 Regulation section 6614, subdivision (b)(2), in that on September 7, 2019, Alpine Helicopter  
7 made a pesticide application when there was a reasonable possibility of damage to nontarget  
8 crops, animals, or other public or private property. The facts and circumstances are described  
9 with more particularity in paragraphs 20-24, above.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and**  
12 **Effective Manner)**

13 30. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
14 under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
15 Regulation section 6600, subdivision (b), in that on September 7, 2019, Alpine Helicopter failed  
16 to perform pest control in a careful and effective manner. The facts and circumstances are  
17 described with more particularity in paragraphs 20-24, above.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Regulation section 6600, subdivision (c)—Failure to Use Methods and Equipment Suitable**  
20 **to Insure Proper Application of Pesticides)**

21 31. Respondent Alpine Helicopter’s Pest Control Business License is subject to  
22 discipline under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
23 Regulation section 6600, subdivision (c), in that on September 7, 2019, Alpine Helicopter failed  
24 to use methods and equipment suitable to insure proper application of pesticides. The facts and  
25 circumstances are described with more particularity in paragraphs 20-24, above.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Regulation section 6600, subdivision (d)—Failure to Perform Pest Control Under Climactic**  
3 **Conditions Suitable to Insure Proper Application of Pesticides)**

4 32. Respondent Alpine Helicopter’s Pest Control Business License is subject to  
5 discipline under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
6 Regulation section 6600, subdivision (d), in that on September 7, 2019, Alpine Helicopter failed  
7 to perform pest control under climactic conditions suitable to insure proper application of  
8 pesticides. The facts and circumstances are described with more particularity in paragraphs 20-  
9 24, above.

10 **RESPONDENT DOZHIER**

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
13 **Areas)**

14 33. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
15 Person for Respondent Alpine Helicopter, is subject to discipline under Code sections 12205,  
16 subdivision (d), and 12972, in that on September 7, 2019, Alpine Helicopter applied the pesticide  
17 Luna Sensation in a manner which resulted in substantial drift to nontarget areas. The facts and  
18 circumstances are described with more particularity in paragraphs 20-24, above.

19 **TENTH CAUSE FOR DISCIPLINE**

20 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

21 34. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
22 Person for Respondent Alpine Helicopter, is subject to discipline under Code sections 12205,  
23 subdivision (d), and 12973, in that on September 7, 2019, Alpine Helicopter applied the pesticide  
24 Luna Sensation in conflict with its label, which states, “Do not apply this product in a way that  
25 will contact workers or other persons, either directly or through drift,” and which instructs  
26 applicators to “avoid spraying when windy.” The facts and circumstances are described with  
27 more particularity in paragraphs 20-24, above.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
3 **Manner)**

4 35. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
5 Person for Respondent Alpine Helicopter, is subject to discipline under Code sections 12205,  
6 subdivision (d), and 11791, subdivision (b), in that on September 7, 2019, he failed to supervise  
7 the operations, activities, and employees of Respondent Alpine Helicopter, and operated  
8 Respondent Alpine Helicopter in a faulty, careless, or negligent manner. The facts and  
9 circumstances are described with more particularity in paragraphs 20-24, above.

10 **TWELFTH CAUSE FOR DISCIPLINE**

11 **(Regulation section 6614, subdivision (b)(1)—Application of Pesticide With a Reasonable**  
12 **Possibility of Contamination of the Bodies or Clothing of Non-Involved Persons)**

13 36. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
14 Person for Respondent Alpine Helicopter, is subject to discipline under Code section 12205,  
15 subdivision (d), by and through Regulation section 6614, subdivision (b)(1), in that on September  
16 7, 2019, Alpine Helicopter made a pesticide application when there was a reasonable possibility  
17 of contamination of the bodies or clothing of persons not involved in the application process. The  
18 facts and circumstances are described with more particularity in paragraphs 20-24, above.

19 **THIRTEENTH CAUSE FOR DISCIPLINE**

20 **(Regulation section 6614, subdivision (b)(2)—Application of Pesticide With a Reasonable**  
21 **Possibility of Damage to Nontarget Crops, Animals, or Other Public Property)**

22 37. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
23 Person for Respondent Alpine Helicopter, is subject to discipline under Code section 12205,  
24 subdivision (d), by and through Regulation section 6614, subdivision (b)(2), in that on September  
25 7, 2019, Alpine Helicopter made a pesticide application when there was a reasonable possibility  
26 of damage to nontarget crops, animals, or other public or private property. The facts and  
27 circumstances are described with more particularity in paragraphs 20-24, above.

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**FOURTEENTH CAUSE FOR DISCIPLINE**

**(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and Effective Manner)**

38. Respondent Dozhier’s Qualified Applicator License, as President and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code section 12205, subdivision (d), by and through Regulation section 6600, subdivision (b), in that on September 7, 2019, Alpine Helicopter failed to perform pest control in a careful and effective manner. The facts and circumstances are described with more particularity in paragraphs 20-24, above.

