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BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 2006-57
A.M.B.D., Inc., dba **D & S TERMITE CONTROL** David Paul Dierolf, C.E.O. Dawn Marie Charrette, President and Qualifying Manager in Br. 1 & 3 Peter John-Paul Charrette, Vice President Michael Robert Saunders, Vice President Travis Stradley, Qualifying Manager in Br. 2 3638 Bancroft Drive Spring Valley, CA 91977 Company Registration No. 1164, Br. 1, 2, & 3 and	OAH No. L-2006070475 **AMENDED ACCUSATION**

DAWN MARIE CHARRETTE
aka DAWN MARIE DIEROLF
aka DAWN MARIE DIEROLF-CHARRETTE
3638 Bancroft Drive
Spring Valley, CA 91977

Operator's License No. OPR 9119, Br. 1 & 3
Field Representative License No. FR 12741, Br. 1
Field Representative License No. FR 21851, Br. 3

President and Qualifying Manager in Br. 1 & 3 for D & S Termite Control

and

DAVID PAUL DIEROLF
3638 Bancroft Drive
Spring Valley, CA 91977

Operator's License No. OPR 8044, Br. 1 & 3

C.E.O. for D & S Termite Control

and

PETER JOHN-PAUL CHARRETTE
3638 Bancroft Drive
Spring Valley, CA 91977

Field Representative License No. FR 19144, Br. 1

Vice President for D & S Termite Control

and

MICHAEL ROBERT SAUNDERS
3638 Bancroft Drive
Spring Valley, CA 91977

Operator's License No. OPR 5869, Br. 1 & 3

Vice President for D & S Termite Control

and

TRAVIS MATTHEW STRADLEY

3638 Bancroft Drive
Spring Valley, CA 91977

Operator's License No. OPR 10832, Br. 2
Field Representative License No. FR 29330, Br. 3
Registered Applicator's License No. RA 8713, Br. 3

Qualifying Manager in Br. 2 for D & S Termite Control

and

CHRISTOPHER HARRISON PARISH
3638 Bancroft Drive
Spring Valley, CA 91977

Field Representative License No. FR 23237, Br. 1&3
Registered Applicator's License No. RA 34241, Br. 3

Respondents.

Complainant alleges:

PARTIES

1. Kelli Okuma (Complainant) brings this Amended Accusation solely in her official capacity as the Registrar of the Structural Pest Control Board, Department of Consumer Affairs.

LICENSE HISTORY

2. **A.M.B.D., Inc., doing business as ("dba") D & S Termite Control ("Respondent D & S")**

Company Registration No. PR 1164

On or about July 24, 1981, the Structural Pest Control Board issued Operator's License No. OA 6483 in Branch 3 to A.M.B.D., Inc., dba D & S Termite Control, with David P. Dierolf as President and Responsible Natural Person, Bobby Joe Bount as Vice President, and Arthur N. Miller as Secretary and Treasurer ("Respondent D & S.")

On or about May 6, 1986, Operator's License No. OA 6483 was upgraded to include Branches 1 and 3.

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On or about January 13, 1988, Operator's License No. OA 6483 was converted to Company Registration No. PR 1164 in Branches 1 and 3 for A.M.B.D., Inc., dba D & S Termite Control, with David Paul Dierolf as President and Qualifying Manager and Shirley Mae Dierolf as Secretary and Treasurer.

On or about May 1, 1992, Company Registration No. PR 1164 was suspended due to the cancellation of the company bond as required by Business and Professions Code section 8697. On or about May 4, 1992, Company Registration No. PR 1164 was reinstated after posting the required $4,000.00 company bond.

On or about January 23, 1996, Respondent D & S paid a fine of $150.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations section 6780 (fumigation safe-use requirements.)

On or about April 1, 1997, Respondent D & S paid a fine of $150.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of Food and Agriculture section 12973 (pesticide use in conformance with labeling.)

On or about June 26, 1997, Company Registration No. PR 1164 was suspended due to the cancellation of the company bond as required by Business and Professions Code section 8697. On or about July 29, 1997, Company Registration No. PR 1164 was reinstated after posting the required $4,000.00 company bond.

On or about March 1, 2000, David Dierolf disassociated as Qualifying Manager and Dawn M. Charrette became Qualifying Manager.

On or about September 22, 2000, Company Registration No. PR 1164 was suspended due to the cancellation of the company bond as required by Business and Professions Code section 8697. On or about September 29, 2000, Company Registration No. PR 1164 was reinstated after posting the required $4,000.00 company bond.

On or about October 5, 2001, Respondent D & S paid a fine of $452.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations, Title 3 section 6780 (fumigation safe-use requirements) and Business and Professions Code section 8505.7 (fumigation safety requirements.)

On or about April 30, 2003, Respondent D & S paid a fine of $552.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations, Title 3 section 6780 (fumigation safe-use requirements) and Food and Agriculture section 15204 (notification requirements.)

On or about February 6, 2004, Company Registration No. PR 1164 was upgraded to include Branches 1, 2, and 3. David Dierolf became C.E.O., Dawn M. Charrette became President and Qualifying Manager in Branches 1 and 3. Peter Charrette became Vice President. Michael Saunders became Vice President and Travis Stradley became Qualifying Manager in Branch 2.

On or about November 2, 2004, Respondent D & S paid a fine of $150.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of Business and Professions Code section 8638 (failure to complete project for the contract price.)

On or about April 27, 2005, Respondent D & S paid a fine of $1,152.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations, Title 3 section 6780 (fumigation safe-use requirements) and Food and Agriculture section 15204 (notification requirements.)

On or about February 29, 2008, Respondent D & S paid a fine of $400.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of Business and Professions Code section 8505.7 (fumigation safety requirements for failure to use secondary lock.)

