

To: California Department of Pesticide Regulation Licensing and Enforcement Division Email: ENF.HQ@cdpr.ca.gov

Subject: Follow-Up to Formal Complaint – Additional Evidence of Unlicensed Pest Control Advising by Kyle A. Herron (Prior to PCA #169147)

Date: July 14, 2025

Dear Enforcement Division,

## **I. Introduction and Purpose**

This letter supplements and expands upon my June 10, 2025 formal complaint regarding Mr. Kyle A. Herron's unlicensed pest control advising activities while employed by the Lassen Fire Safe Council (LFSC). The new documentation and legal analysis herein further support the need for immediate enforcement action and public accountability.

## **II. Summary of New Evidence**

I have obtained a copy of a formal employment verification letter submitted by LFSC to CDPR on Mr. Herron's behalf. This letter, submitted in support of his application to sit for the PCA examination, states that he performed "mechanical and chemical site preparation of over 1,500 acres" and "coordinated chemical applications" at locations including Westwood Middle School. These duties clearly fall within the statutory definition of pest control advising.

## **III. Legal Implications of LFSC Letter**

As defined under **Food and Agricultural Code § 12001**, any person who recommends the use of a pesticide on a specific property must first obtain a valid PCA license. The activities described in LFSC's letter constitute pest control advising. Even if LFSC contracted with a licensed applicator, Mr. Herron's coordination and recommendations still fall under this regulation. These duties require a PCA license regardless of who performs the application.

Most importantly, no one at LFSC held a PCA license at the time Mr. Herron was conducting this work. This means his actions were not supervised or authorized by any legally qualified party. Even if LFSC had contracted separately with a licensed PCA, CDPR regulations would require that relationship to be formalized in writing. No such documentation exists or has been disclosed. In his February 20, 2025 email to me, Mr. Herron did not reference any licensed PCA overseeing or authorizing his pesticide recommendations, nor did he indicate that his guidance was issued on behalf of a licensed professional. The lack of such attribution further confirms that he was independently engaging in pest control advising without legal authority or supervision. Therefore, Mr. Herron's role — including pesticide-related planning and advising — constituted unauthorized activity.

## **IV. Institutional Responsibility and Supervision**

Because this letter was submitted by LFSC to qualify Mr. Herron for PCA examination, it functions as a written admission that he was performing regulated duties while unlicensed and unsupervised. This corroborates the email sent by Mr. Herron to me on February 20, 2025, in which he provided detailed herbicide mixture instructions and site-specific chemical substitutions.

Additionally, this letter was authored by LFSC Executive Director Cade Mohler, confirming that Mohler knew Herron was performing regulated work unlawfully and allowed it to continue. This indicates a systemic failure in leadership oversight and potential institutional complicity.

## **V. Failure of Local Oversight**

The LFSC letter also states Mr. Herron was “inspected by the Lassen County Agricultural Department” during this 16-month period. That means a regulatory authority either mistakenly treated him as licensed or knowingly permitted him to act unlawfully. This is compelling evidence of oversight failure by the Lassen County Agricultural Department and demonstrates systemic negligence.

I will be requesting the Westwood school inspection records cited by Mr. Mohler. However, based on prior CPRA violations by the Lassen County Agricultural Department, I anticipate unlawful withholding of these records.

## **VI. Pattern of Unlicensed Advising Across LFSC Projects**

Together, the LFSC letter and Mr. Herron’s February 20, 2025 email show a pattern of unauthorized pesticide advising. In that email, he wrote, “The mixture we have been using across properties in your area consists of...”, proving he advised across multiple sites. It is reasonable to infer that he may have advised other landowners across various LFSC projects.

Obviously, Cade Mohler and Ruth Morentz would not voluntarily disclose that information to Protect Lassen. However, CDPR can and should obtain this information directly from LFSC’s internal communications or known property owners. If CDPR fails to act, Protect Lassen may be forced to contact property owners independently.

## **VII. CDPR Noncompliance with CPRA**

The same obstruction practiced by the Lassen Agriculture Department and Attorney Michelle Nasise [# 288033](#) is now evident at CDPR. I submitted two CPRA requests on **June 17, 2025**:

1. For pesticide license records of Gary W. Fensler (QAC #172218);
2. For the name and license records of the permit signer for Restricted Materials Permit #18-24-4500033.

Both are now **27 days overdue**, violating **Government Code § 6253(c)**. CDPR has failed to acknowledge either request. This is a clear breach of the **California Public Records Act**, and further undermines the agency’s regulatory credibility.

How can the public trust CDPR to oversee local enforcement agencies like the Lassen Ag Department if CDPR itself unlawfully withholds records? This pattern of noncompliance shields unlawful behavior and erodes institutional trust.

### **VIII. Requested Actions**

1. Please confirm that the newly submitted LFSC letter has been entered into the case file.
2. Please provide the case number for reference.
3. Please provide updates or preliminary findings.
4. Please produce public records requested in the CPRA for Gary W. Fensler's licensing (QAC #172218).
5. Please produce public records requested in the CPRA for the unnamed issuing officer of Permit #18-24-4500033.

### **IX. Public Transparency and Oversight**

This matter will be documented at [www.ProtectLassen.org](http://www.ProtectLassen.org), including a dedicated evidence page at: <https://protectlassen.org/kyle-herron-lassen-fire-safe-council/>

All letters, responses, and communications will be made publicly visible to ensure full transparency.

### **X. Public Warning**

I urge CDPR not to minimize or ignore the seriousness of this issue. The documentation provided reflects statutory violations and institutional failure. To overlook this would breach CDPR's regulatory duties and further damage public confidence. I have added a section to the website for property owners who have been involved with LFSC and have been advised on pesticide use by Kyle Herron prior to his license date to come forward and share information.

### **XI. Legal Citations and Enforcement Authority**

- **Food & Agricultural Code § 12001** prohibits unlicensed pest control advising.
- **Gov't Code §§ 6253(c), 6253.1(a), 6255(b)** – CPRA disclosure and response requirements.
- **Title 3 CCR § 6560** – Pest control recordkeeping obligations.
- **Food & Ag Code § 12999.5** – CDPR enforcement authority.
- **Penal Code § 182** – Conspiracy to commit unlawful acts.

These statutes apply based on Mr. Herron's alleged actions, LFSC's enabling behavior, and CDPR's failure to comply with lawful transparency obligations.

### **XII. Evidence of Knowledge and Intent**

Mr. Herron knew a PCA license was required. Emails from March 11, 2024 show he was already applying for PCA License #169147. He had submitted eligibility documents and asked about exam requirements.

By February 20, 2025, when he sent me site-specific pesticide recommendations, he had already taken one of two required exams. This is clear evidence of **intent**, not ignorance. He knowingly performed regulated duties while unlicensed.

Thank you for your attention and commitment to enforcing pesticide licensing laws in California.

Sincerely,

George Jacobsen [watch@protectlassen.org](mailto:watch@protectlassen.org)

CC:

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