**FIFTEENTH CAUSE FOR DISCIPLINE**

**(Regulation section 6600, subdivision (c)—Failure to Use Methods and Equipment Suitable to Insure Proper Application of Pesticides)**

39. Respondent Dozhier’s Qualified Applicator License, as President and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code section 12205, subdivision (d), by and through Regulation section 6600, subdivision (c), in that on September 7, 2019, Alpine Helicopter failed to use methods and equipment suitable to insure proper application of pesticides. The facts and circumstances are described with more particularity in paragraphs 20-24, above.

**SIXTEENTH CAUSE FOR DISCIPLINE**

**(Regulation section 6600, subdivision (d)—Failure to Perform Pest Control Under Climactic Conditions Suitable to Insure Proper Application of Pesticides)**

40. Respondent Dozhier’s Qualified Applicator License, as President and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code section 12205, subdivision (d), by and through Regulation section 6600, subdivision (d), in that on September 7, 2019, Alpine Helicopter failed to perform pest control under climactic conditions suitable to insure proper application of pesticides. The facts and circumstances are described with more particularity in paragraphs 20-24, above.

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1 **RESPONDENT WILLIAM HEPPE II**

2 **SEVENTEENTH CAUSE FOR DISCIPLINE**

3 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
4 **Areas)**

5 41. Respondent William Heppe II’s Journeyman Pest Control Aircraft Pilot Certificate is  
6 subject to discipline under Code sections 11910, subdivision (a)(4), 11791, subdivision (c), and  
7 12972, in that on September 7, 2019, William Heppe II applied the pesticide Luna Sensation in a  
8 manner which resulted in substantial drift to nontarget areas. The facts and circumstances are  
9 described with more particularity in paragraphs 20-24, above.

10 **EIGHTEENTH CAUSE FOR DISCIPLINE**

11 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

12 42. Respondent William Heppe II’s Journeyman Pest Control Aircraft Pilot Certificate  
13 is subject to discipline under Code sections 11910, subdivision (a)(4), 11791, subdivision (c), and  
14 12973, in that on September 7, 2019, William Heppe II applied the pesticide Luna Sensation in  
15 conflict with its label, which states, “Do not apply this product in a way that will contact workers  
16 or other persons, either directly or through drift,” and which instructs applicators to “avoid  
17 spraying when windy.” The facts and circumstances are described with more particularity in  
18 paragraphs 20-24, above.

19 **NINETEENTH CAUSE FOR DISCIPLINE**

20 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
21 **Manner)**

22 43. Respondent William Heppe II’s Journeyman Pest Control Aircraft Pilot Certificate  
23 is subject to discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivisions (b)  
24 and (c), in that on September 7, 2019, he operated in a faulty, careless, or negligent manner. The  
25 facts and circumstances are described with more particularity in paragraphs 20-24, above.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

2 **(Regulation section 6614, subdivision (b)(1)—Application of Pesticide With a Reasonable**  
3 **Possibility of Contamination of the Bodies or Clothing of Non-Involved Persons)**

4 44. Respondent William Hepe II’s Journeyman Pest Control Aircraft Pilot Certificate  
5 is subject to discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivision (c),  
6 by and through Regulation section 6614, subdivision (b)(1), in that on September 7, 2019,  
7 William Hepe II made a pesticide application when there was a reasonable possibility of  
8 contamination of the bodies or clothing of persons not involved in the application process. The  
9 facts and circumstances are described with more particularity in paragraphs 20-24, above.

10 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

11 **(Regulation section 6614, subdivision (b)(2)—Application of Pesticide With a Reasonable**  
12 **Possibility of Damage to Nontarget Crops, Animals, or Other Public Property)**

13 45. Respondent William Hepe II’s Journeyman Pest Control Aircraft Pilot Certificate  
14 is subject to discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivision (c),  
15 by and through Regulation section 6614, subdivision (b)(2), in that on September 7, 2019,  
16 William Hepe II made a pesticide application when there was a reasonable possibility of damage  
17 to nontarget crops, animals, or other public or private property. The facts and circumstances are  
18 described with more particularity in paragraphs 20-24, above.

19 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

20 **(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and**  
21 **Effective Manner)**

22 46. Respondent William Hepe II’s Journeyman Pest Control Aircraft Pilot Certificate  
23 is subject to discipline under Code sections 11901, subdivision (a)(4), and 11791, subdivision (c),  
24 by and through Regulation section 6600, subdivision (b), in that on September 7, 2019, William  
25 Hepe II failed to perform pest control in a careful and effective manner. The facts and  
26 circumstances are described with more particularity in paragraphs 20-24, above.