A violation against Respondent D & S is pending and no fine has been paid to the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations, Title 3 section 6780 (fumigation safe-use requirements).

3. **David Paul Dierolf ("Respondent David Dierolf")**

Operator's License No. OPR 8044

On or about January 13, 1988, the Structural Pest Control Board issued Operator's License No. OPR 8044 in Branches 1 and 3 to David Paul Dierolf ("Respondent David Dierolf"), President and Qualifying Manager of A.M.B.D., Inc., dba D & S Termite Control

On or about March 1, 2000, Operator's License No. OPR 8044 disassociated as the Branch 1 and 3 Qualifying Manager. Operator's License No. OPR 8044 will expire on June 30, 2008, unless renewed.

David Dierolf became C.E.O. of Respondent D & S on February 6, 2004 and currently occupies that position.

4. **Dawn Marie Dierolf aka Dawn Marie Charrette aka Dawn Marie Dierolf-Charrette ("Respondent Dawn Charrette")**

Operator's License No. OPR 9119, Field Representative's License No. FR 12741, Field Representative's License No. FR 21851

On or about April 16, 1993, the Structural Pest Control Board issued Operator's License No. OPR 9119 in Branch 1 to Dawn Marie Dierolf.

On or about May 18, 1998, Operator's License No. OPR 9119 was upgraded to include Branches 1 and 3.

On or about May 28, 1998, Operator's License No. OPR 9119 reflected a name change to Dawn Marie Charrette ("Respondent Dawn Charrette.")

On or about March 1, 2000, Dawn Charrette became Qualifying Manager for Respondent D & S in Branches 1 and 3.

On or about February 6, 2004, Dawn Charrette became President and Qualifying Manager for Respondent D & S in Branches 1 and 3.

Operator's License No. OPR 9119 will expire on June 30, 2007, unless renewed.

On or about January 18, 1985, the Structural Pest Control Board issued Field Representative's License No. FR 12741 in Branch 1 to Dawn Marie Dierolf. On June 30, 1993, Field Representative's License No. FR 12741 was canceled.

On or about May 1, 1993, the Structural Pest Control Board issued Field Representative's License No. FR 21851 in Branch 3 to Dawn Marie Dierolf-Charrette. On May 18, 1998, Field Representative's License No. FR 21851 was canceled.

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5. **Christopher Harrison Parish ("Respondent Parish")**

Field Representative's License No. FR 23237,
Registered Applicator's License No. RA 34241

On or about April 14, 1994, the Structural Pest Control Board issued Field Representative's License No. FR 23237 in Branch 3 to Christopher Harrison Parish ("Respondent Parish.")

On or about January 20, 1995, Field Representative's License No. FR 23237 was upgraded to include Branches 1 and 3.

Field Representative's License No. FR 23237 will expire on June 30, 2008, unless renewed.

On or about December 3, 1993, the Structural Pest Control Board issued Registered Applicator's License No. RA 34241 in Branch 3 to Christopher Harrison Parish.

On or about December 3, 1996, Registered Applicator's License No. RA 34241 expired and was canceled.

6. **Peter John-Paul Charrette ("Respondent Peter Charrette")**

Field Representative's License No. FR 19144

On or about January 3, 1991, the Structural Pest Control Board issued Field Representative's License No. FR 19144 in Branch 1 to Peter John-Paul Charrette ("Respondent Peter Charrette.")

On or about February 6, 2004, Peter Charrette became Vice President for Respondent D & S.

Field Representative's License No. FR 19144 will expire on June 30, 2008, unless renewed.

7. **Michael Robert Saunders ("Respondent Saunders")**

Operator's License No. OPR 5869

On or about March 7, 1979, the Structural Pest Control Board issued Operator's License No. OPR 5869 in Branch 3 to Michael Robert Saunders ("Respondent Saunders.")

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On or about March 30, 1987, Operator's License No. OPR 5869 was upgraded to include Branches 1 and 3.

On or about February 6, 2004, Michael Saunders became Vice President for Respondent D & S.

On or about November 2, 2004, Operator's License No. OPR 5869 paid a fine of $50.00 levied by the Structural Pest Control Board for a violation of Business and Professions Code section 8516 (b) (inspection requirements) and California Code of Regulations, Title 16, section 1990 (a)(4) (report requirements).

Operator's License No. OPR 5869 will expire on June 30, 2008, unless renewed.

8. **Travis Matthew Stradley ("Respondent Stradley")**

Operator's License No. OPR 10832,
Field Representative's License No. FR 29330,
Registered Applicator's License No. RA 8713

On or about January 16, 2004, the Structural Pest Control Board issued Operator's License No. OPR 10832 in Branch 2 to Travis Matthew Stradley ("Respondent Stradley.")

Operator's License No. OPR 10832 will expire on June 30, 2006, unless renewed.

On or about April 16, 1998, the Structural Pest Control Board issued Field Representative's License No. FR 29330 in Branch 2 to Travis Matthew Stradley.

On or about October 16, 2000, Field Representative's License No. FR 29330 was upgraded to include Branches 2 and 3.

On or about January 16, 2004, Field Representative's License No. FR 29330 was downgraded to include Branch 3 only.

On or about February 6, 2004, Travis Stradley became Qualifying Manager in Branch 2 for Respondent D & S.

Field Representative's License No. FR 29330 will expire on June 30, 2006, unless renewed.

On or about February 20, 1998, the Structural Pest Control Board issued Registered Applicator's License No. RA 8713 in Branch 2 to Travis Matthew Stradley.

On or about May 15, 1998, Registered Applicator's License No. RA 8713 was upgraded to include Branch 3 then downgraded to Branch 3 only.

On or about October 16, 2000, Registered Applicator's License No. RA 8713 was canceled.

JURISDICTION

9. This Accusation is brought before the Structural Pest Control Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

11. Section 8625 of the Code states:

"The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration."