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**TWENTY-THIRD CAUSE FOR DISCIPLINE**

**(Regulation section 6600, subdivision (c)—Failure to Use Methods and Equipment Suitable to Insure Proper Application of Pesticides)**

47. Respondent William Heppe II’s Journeyman Pest Control Aircraft Pilot Certificate is subject to discipline under Code sections 11901, subdivision (a)(4), and 11791, subdivision (c), by and through Regulation section 6600, subdivision (c), in that on September 7, 2019, William Heppe II failed to use methods and equipment suitable to insure proper application of pesticides. The facts and circumstances are described with more particularity in paragraphs 20-24, above.

**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

**(Regulation section 6600, subdivision (d)—Failure to Perform Pest Control Under Climactic Conditions Suitable to Insure Proper Application of Pesticides)**

48. Respondent William Heppe II’s Journeyman Pest Control Aircraft Pilot Certificate is subject to discipline under Code sections 11901, subdivision (a)(4), and 11791, subdivision (c), by and through Regulation section 6600, subdivision (d), in that on September 7, 2019, William Heppe II failed to perform pest control under climactic conditions suitable to insure proper application of pesticides. The facts and circumstances are described with more particularity in paragraphs 20-24, above.

**SEPTEMBER 17, 2019 SAN JOAQUIN INCIDENT**

49. On or about September 17, 2019, San Joaquin County Agricultural Biologist/Standards Inspector A.D. stood at the San Joaquin County Sports Complex and observed Respondent Dozhier making an aerial pesticide application to Site 25-5. While Inspector A.D. was at the San Joaquin County Sports Complex, witness O.E. complained that there was pesticide residue on his car, which was located in the parking lot of the Sports Complex next to the softball/baseball fields. Inspector A.D. observed pesticide residue on O.E.’s car and took photos of it. A swab sample taken from O.E.’s windshield came back positive for Pymetrozine, the active ingredient in Fulfill, which was the pesticide Respondent Dozhier applied to Site 25-5 on September 17, 2019.

1           50. On or about September 17, 2019, Respondent William Heppe II e-mailed Inspector  
2 A.D. and confirmed that Respondent Alpine Helicopter applied pesticides to Site 25-5 on  
3 September 17, 2019. During a subsequent telephone conversation with Inspector A.D., on or  
4 about December 18, 2019, William Heppe II admitted that Respondent Dozhier applied the  
5 pesticides to Site 25-5 on September 17, 2019.

6 **RESPONDENT ALPINE HELICOPTER**

7 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

8 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
9 **Areas)**

10           51. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
11 under Code sections 11708, subdivision (d), 11791, subdivision (c), and 12972, in that on  
12 September 17, 2019, Alpine Helicopter applied the pesticide Fulfill in a manner which resulted in  
13 substantial drift to nontarget areas. The facts and circumstances are described with more  
14 particularity in paragraphs 49-50, above.

15 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

16 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

17           52. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
18 under Code sections 11708, subdivision (d), 11791, subdivision (c), and 12973, in that on  
19 September 17, 2019, Alpine Helicopter applied the pesticide Fulfill in conflict with its label,  
20 which states, “Do not apply this product in a way that will contact workers or other persons,  
21 either directly or through drift.” The facts and circumstances are described with more  
22 particularity in paragraphs 49-50, above.

23 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

24 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
25 **Manner)**

26           53. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
27 under Code sections 11708, subdivision (d), and 11791, subdivisions (b) and (c), in that on  
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1 September 17, 2019, Alpine Helicopter operated in a faulty, careless, or negligent manner. The  
2 facts and circumstances are described with more particularity in paragraphs 49-50, above.

3 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

4 **(Regulation section 6614, subdivision (b)(1)—Application of Pesticide With a Reasonable**  
5 **Possibility of Contamination to the Bodies or Clothing of Non-Involved Persons)**

6 54. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
7 under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
8 Regulation section 6614, subdivision (b)(1), in that on September 17, 2019, Alpine Helicopter  
9 made a pesticide application when there was a reasonable possibility of contamination of the  
10 bodies or clothing of persons not involved in the application process. The facts and  
11 circumstances are described with more particularity in paragraphs 49-50, above.

12 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

13 **(Regulation section 6614, subdivision (b)(2)—Application of Pesticide With a Reasonable**  
14 **Possibility of Damage to Nontarget Crops, Animals, or Other Property)**

15 55. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
16 under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
17 Regulation section 6614, subdivision (b)(2), in that on September 17, 2019, Alpine Helicopter  
18 made a pesticide application when there was a reasonable possibility of damage to nontarget  
19 crops, animals, or other public or private property. The facts and circumstances are described  
20 with more particularity in paragraphs 49-50, above.

21 **THIRTIETH CAUSE FOR DISCIPLINE**

22 **(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and**  
23 **Effective Manner)**

24 56. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
25 under Code sections 11708, subdivision (b), and 11791, subdivision (c), by and through  
26 Regulation section 6600, subdivision (b), in that on September 17, 2019, Alpine Helicopter failed  
27 to perform pest control in a careful and effective manner. The facts and circumstances are  
28 described with more particularity in paragraphs 49-50, above.

1 **RESPONDENT DOZHIER**

2 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

3 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
4 **Areas)**

5 57. Respondent Dozhier’s Qualified Applicator License, as the pilot applicator, President  
6 of and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code  
7 sections 12205, subdivision (a), 11791, subdivision (c), and 12972, in that on September 17,  
8 2019, Alpine Helicopter applied the pesticide Fulfill in a manner which resulted in substantial  
9 drift to nontarget areas. The facts and circumstances are described with more particularity in  
10 paragraphs 49-50, above.

11 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

12 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

13 58. Respondent Dozhier’s Qualified Applicator License, as the pilot applicator, President  
14 of and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code  
15 sections 12205, subdivision (a), 11791, subdivision (c), and 12973, in that on September 17,  
16 2019, Alpine Helicopter applied the pesticide Fulfill in conflict with its label, which states, “Do  
17 not apply this product in a way that will contact workers or other persons, either directly or  
18 through drift.” The facts and circumstances are described with more particularity in paragraphs  
19 49-50, above.

20 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

21 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
22 **Manner)**

23 59. Respondent Dozhier’s Qualified Applicator License, as the pilot applicator, President  
24 of and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code  
25 sections 12205, subdivision (a), and 11791, subdivisions (b) and (c), in that on September 17,  
26 2019, he operated in a faulty, careless, or negligent manner. The facts and circumstances are  
27 described with more particularity in paragraphs 49-50, above.

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1 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

2 **(Regulation section 6614, subdivision (b)(1)—Application of Pesticides With a Reasonable**  
3 **Possibility of Contamination of the Bodies or Clothing of Non-Involved Persons)**

4 60. Respondent Dozhier’s Qualified Applicator License, as the pilot applicator, President  
5 of and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code  
6 sections 12205, subdivision (a), and 11791, subdivision (c), by and through Regulation section  
7 6614, subdivision (b)(1), in that on September 17, 2019, Dozhier made a pesticide application  
8 when there was a reasonable possibility of contamination of the bodies or clothing of persons not  
9 involved in the application process. The facts and circumstances are described with more  
10 particularity in paragraphs 49-50, above.

11 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

12 **(Regulation section 6614, subdivision (b)(2)—Application of Pesticides With a Reasonable**  
13 **Possibility of Damage to Nontarget Crops, Animals, or Other Public Property)**

14 61. Respondent Dozhier’s Qualified Applicator License, as the pilot applicator, President  
15 of and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code  
16 sections 12205, subdivision (a), and 11791, subdivision (c), by and through Regulation section  
17 6614, subdivision (b)(2), in that on September 17, 2019, Dozhier made a pesticide application  
18 when there was a reasonable possibility of damage to nontarget crops, animals, or other public or  
19 private property. The facts and circumstances are described with more particularity in paragraphs  
20 49-50, above.

21 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

22 **(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and**  
23 **Effective Manner)**

24 62. Respondent Dozhier’s Qualified Applicator License, as the pilot applicator, President  
25 of and Qualified Person for Respondent Alpine Helicopter, is subject to discipline under Code  
26 sections 12205, subdivision (a), and 11791, subdivision (c), by and through Regulation section  
27 6600, subdivision (b), in that on September 17, 2019, Dozhier failed to perform pest control in a  
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1 careful and effective manner. The facts and circumstances are described with more particularity  
2 in paragraphs 49-50, above.

3 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

4 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
5 **Areas)**

6 63. Respondent Dozhier’s Journeyman Pest Control Aircraft Pilot Certificate is subject to  
7 discipline under Code sections 11910, subdivision (a)(4), 11791, subdivision (c), and 12972, in  
8 that on September 17, 2019, Dozhier applied the pesticide Fulfill in a manner which resulted in  
9 substantial drift to nontarget areas. The facts and circumstances are described with more  
10 particularity in paragraphs 49-50, above.

11 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

12 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

13 64. Respondent Dozhier’s Journeyman Pest Control Aircraft Pilot Certificate is subject to  
14 discipline under Code sections 11910, subdivision (a)(4), 11791, subdivision (c), and 12973, in  
15 that on September 17, 2019, Dozhier applied the pesticide Fulfill in conflict with its label, which  
16 states, “Do not apply this product in a way that will contact workers or other persons, either  
17 directly or through drift.” The facts and circumstances are described with more particularity in  
18 paragraphs 49-50, above.