12. Section 8505.4 of the Code states:

" Fumigation shall be performed in compliance with all applicable state, county, city, and city and county laws and ordinances and all applicable laws and regulations of the United States."

13. Section 8505.7 of the Code states:

"The space to be fumigated shall be vacated by all occupants prior to the commencement of fumigation, and all entrances thereto shall be locked, barricaded, or otherwise secured against entry until the end of exposure period, then opened for ventilation and relocked, barricaded, or otherwise secured against re-entry, until declared by the licensee exercising direct and personal supervision over the fumigation to be safe for reoccupancy."

14. Section 8505.13 of the Code states:

"A registered company shall maintain a log of each fumigation job performed by it in this state. The log shall be in the form required by the regulations of the board and shall be preserved for a period of at least three years, during which time it shall be available at all times during business hours for inspection by the board and its authorized representatives."

15. Section 8516 (b) of the Code sets forth requirements regarding inspections and reports and states, in pertinent part:

"(b) No registered company or licensee shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator."

16. Section 8553 of the Code states:

"Any person who violates any provision of this chapter, or who conspires with another person to violate any provision of this chapter, is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment."

17. Section 8624 of the Code states:

"If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office. If the operator is the qualifying manager, a partner, responsible officer, or owner of a registered structural pest control company, the suspension or revocation may be applied to the company registration. The performance by any partnership, corporation, firm, association, or registered company of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who, at the time the act or omission occurred, was the qualifying manager, a partner, responsible officer, or owner of the partnership, corporation, firm, association, or registered company whether or not he or she had knowledge of, or participated in, the prohibited act or omission."

18. Section 8638 of the Code states, in pertinent part, that . . . "[f]ailure on the part of a registered company to complete any operation or construction repairs for the price stated in the contract for such operation or construction repairs or in any modification of such contract is a ground for disciplinary action."

19. Section 8641 of the Code states:

"Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests or organisms, or furnishing a notice of work completed prior to the completion of the work specified in the contract, is a ground for disciplinary action."

20. Section 8642 of the Code states in pertinent part, that ". . . [t]he commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a registered company is a ground for disciplinary action."

21. Section 8643 of the Code states:

"The negligent handling or use of any poisonous exterminating agent is a ground for disciplinary action."

22. Section 8646 of the Code states:

"Disregard and violation of pesticide use and application, structural pest control device, fumigation, or extermination laws of the state or of any of its political subdivisions, or regulations adopted pursuant to those laws, is a ground for disciplinary action."

23. Section 8647 of the Code states that "[f]ailure to comply in the sale or use of insecticides with the provisions of Chapter 2 (commencing with Section 12751) of Division 7 of the Food and Agricultural Code is a ground for disciplinary action."

24. Section 8654 of the Code states:

"Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of

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

25. Section 8695 of the Code states:

"The violation of any provision of this article is a misdemeanor and shall be grounds for the suspension or revocation by the board of the operator's license of the owner or qualifying manager or managers of the registered company and of the company registration."

26. Section 8697 of the Code states:

"Each company registered under the provisions of this chapter shall maintain a bond executed by an admitted surety insurer in the amount of four thousand dollars ($4,000)."

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

28. Section 11791 of the Food and Agriculture Code states:

"It is unlawful for any person subject to this division to do any of the following: (a) Make any false or fraudulent claim, or misrepresent the effects of material or method to be applied, apply any worthless or improper material, or otherwise engage in any unfair practices. (b) Operate in a faulty, careless, or negligent manner. (c) Refuse or neglect to comply with this division, or any regulation issued pursuant to this division, or any lawful order of the commissioner or the director. (d) Refuse or neglect to keep and maintain the records which are required by this division, or to make reports when and as required."

29. Section 12973 of the Food and Agriculture Code states:

"The use of any pesticide shall not conflict with labeling registered pursuant to this chapter which is delivered with the pesticide or with any additional limitations applicable to the conditions of any permit issued by the director or commissioner."

30. Section 15204 of the Food and Agriculture Code states:

" (a) Each licensed structural pest control operator shall notify the commissioner prior to operating a structural pest control business in the county. The notification shall cover a calendar year, unless a shorter time is specified by the structural pest control licensee. A fee may also be required at the time of notification. The fee shall be set by the county board of supervisors, except that in no case shall the fee exceed the actual cost of processing the notification or ten dollars ($10), whichever is less. Payment of the fee shall be due by the date designated by the commissioner. (b) Each notification shall be in a form prescribed by the director after consulting with the Structural Pest Control Board and commissioners and shall be limited to the structural pest control licensee's name and address (including each place of business in the county), telephone numbers, responsible persons, and the type of pest control to be conducted. (c) Each structural pest control licensee who intends to conduct fumigation operations may be required to appear in person at the office of the commissioner to complete notification. (d) If ordered by the commissioner, other structural pest control licensees shall appear in person at the office of the commissioner to complete notification."

31. Section 11519 (d) of the Government Code states, in pertinent part:

"Specified terms of probation may include an order of restitution. Where restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall be credited to any subsequent judgment in a civil action."

32. Title 16, California Code of Regulations, section 1970, sets forth the standards and record requirements for fumigation and pesticide use, and provides in pertinent part, that for the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least

three years, a log for each fumigation job and for each pesticide control operation in which a pesticide is used by the registered company or the registered company's employee. The log for each fumigation job shall contain the address of the property, date and hour fumigant was introduced, cylinder number of each fumigant used, weight of each fumigant cylinder before introduction of gas, pounds of fumigant used from each cylinder, and total pounds of fumigant used.

33. Title 16, California Code of Regulations, section 1970.3, provides, in pertinent part, the phrase "locked, barricaded, or otherwise secured against entry" shall mean that all structures, prior to fumigation, shall have a secondary lock on all outside doors. A secondary lock means a device or barricade that will secure and prevent a door from being opened by anyone other than the licensee in charge of the fumigation.