19 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

20 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
21 **Manner)**

22 65. Respondent Dozhier’s Journeyman Pest Control Aircraft Pilot Certificate is subject to  
23 discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivisions (b) and (c), in  
24 that on September 17, 2019, he operated in a faulty, careless, or negligent manner. The facts and  
25 circumstances are described with more particularity in paragraphs 49-50, above.

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1 **FORTIETH CAUSE FOR DISCIPLINE**

2 **(Regulation section 6614, subdivision (b)(1)—Application of Pesticide With a Reasonable**  
3 **Possibility of Contamination to the Bodies or Clothing of Non-Involved Persons)**

4 66. Respondent Dozhier’s Journeyman Pest Control Aircraft Pilot Certificate is subject to  
5 discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivision (c), by and  
6 through Regulation section 6614, subdivision (b)(1), in that on September 17, 2019, Dozhier  
7 made a pesticide application when there was a reasonable possibility of contamination of the  
8 bodies or clothing of persons not involved in the application process. The facts and  
9 circumstances are described with more particularity in paragraphs 49-50, above.

10 **FORTY-FIRST CAUSE FOR DISCIPLINE**

11 **(Regulation section 6614, subdivision (b)(2)—Application of Pesticide With a Reasonable**  
12 **Possibility of Damage to Nontarget Crops, Animals, or Other Public or Private Property)**

13 67. Respondent Dozhier’s Journeyman Pest Control Aircraft Pilot Certificate is subject to  
14 discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivision (c), by and  
15 through Regulation section 6614, subdivision (b)(2), in that on September 17, 2019, Dozhier  
16 made a pesticide application when there was a reasonable possibility of damage to nontarget  
17 crops, animals, or other public or private property. The facts and circumstances are described  
18 with more particularity in paragraphs 49-50, above.

19 **FORTY-SECOND CAUSE FOR DISCIPLINE**

20 **(Regulation section 6600(b)—Failure to Perform Pest Control in a Careful and Effective**  
21 **Manner)**

22 68. Respondent Dozhier’s Journeyman Pest Control Aircraft Pilot Certificate is subject to  
23 discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivision (c), by and  
24 through Regulation section 6600, subdivision (b), in that on September 17, 2019, Dozhier failed  
25 to perform pest control in a careful and effective manner. The facts and circumstances are  
26 described with more particularity in paragraphs 49-50, above.

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1 **JULY 4, 2020 ISLETON INCIDENT**

2 69. On or about the morning of July 4, 2020, Respondent Charles Heppe made an aerial  
3 pesticide application on behalf of Respondent Alpine Helicopter to a corn field operated by  
4 Greenfield’s Turf. The application site is located in Isleton, Sacramento County, California.  
5 M.B., who owns a property adjacent to Greenfield’s Turf, complained that pesticide from Charles  
6 Heppe’s application landed on her property and person while she was standing on her property.  
7 M.B reported feeling a spray mist on her arms, chest, and face. M.B. reported that her dog, goats,  
8 poultry, rabbits, and vegetable garden were also sprayed with the pesticide.

9 70. A Sacramento County Agriculture and Standards Inspector K.V. met with M.B. on  
10 July 4, 2020. Inspector K.V. took samples from a hat M.B. was wearing while standing on her  
11 property and a tote bag that was in her yard when Respondent Charles Heppe made the pesticide  
12 application. The samples came back positive for Etoxazole, an active ingredient in Zeal.  
13 Pesticide Use Reports confirm that Zeal was the pesticide Charles Heppe applied on behalf of  
14 Alpine Helicopter at Greenfield’s Turf on July 4, 2020. The Department-registered label for Zeal  
15 states the pesticide “[c]auses moderate eye irritation,” directs applicators not to apply “when  
16 weather conditions favor drift from treated areas,” and warns applicators to “not apply this  
17 product in a way that will contact workers or other persons.”

18 **RESPONDENT ALPINE HELICOPTER**

19 **FORTY-THIRD CAUSE FOR DISCIPLINE**

20 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
21 **Areas)**

22 71. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
23 under Code sections 11708, subdivision (d), 11791, subdivision (c), and 12972, in that on July 4,  
24 2020, Alpine Helicopter applied the pesticide Zeal in a manner which resulted in substantial drift  
25 to nontarget areas. The facts and circumstances are described with more particularity in  
26 paragraphs 69-70, above.

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1 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

2 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

3 72. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
4 under Code sections 11708, subdivision (d), 11791, subdivision (c), and 12973, in that on July 4,  
5 2020, Alpine Helicopter applied the pesticide Zeal in conflict with its label, which states, “Do not  
6 apply this product in a way that will contact workers or other persons, either directly or through  
7 drift.” The facts and circumstances are described with more particularity in paragraphs 69-70,  
8 above.