34. Title 16, California Code of Regulations, section 1990, sets forth report requirements and provides, in pertinent part, (a) All reports shall be completed as prescribed by the board. Copies filed with the board shall be clear and legible. All reports must supply the information required by Section 8516 of the Code and the information regarding the pesticide or pesticides used as set forth in Section 8538 of the Code.

35. Title 3, California Code of Regulations, section 6600, states:

"Each person performing pest control shall:

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

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

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

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

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

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36. Title 3, California Code of Regulations, section 6780, states:

"(a) When fumigation concentrations cannot be controlled and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, California Code of Regulations, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment.

(b) Whenever an employee may be exposed above an exposure standard to methyl bromide, sulfuryl fluoride, or any other fumigant for which only air-supplied respirator equipment is approved, the employer shall either:

(1) require the use of air-supplied respirator equipment,

(2) employ continuous monitoring to warn employees before the PEL is reached or

(3) operate under the provisions of (c) below.

(c) Upon written application by an employer, the director will review and may accept a Fumigation Safety Program that described methods, work practices, devices, or processes which the director determines will ensure that employees will not be exposed to concentrations of fumigants in excess of the PEL.

(d) The employer shall have an accident response plan at the worksite. The plan shall provide instructions to protect employees during situations such as spills, fire, and leaks. Employees shall be trained in accident management procedures based on the plan."

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4205 OHIO STREET PROPERTY

37. On or about March 7, 2005, Respondent D & S fumigated a 30 unit condominium complex located at 4205 Ohio Street in San Diego ("Ohio Street Project.") Respondent D & S fumigated the property using Vikane gas.

38. Respondent Parish was the licensee in charge, working as Field Representative for Respondent D & S, who introduced Vikane into the tarped structure on the Ohio Street Project. It is the responsibility of the licensee in charge to make certain that the structure is properly prepared prior to introducing a fumigant. It is the duty of the licensee in charge to examine, or instruct other employees to examine, all units to determine that all persons have vacated from the structure prior to introducing a fumigant. It is the duty of the licensee in charge to remove, or instruct other employees to remove, all food, drug, and medicinal items from all units in the structure prior to introducing a fumigant.

39. Approximately three hours after the fumigant was introduced into the tarped structure, employees from Respondent D & S heard cries and noticed movement beneath the tarps. The employees from Respondent D & S went to the area where they assisted a female resident of the property out from within the tarps covering the building in which the Vikane gas had been administered. The resident was transported to a local hospital where she was subsequently pronounced dead.

40 During an inspection of the Ohio Street Project on or about March 9, 2005, inspectors determined that in unit 108, where the decedent resided, a number of food, drug, and medicinal items were not removed as required prior to fumigation.

41. During an inspection of the Ohio Street Project on or about March 9, 2005, Inspectors instructed Respondent Dawn Charrette not to remove any items from any of the units, after the fumigation. During an inspection of the Ohio Street Project on or about March 9, 2005, inspectors observed Respondent Dawn Charrette with five large garbage type bags containing items that she said had been removed from units in the Ohio Street Project after the fumigation. Inspectors determined that these items should have been removed from units in the Ohio Street Project before the fumigation.

42. During an inspection of the Ohio Street Project on or about March 9, 2005, Inspectors determined there were preparation violations in 20 of the 30 units.

43. During an inspection of the records regarding the Ohio Street Project on or about March 11, 2005, Inspectors determined that there were violations in fumigation logs completed by Respondent Parish.

FIRST CAUSE FOR DISCIPLINE

(Failure to Comply with Code Regulations)

44. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, Respondent David Dierolf's Operator License No. OPR 8044, Respondent Peter Charrette's Field Representative License No. FR 19144, Respondent Saunders' Operator License No. OPR 5869, Respondent Stradley's Operator License No. OPR 10832 and Field Representative License No. FR 29330, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, David Dierolf, Peter Charrette, Saunders, Stradley, and Parish failed to comply with the provisions of Code section 8505.4 by failing to perform the fumigation on the condominium complex located at 4205 Ohio Street in San Diego in compliance with applicable laws and regulations. Respondents failed to comply with the provisions of Code section 8505.7 by failing to ensure that the space to be fumigated was vacated by all occupants prior to the commencement of fumigation and all entrances secured against entry while performing the fumigation on the condominium complex located at 4205 Ohio Street in San Diego.

45. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, Respondent Peter Charrette's Field Representative License No. FR 19144, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, Peter Charrette, and Parish failed to comply with the provisions of Code section 8505.13 by failing to properly maintain a log of each fumigation job performed with respect to the Ohio Street Project.

SECOND CAUSE FOR DISCIPLINE

(Negligence)

46. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8642 in that Respondents D & S, Dawn Charrette, and Parish were grossly negligent in the manner in which they performed the fumigation on the Ohio Street Project.

47. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8643 in that Respondents D & S, Dawn Charrette, and Parish negligently handled or used poisonous exterminating agents on the Ohio Street Project.

THIRD CAUSE FOR DISCIPLINE

(Violation of Law)

48. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8646 in that Respondents D & S, Dawn Charrette, and Parish violated fumigation laws in the manner in which they performed the fumigation on the Ohio Street Project by failing to remove all persons from the structure prior to introducing a fumigant, failing to examine all units to determine that all persons had vacated the structure prior to introducing a fumigant, failing to properly prepare the structure prior to introducing a fumigant, and failing to remove or bag all opened food, drug, and medicinal items from all units prior to fumigation.

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FOURTH CAUSE FOR DISCIPLINE

(Violation of Law)

49. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8647 in that Respondents D & S, Dawn Charrette, and Parish failed to comply with the Food and Agricultural Code in the use of insecticides on the Ohio Street Project. Respondents failed to perform the work in a careful manner by failing to remove all persons from the structure prior to introducing a fumigant, failing to examine all units to determine that all persons had vacated the structure prior to introducing a fumigant, failing to properly prepare the structure prior to introducing a fumigant, and failing to remove or bag all opened food, drug, and medicinal items from all units prior to fumigation.

50. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8647 in that Respondents D & S, Dawn Charrette, and Parish violated Food and Agricultural Code section 11791 (b) in the manner in which they performed the Ohio Street Project. Respondents failed to perform the work in a careful manner when they failed to remove all persons from the structure prior to introducing a fumigant, failed to remove or bag all opened food, drug, and medicinal items from all units prior to fumigation, failed to remove all plants from the structure, and failed to secure or lock all exterior doorways.

51. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8647 in that Respondents D & S, Dawn Charrette, and Parish violated Food and Agricultural Code section 12973 in the manner in which they used pesticides on the Ohio Street Project. Respondents used pesticides in conflict with the label when they failed to remove all persons from the structure prior to introducing a fumigant, failed to remove or bag all opened food, drug,

and medicinal items from all units prior to fumigation, failed to remove all plants from the structure, and failed to secure or lock all exterior doorways.

FIFTH CAUSE FOR DISCIPLINE

(Violation of Regulations)

52. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, Respondent Peter Charrette's Field Representative License No. FR 19144, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, Peter Charrette, and Parish violated the provisions of Title 16, California Code of Regulations, section 1970 (a) for failure to properly prepare and retain a fumigation log regarding pesticide use regarding the Ohio Street Project.

53. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, and Parish violated the provisions of Title 16, California Code of Regulations, section 1970.3 for failure to properly secure the Ohio Street property against entry prior to fumigation.

54. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, and Parish violated the provisions of Title 3, California Code of Regulations, section 6600 (b) by failing to perform pest control in a careful and effective manner on the Ohio Street Project by failing to remove all persons from the structure, failing to remove or bag all opened food and medicines, failing to remove all plants from the structure, and failing to secure or lock all exterior doorways.

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SIXTH CAUSE FOR DISCIPLINE

(Responsiblity of Mangers and Corporation Officers)

55. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's President and Qualifying Manager in Branches 1 & 3, Respondent Dawn Charrette, regardless of whether Respondent Dawn Charrette had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

56. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's C.E.O., Respondent David Dierolf, regardless of whether Respondent David Dierolf had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

57. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's Vice President, Respondent Peter Charrette, regardless of whether Respondent Peter Charrette had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

58. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's Vice President, Respondent Michael Saunders, regardless of whether Respondent Michael Saunders had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

59. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's Qualifying Manager in Branch 2, Respondent Stradley, regardless of whether Respondent Stradley had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

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60. Pursuant to section 8624 of the Code, if Operator License No. OPR 9119, issued to Respondent Dawn Charrette, President and Qualifying Manger in Branches 1 & 3 for Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

61. Pursuant to section 8624 of the Code, if Operator License No. OPR 8044, issued to Respondent David Dierolf , C.E.O. of Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

62. Pursuant to section 8624 of the Code, if Field Representative's License No. FR 19144, issued to Respondent Peter Charrette, Vice President of Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

63. Pursuant to section 8624 of the Code, if Operator's License No. OPR 5869, issued to Respondent Michael Saunders, Vice President of Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

64. Pursuant to section 8624 of the Code, if Operator's License No. OPR 10832 and Field Representative's License No. FR 29330, issued to Respondent Stradley, Qualifying Manager in Branch 2 for Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

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OTHER MATTERS

65. Pursuant to section 8654 of the Code, if discipline is imposed on Operator License No. OPR 9119, Field Representative's License No. FR 12741, or Field Representative's License No. FR 21851 issued to Respondent Dawn Charrette, she shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Dawn Charrette shall be subject to disciplinary action.

66. Pursuant to section 8654 of the Code, if discipline is imposed on Operator License No. OPR 8044 issued to Respondent David Dierolf, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent David Dierolf shall be subject to disciplinary action.

67. Pursuant to section 8654 of the Code, if discipline is imposed on Field Representative's License No. FR 19144 issued to Respondent Peter Charrette, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Peter Charrette shall be subject to disciplinary action.

68. Pursuant to section 8654 of the Code, if discipline is imposed on Operator License No. OPR 5869 issued to Respondent Michael Saunders, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Michael Saunders shall be subject to disciplinary action.

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69. Pursuant to section 8654 of the Code, if discipline is imposed on Operator License No. OPR 10832, Field Representative's License No. FR 29330, or Registered Applicator's License No. RA 8713, issued to Respondent Travis Stradley, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Travis Stradley shall be subject to disciplinary action.

70. Pursuant to section 8654 of the Code, if discipline is imposed on Field Representative's License No. FR 23237 or Registered Applicator's License No. RA 34241 issued to Respondent Christopher Parish, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Christopher Parish shall be subject to disciplinary action.

71. Pursuant to section 8624 of the Code, if Operator's License No. OPR 9119, issued to Respondent Dawn Charrette, is suspended or revoked, the Board may suspend or revoke the registration of any branch office registered under the name of Respondent Dawn Charrette, Qualifying Manager for D & S Termite Control.

72. Pursuant to section 8624 of the Code, if Operator's License No. OPR 8044, issued to Respondent David Dierolf, is suspended or revoked, the Board may suspend or revoke the registration of any branch office registered under the name of Respondent David Dierolf, Qualifying Manager for D & S Termite Control.

73. Pursuant to section 8624 of the Code, if Field Representative's License No. FR 19144, issued to Respondent Peter Charrette, is suspended or revoked, the Board may suspend or revoke the registration of any branch office registered under the name of Respondent Peter Charrette, Vice President for D & S Termite Control.