9 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

10 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
11 **Manner)**

12 73. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
13 under Code sections 11708, subdivision (d), and 11791, subdivisions (b) and (c), in that on July 4,  
14 2020, Alpine Helicopter operated in a faulty, careless, or negligent manner. The facts and  
15 circumstances are described with more particularity in paragraphs 69-70, above.

16 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

17 **(Regulation section 6614, subdivision (b)(1)—Application of Pesticide With a Reasonable**  
18 **Possibility of Contamination of the Bodies or Clothing of Non-Involved Persons)**

19 74. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
20 under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
21 Regulation section 6614, subdivision (b)(1), in that on July 4, 2020, Alpine Helicopter made a  
22 pesticide application when there was a reasonable possibility of contamination of the bodies or  
23 clothing of persons not involved in the application process. The facts and circumstances are  
24 described with more particularity in paragraphs 69-70, above.

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1 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Regulation section 6614, subdivision (b)(2)—Application of Pesticide With a Reasonable**  
3 **Possibility of Damage to Nontarget Crops, Animals, or Other Public or Private Property)**

4 75. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
5 under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
6 Regulation section 6614, subdivision (b)(2), in that on July 4, 2020, Alpine Helicopter made a  
7 pesticide application when there was a reasonable possibility of damage to nontarget crops,  
8 animals, or other public or private property. The facts and circumstances are described with more  
9 particularity in paragraphs 69-70, above.

10 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

11 **(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and**  
12 **Effective Manner)**

13 76. Respondent Alpine Helicopter’s Pest Control Business License is subject to discipline  
14 under Code sections 11708, subdivision (d), and 11791, subdivision (c), by and through  
15 Regulation section 6600, subdivision (b), in that on July 4, 2020, Alpine Helicopter failed to  
16 perform pest control in a careful and effective manner. The facts and circumstances are described  
17 with more particularity in paragraphs 69-70, above.

18 **RESPONDENT DOZHIER**

19 **FORTY-NINTH CAUSE FOR DISCIPLINE**

20 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
21 **Areas)**

22 77. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
23 Person for Respondent Alpine Helicopter, is subject to discipline under Code sections 12205,  
24 subdivision (d), and 12972, in that on July 4, 2020, Alpine Helicopter applied the pesticide Zeal  
25 in a manner which resulted in substantial drift to nontarget areas. The facts and circumstances are  
26 described with more particularity in paragraphs 69-70, above.

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1 **FIFTIETH CAUSE FOR DISCIPLINE**

2 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

3 78. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
4 Person for Respondent Alpine Helicopter, is subject to discipline under Code sections 12205,  
5 subdivision (d), and 12973, in that on July 4, 2020, Alpine Helicopter applied the pesticide Zeal  
6 in conflict with its label, which states, “Do not apply this product in a way that will contact  
7 workers or other persons, either directly or through drift.” The facts and circumstances are  
8 described with more particularity in paragraphs 69-70, above.

9 **FIFTY-FIRST CAUSE FOR DISCIPLINE**

10 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
11 **Manner)**

12 79. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
13 Person for Respondent Alpine Helicopter, is subject to discipline under Code sections 12205,  
14 subdivision (d), and 11791, subdivision (b), in that on July 4, 2020, he failed to supervise the  
15 operations, activities, and employees of Respondent Alpine Helicopter, and operated Respondent  
16 Alpine Helicopter in a faulty, careless, or negligent manner. The facts and circumstances are  
17 described with more particularity in paragraphs 69-70, above.

18 **FIFTY-SECOND CAUSE FOR DISCIPLINE**

19 **(Regulation section 6614, subdivision (b)(1)—Application of Pesticides With a Reasonable**  
20 **Possibility of Contamination of the Bodies or Clothing of Non-Involved Persons)**

21 80. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
22 Person for Respondent Alpine Helicopter, is subject to discipline under Code section 12205,  
23 subdivision (d), by and through Regulation sections 6614, subdivision (b)(1), in that on July 4,  
24 2020, Alpine Helicopter made a pesticide application when there was a reasonable possibility of  
25 contamination of the bodies or clothing of persons not involved in the application process. The  
26 facts and circumstances are described with more particularity in paragraphs 69-70, above.

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1 **FIFTY-THIRD CAUSE FOR DISCIPLINE**

2 **(Regulation section 6614, subdivision (b)(2)—Application of Pesticides With a Reasonable**  
3 **Possibility of Damage to Nontarget Crops, Animals, or Other Property)**

4 81. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
5 Person for Respondent Alpine Helicopter, is subject to discipline under Code section 12205,  
6 subdivision (d), by and through Regulation section 6614, subdivision (b)(2), in that on July 4,  
7 2020, Alpine Helicopter made a pesticide application when there was a reasonable possibility of  
8 damage to nontarget crops, animals, or other public or private property. The facts and  
9 circumstances are described with more particularity in paragraphs 69-70, above.