74. Pursuant to section 8624 of the Code, if Operator's License No. OPR 10832 and Field Representative's License No. FR 29330, issued to Respondent Stradley, is suspended or revoked, the Board may suspend or revoke the registration of any branch office

registered under the name of Respondent Stradley, Qualifying Manager for D & S Termite Control.

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

76. Section 11519(d) of the Government Code provides, in pertinent part, that the Board may require restitution of damages suffered as a condition of probation in the event probation is ordered.

PRAYER

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

1. Revoking or suspending Company Registration No. 1164, issued to D & S Termite Control;

2. Revoking or suspending Operator's License No. OPR 9119, Field Representative's License No. FR 12741, and Field Representative's License No. FR 21851 issued to Dawn Marie Charrette aka Dawn Marie Dierolf aka Dawn Marie Dierolf-Charrette;

3. Revoking or suspending Operator's License No. OPR 8044 issued to David Paul Dierolf;

4. Revoking or suspending Field Representative's License No. FR 19144 issued to Peter John-Paul Charrette;

5. Revoking or suspending Operator's License No. OPR 5869 issued to Michael Robert Saunders;

6. Revoking or suspending Operator's License No. OPR 10832, Field Representative's License No. FR 29330, and Registered Applicator's License No. RA 8713 issued to Travis Matthew Stradley;

7. Revoking or suspending Field Representative's License No. FR 23237 and Registered Applicator's License No. RA 34241 issued to Christopher Harrison Parish;

8. Ordering D & S Termite Control to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 6/13/08

Kelli Okuma

KELLI OKUMA
Registrar
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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Attorneys for Complainant

FILED
Date 3/3/06 By Kelle Okun

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **A.M.B.D., Inc., dba** **D & S TERMITE CONTROL** David Paul Dierolf, C.E.O. Dawn Marie Charrette, President and Qualifying Manager in Br. 1 & 3 Peter John-Paul Charrette, Vice President Michael Robert Saunders, Vice President Travis Stradley, Qualifying Manager in Br. 2 3638 Bancroft Drive Spring Valley, CA 91977 Company Registration No. 1164, Br. 1, 2, & 3 and	Case No. 2006-57 **ACCUSATION**

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DAWN MARIE CHARRETTE
aka DAWN MARIE DIEROLF
aka DAWN MARIE DIEROLF-CHARRETTE
3638 Bancroft Drive
Spring Valley, CA 91977

Operator's License No. OPR 9119, Br. 1 & 3
Field Representative License No. FR 12741, Br. 1
Field Representative License No. FR 21851, Br. 3

President and Qualifying Manager in Br. 1 & 3 for D & S Termite Control

and

DAVID PAUL DIEROLF
3638 Bancroft Drive
Spring Valley, CA 91977

Operator's License No. OPR 8044, Br. 1 & 3

C.E.O. for D & S Termite Control

and

PETER JOHN-PAUL CHARRETTE
3638 Bancroft Drive
Spring Valley, CA 91977

Field Representative License No. FR 19144, Br. 1

Vice President for D & S Termite Control

and

MICHAEL ROBERT SAUNDERS
3638 Bancroft Drive
Spring Valley, CA 91977

Operator's License No. OPR 5869, Br. 1 & 3

Vice President for D & S Termite Control

and

TRAVIS MATTHEW STRADLEY

3638 Bancroft Drive
Spring Valley, CA 91977

Operator's License No. OPR 10832, Br. 2
Field Representative License No. FR 29330, Br. 3
Registered Applicator's License No. RA 8713, Br. 3

Qualifying Manager in Br. 2 for D & S Termite Control

and

CHRISTOPHER HARRISON PARISH
3638 Bancroft Drive
Spring Valley, CA 91977

Field Representative License No. FR 23237, Br. 1&3
Registered Applicator's License No. RA 34241, Br. 3

Respondents.

Complainant alleges:

PARTIES

1. Kelli Okuma (Complainant) brings this Accusation solely in her official capacity as the Registrar of the Structural Pest Control Board, Department of Consumer Affairs.

LICENSE HISTORY

2. **A.M.B.D., Inc., doing business as ("dba") D & S Termite Control ("Respondent D & S")**

Company Registration No. PR 1164

On or about July 24, 1981, the Structural Pest Control Board issued Operator's License No. OA 6483 in Branch 3 to A.M.B.D., Inc., dba D & S Termite Control, with David P. Dierolf as President and Responsible Natural Person, Bobby Joe Bount as Vice President, and Arthur N. Miller as Secretary and Treasurer ("Respondent D & S.")

On or about May 6, 1986, Operator's License No. OA 6483 was upgraded to include Branches 1 and 3.

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On or about January 13, 1988, Operator's License No. OA 6483 was converted to Company Registration No. PR 1164 in Branches 1 and 3 for A.M.B.D., Inc., dba D & S Termite Control, with David Paul Dierolf as President and Qualifying Manager and Shirley Mae Dierolf as Secretary and Treasurer.

On or about May 1, 1992, Company Registration No. PR 1164 was suspended due to the cancellation of the company bond as required by Business and Professions Code section 8697. On or about May 4, 1992, Company Registration No. PR 1164 was reinstated after posting the required $4,000.00 company bond.

On or about January 23, 1996, Respondent D & S paid a fine of $150.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations section 6780 (fumigation safe-use requirements.)

On or about April 1, 1997, Respondent D & S paid a fine of $150.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of Food and Agriculture section 12973 (pesticide use in conformance with labeling.)

On or about June 26, 1997, Company Registration No. PR 1164 was suspended due to the cancellation of the company bond as required by Business and Professions Code section 8697. On or about July 29, 1997, Company Registration No. PR 1164 was reinstated after posting the required $4,000.00 company bond.