10 **FIFTY-FOURTH CAUSE FOR DISCIPLINE**

11 **(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and**  
12 **Effective Manner)**

13 82. Respondent Dozhier’s Qualified Applicator License, as President of and Qualified  
14 Person for Respondent Alpine Helicopter, is subject to discipline under Code section 12205,  
15 subdivision (d), by and through Regulation section 6600, subdivision (b), in that on July 4, 2020,  
16 Alpine Helicopter failed to perform pest control in a careful and effective manner. The facts and  
17 circumstances are described with more particularity in paragraphs 69-70, above.

18 **RESPONDENT CHARLES HEPPE**

19 **FIFTY-FIFTH CAUSE FOR DISCIPLINE**

20 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
21 **Areas)**

22 83. Respondent Charles Heppe’s Journeyman Pest Control Aircraft Pilot Certificate is  
23 subject to discipline under Code sections 11910, subdivision (a)(4), 11791, subdivision (c), and  
24 12972, in that on July 4, 2020, he applied the pesticide Zeal in a manner which resulted in  
25 substantial drift to nontarget areas. The facts and circumstances are described with more  
26 particularity in paragraphs 69-70, above.

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1 **FIFTY-SIXTH CAUSE FOR DISCIPLINE**

2 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

3 84. Respondent Charles Heppe’s Journeyman Pest Control Aircraft Pilot Certificate is  
4 subject to discipline under Code sections 11910, subdivision (a)(4), 11791, subdivision (c), and  
5 12973, in that on July 4, 2020, he applied the pesticide Zeal in conflict with its label, which states,  
6 “Do not apply this product in a way that will contact workers or other persons, either directly or  
7 through drift.” The facts and circumstances are described with more particularity in paragraphs  
8 69-70, above.

9 **FIFTY-SEVENTH CAUSE FOR DISCIPLINE**

10 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
11 **Manner)**

12 85. Respondent Charles Heppe’s Journeyman Pest Control Aircraft Pilot Certificate is  
13 subject to discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivisions (b)  
14 and (c), in that on July 4, 2020, he operated in a faulty, careless, or negligent manner. The facts  
15 and circumstances are described with more particularity in paragraphs 69-70, above.

16 **FIFTY-EIGHTH CAUSE FOR DISCIPLINE**

17 **(Regulation section 6614, subdivision (b)(1)-Application of Pesticide With a Reasonable**  
18 **Possibility of Contamination of the Bodies or Clothing of Non-Involved Persons)**

19 86. Respondent Charles Heppe’s Journeyman Pest Control Aircraft Pilot Certificate is  
20 subject to discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivision (c),  
21 by and through Regulation section 6614, subdivision (b)(1), in that on July 4, 2020, Charles  
22 Heppe made a pesticide application when there was a reasonable possibility of contamination of  
23 the bodies or clothing of persons not involved in the application process. The facts and  
24 circumstances are described with more particularity in paragraphs 69-70, above.

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1 **FIFTY-NINTH CAUSE FOR DISCIPLINE**

2 **(Regulation section 6614, subdivision (b)(2)-Application of Pesticide With a Reasonable**  
3 **Possibility of Damage to Nontarget Crops, Animals, or Other Property)**

4 87. Respondent Charles Heppe’s Journeyman Pest Control Aircraft Pilot Certificate is  
5 subject to discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivision (c),  
6 by and through Regulation section 6614, subdivision (b)(2), in that on July 4, 2020, Charles  
7 Heppe made a pesticide application when there was a reasonable possibility of damage to  
8 nontarget crops, animals, or other public or private property. The facts and circumstances are  
9 described with more particularity in paragraphs 69-70, above.

10 **SIXTIETH CAUSE FOR DISCIPLINE**

11 **(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and**  
12 **Effective Manner)**

13 88. Respondent Charles Heppe’s Journeyman Pest Control Aircraft Pilot Certificate is  
14 subject to discipline under Code sections 11910, subdivision (a)(4), and 11791, subdivision (c),  
15 by and through Regulation section 6600, subdivision (b), in that on July 4, 2020, Charles Heppe  
16 failed to perform pest control in a careful and effective manner. The facts and circumstances are  
17 described with more particularity in paragraphs 69-70, above.

18 **SIXTY-FIRST CAUSE FOR DISCIPLINE**

19 **(Code section 12972—Failure to Use Pesticide to Prevent Substantial Drift to Nontarget**  
20 **Areas)**

21 89. Respondent Charles Heppe’s Qualified Applicator License is subject to discipline  
22 under Code sections 12205, subdivision (a), 11791, subdivision (c), and 12972, in that on July 4,  
23 2020, he applied the pesticide Zeal in a manner which resulted in substantial drift to nontarget  
24 areas. The facts and circumstances are described with more particularity in paragraphs 69-70,  
25 above.