On or about March 1, 2000, David Dierolf disassociated as Qualifying Manager and Dawn M. Charrette became Qualifying Manager.

On or about September 22, 2000, Company Registration No. PR 1164 was suspended due to the cancellation of the company bond as required by Business and Professions Code section 8697. On or about September 29, 2000, Company Registration No. PR 1164 was reinstated after posting the required $4,000.00 company bond.

On or about October 5, 2001, Respondent D & S paid a fine of $452.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations, Title 3 section 6780 (fumigation safe-use requirements) and Business and Professions Code section 8505.7 (fumigation safety requirements.)

On or about April 30, 2003, Respondent D & S paid a fine of $552.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations, Title 3 section 6780 (fumigation safe-use requirements) and Food and Agriculture section 15204 (notification requirements.)

On or about February 6, 2004, Company Registration No. PR 1164 was upgraded to include Branches 1, 2, and 3. David Dierolf became C.E.O., Dawn M. Charrette became President and Qualifying Manager in Branches 1 and 3. Peter Charrette became Vice President. Michael Saunders became Vice President and Travis Stradley became Qualifying Manager in Branch 2.

On or about November 2, 2004, Respondent D & S paid a fine of $150.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of Business and Professions Code section 8638 (failure to complete project for the contract price.)

On or about April 27, 2005, Respondent D & S paid a fine of $1,152.00 levied by the San Diego County Agricultural Commissioner's Office for a violation of California Code of Regulations, Title 3 section 6780 (fumigation safe-use requirements) and Food and Agriculture section 15204 (notification requirements.)

3. **David Paul Dierolf ("Respondent David Dierolf")**

Operator's License No. OPR 8044

On or about January 13, 1988, the Structural Pest Control Board issued Operator's License No. OPR 8044 in Branches 1 and 3 to David Paul Dierolf ("Respondent David Dierolf"), President and Qualifying Manager of A.M.B.D., Inc., dba D & S Termite Control

On or about March 1, 2000, Operator's License No. OPR 8044 disassociated as the Branch 1 and 3 Qualifying Manager. Operator's License No. OPR 8044 will expire on June 30, 2008, unless renewed.

David Dierolf became C.E.O. of Respondent D & S on February 6, 2004 and currently occupies that position.

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4. **Dawn Marie Dierolf aka Dawn Marie Charrette aka Dawn Marie Dierolf-Charrette ("Respondent Dawn Charrette")**

Operator's License No. OPR 9119, Field Representative's License No. FR 12741, Field Representative's License No. FR 21851

On or about April 16, 1993, the Structural Pest Control Board issued Operator's License No. OPR 9119 in Branch 1 to Dawn Marie Dierolf.

On or about May 18, 1998, Operator's License No. OPR 9119 was upgraded to include Branches 1 and 3.

On or about May 28, 1998, Operator's License No. OPR 9119 reflected a name change to Dawn Marie Charrette ("Respondent Dawn Charrette.")

On or about March 1, 2000, Dawn Charrette became Qualifying Manager for Respondent D & S in Branches 1 and 3.

On or about February 6, 2004, Dawn Charrette became President and Qualifying Manager for Respondent D & S in Branches 1 and 3.

Operator's License No. OPR 9119 will expire on June 30, 2007, unless renewed.

On or about January 18, 1985, the Structural Pest Control Board issued Field Representative's License No. FR 12741 in Branch 1 to Dawn Marie Dierolf. On June 30, 1993, Field Representative's License No. FR 12741 was canceled.

On or about May 1, 1993, the Structural Pest Control Board issued Field Representative's License No. FR 21851 in Branch 3 to Dawn Marie Dierolf-Charrette. On May 18, 1998, Field Representative's License No. FR 21851 was canceled.

5. **Christopher Harrison Parish ("Respondent Parish")**

Field Representative's License No. FR 23237, Registered Applicator's License No. RA 34241

On or about April 14, 1994, the Structural Pest Control Board issued Field Representative's License No. FR 23237 in Branch 3 to Christopher Harrison Parish ("Respondent Parish.")

On or about January 20, 1995, Field Representative's License No. FR 23237 was

upgraded to include Branches 1 and 3.

Field Representative's License No. FR 23237 will expire on June 30, 2008, unless renewed.

On or about December 3, 1993, the Structural Pest Control Board issued Registered Applicator's License No. RA 34241 in Branch 3 to Christopher Harrison Parish.

On or about December 3, 1996, Registered Applicator's License No. RA 34241 expired and was canceled.

6. **Peter John-Paul Charrette ("Respondent Peter Charrette")**

Field Representative's License No. FR 19144

On or about January 3, 1991, the Structural Pest Control Board issued Field Representative's License No. FR 19144 in Branch 1 to Peter John-Paul Charrette ("Respondent Peter Charrette.")

On or about February 6, 2004, Peter Charrette became Vice President for Respondent D & S.

Field Representative's License No. FR 19144 will expire on June 30, 2008, unless renewed.

7. **Michael Robert Saunders ("Respondent Saunders")**

Operator's License No. OPR 5869

On or about March 7, 1979, the Structural Pest Control Board issued Operator's License No. OPR 5869 in Branch 3 to Michael Robert Saunders ("Respondent Saunders.")

On or about March 30, 1987, Operator's License No. OPR 5869 was upgraded to include Branches 1 and 3.

On or about February 6, 2004, Michael Saunders became Vice President for Respondent D & S.

On or about November 2, 2004, Operator's License No. OPR 5869 paid a fine of $50.00 levied by the Structural Pest Control Board for a violation of Business and Professions Code section 8516 (b) (inspection requirements) and California Code of Regulations, Title 16, section 1990 (a)(4) (report requirements).

Operator's License No. OPR 5869 will expire on June 30, 2008, unless renewed.