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1 **SIXTY-SECOND CAUSE FOR DISCIPLINE**

2 **(Code section 12973—Use of Pesticide in Conflict With Labeling)**

3 90. Respondent Charles Heppe’s Qualified Applicator License is subject to discipline  
4 under Code sections 12205, subdivision (a), 11791, subdivision (c), and 12973, in that on July 4,  
5 2020, he applied the pesticide Zeal in conflict with its label, which states, “Do not apply this  
6 product in a way that will contact workers or other persons, either directly or through drift.” The  
7 facts and circumstances are described with more particularity in paragraphs 69-70, above.

8 **SIXTY-THIRD FOR DISCIPLINE**

9 **(Code section 11791, subdivision (b)—Operating in a Faulty, Careless, or Negligent**  
10 **Manner)**

11 91. Respondent Charles Heppe’s Qualified Applicator License is subject to discipline  
12 under Code sections 12205, subdivision (a), and 11791, subdivisions (b) and (c), in that on July 4,  
13 2020, he operated in a faulty, careless, or negligent manner. The facts and circumstances are  
14 described with more particularity in paragraphs 69-70, above.

15 **SIXTY-FOURTH CAUSE FOR DISCIPLINE**

16 **(Regulation section 6614, subdivision (b)(1)—Pesticide Application With a Reasonable**  
17 **Possibility of Contamination of the Bodies or Clothing of Non-Involved Persons)**

18 92. Respondent Charles Heppe’s Qualified Applicator License is subject to discipline  
19 under Code sections 12205, subdivision (a), and 11791, subdivision (c), by and through  
20 Regulation section 6614, subdivision (b)(1), in that on July 4, 2020, Charles Heppe made a  
21 pesticide application when there was a reasonable possibility of contamination of the bodies or  
22 clothing of persons not involved in the application process. The facts and circumstances are  
23 described with more particularity in paragraphs 69-70, above.

24 **SIXTY-FIFTH CAUSE FOR DISCIPLINE**

25 **(Regulation section 6614, subdivision (b)(2)—Pesticide Application With a Reasonable**  
26 **Possibility of Damage to Nontarget Crops, Animals, or Other Property)**

27 93. Respondent Charles Heppe’s Qualified Applicator License is subject to discipline  
28 under Code sections 12205, subdivision (a), and 11791, subdivision (c), by and through

1 Regulation section 6614, subdivision (b)(2), in that on July 4, 2020, Charles Heppe made a  
2 pesticide application when there was a reasonable possibility of damage to nontarget crops,  
3 animals, or other public or private property. The facts and circumstances are described with more  
4 particularity in paragraphs 69-70, above.

5 **SIXTY-SIXTH CAUSE FOR DISCIPLINE**

6 **(Regulation section 6600, subdivision (b)—Failure to Perform Pest Control in a Careful and**  
7 **Effective Manner)**

8 94. Respondent Charles Heppe’s Qualified Applicator License is subject to discipline  
9 under Code sections 12205, subdivision (a), and 11791, subdivision (c), by and through  
10 Regulation section 6600, subdivision (b), in that on July 4, 2020, Charles Heppe failed to perform  
11 pest control in a careful and effective manner. The facts and circumstances are described with  
12 more particularity in paragraphs 69-70, above.

13 **MATTERS IN AGGRAVATION**

14 95. On or about November 24, 2020, a Violation notice was issued to Respondents  
15 Alpine Helicopter and Charles Heppe. The notice was based upon a June 20, 2020 incident  
16 where Respondents made an aerial pesticide application to a vineyard in Sonoma, California in  
17 violation of the pesticide’s label in that the wind speed at the time of application was under 2  
18 miles per hour (the label required a wind speed between 3-10 miles per hour).

19 96. On or about February 19, 2019, a Decision Report was issued against Respondent  
20 Alpine Helicopter. The report was based upon inspections, which discovered that an employee of  
21 Alpine Helicopter was not wearing a respirator and was found to be in possession of a pesticide  
22 container that was unlabeled, both of which are in violation of California pesticide law.

23 97. On or about February 7, 2019, a Violation Notice was issued to Respondent Alpine  
24 Helicopter. The notice was based upon an inspection, which revealed that medical care  
25 information was not posted in violation of California pesticide law.

26 98. On or about April 20, 2018, a Warning Letter was issued to Respondent Alpine  
27 Helicopter. The letter was based upon an inspection, which revealed Alpine Helicopter employed  
28 a pilot not registered to operate in the county in violation of California pesticide law.



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

DATED: 03/04/2021

*Ken Everett*

KEN EVERETT  
ASSISTANT DIRECTOR  
Pesticide Programs Division  
Department of Pesticide Regulation  
State of California  
*Complainant*

SA2020303329