8. **Travis Matthew Stradley ("Respondent Stradley")**

Operator's License No. OPR 10832,
Field Representative's License No. FR 29330,
Registered Applicator's License No. RA 8713

On or about January 16, 2004, the Structural Pest Control Board issued Operator's License No. OPR 10832 in Branch 2 to Travis Matthew Stradley ("Respondent Stradley.")

Operator's License No. OPR 10832 will expire on June 30, 2006, unless renewed.

On or about April 16, 1998, the Structural Pest Control Board issued Field Representative's License No. FR 29330 in Branch 2 to Travis Matthew Stradley.

On or about October 16, 2000, Field Representative's License No. FR 29330 was upgraded to include Branches 2 and 3.

On or about January 16, 2004, Field Representative's License No. FR 29330 was downgraded to include Branch 3 only.

On or about February 6, 2004, Travis Stradley became Qualifying Manager in Branch 2 for Respondent D & S.

Field Representative's License No. FR 29330 will expire on June 30, 2006, unless renewed.

On or about February 20, 1998, the Structural Pest Control Board issued Registered Applicator's License No. RA 8713 in Branch 2 to Travis Matthew Stradley.

On or about May 15, 1998, Registered Applicator's License No. RA 8713 was upgraded to include Branch 3 then downgraded to Branch 3 only.

On or about October 16, 2000, Registered Applicator's License No. RA 8713 was canceled.

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JURISDICTION

9. This Accusation is brought before the Structural Pest Control Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

11. Section 8625 of the Code states:

"The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration."

12. Section 8505.4 of the Code states:

" Fumigation shall be performed in compliance with all applicable state, county, city, and city and county laws and ordinances and all applicable laws and regulations of the United States."

13. Section 8505.7 of the Code states:

"The space to be fumigated shall be vacated by all occupants prior to the commencement of fumigation, and all entrances thereto shall be locked, barricaded, or otherwise secured against entry until the end of exposure period, then opened for ventilation and relocked, barricaded, or otherwise secured against re-entry, until declared by the licensee exercising direct and personal supervision over the fumigation to be safe for reoccupancy."

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14. Section 8505.13 of the Code states:

"A registered company shall maintain a log of each fumigation job performed by it in this state. The log shall be in the form required by the regulations of the board and shall be preserved for a period of at least three years, during which time it shall be available at all times during business hours for inspection by the board and its authorized representatives."

15. Section 8516 (b) of the Code sets forth requirements regarding inspections and reports and states, in pertinent part:

"(b) No registered company or licensee shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator."

16. Section 8553 of the Code states:

"Any person who violates any provision of this chapter, or who conspires with another person to violate any provision of this chapter, is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment."

17. Section 8624 of the Code states:

"If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office. If the operator is the qualifying manager, a partner, responsible officer, or owner of a registered structural pest control company, the suspension or revocation may be applied to the company registration. The performance by any partnership, corporation, firm, association, or registered company of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who,

at the time the act or omission occurred, was the qualifying manager, a partner, responsible officer, or owner of the partnership, corporation, firm, association, or registered company whether or not he or she had knowledge of, or participated in, the prohibited act or omission."

18. Section 8638 of the Code states, in pertinent part, that . . . "[f]ailure on the part of a registered company to complete any operation or construction repairs for the price stated in the contract for such operation or construction repairs or in any modification of such contract is a ground for disciplinary action."

19. Section 8641 of the Code states:

"Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests or organisms, or furnishing a notice of work completed prior to the completion of the work specified in the contract, is a ground for disciplinary action."

20. Section 8642 of the Code states in pertinent part, that ". . . [t]he commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a registered company is a ground for disciplinary action."

21. Section 8643 of the Code states:

"The negligent handling or use of any poisonous exterminating agent is a ground for disciplinary action."

22. Section 8646 of the Code states:

"Disregard and violation of pesticide use and application, structural pest control device, fumigation, or extermination laws of the state or of any of its political subdivisions, or regulations adopted pursuant to those laws, is a ground for disciplinary action."

23. Section 8647 of the Code states that "[f]ailure to comply in the sale or use of insecticides with the provisions of Chapter 2 (commencing with Section 12751) of Division 7 of the Food and Agricultural Code is a ground for disciplinary action."

24. Section 8654 of the Code states:

"Any individual who has been denied a license for any of the reasons specified in

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

25. Section 8695 of the Code states:

"The violation of any provision of this article is a misdemeanor and shall be grounds for the suspension or revocation by the board of the operator's license of the owner or qualifying manager or managers of the registered company and of the company registration."

26. Section 8697 of the Code states:

"Each company registered under the provisions of this chapter shall maintain a bond executed by an admitted surety insurer in the amount of four thousand dollars ($4,000)."

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

28. Section 11791 of the Food and Agriculture Code states:

"It is unlawful for any person subject to this division to do any of the following: (a) Make any false or fraudulent claim, or misrepresent the effects of material or method to be applied, apply any worthless or improper material, or otherwise engage in any unfair practices. (b) Operate in a faulty, careless, or negligent manner. (c) Refuse or neglect to comply with this

division, or any regulation issued pursuant to this division, or any lawful order of the commissioner or the director. (d) Refuse or neglect to keep and maintain the records which are required by this division, or to make reports when and as required."

29. Section 12973 of the Food and Agriculture Code states:

"The use of any pesticide shall not conflict with labeling registered pursuant to this chapter which is delivered with the pesticide or with any additional limitations applicable to the conditions of any permit issued by the director or commissioner."

30. Section 15204 of the Food and Agriculture Code states:

" (a) Each licensed structural pest control operator shall notify the commissioner prior to operating a structural pest control business in the county. The notification shall cover a calendar year, unless a shorter time is specified by the structural pest control licensee. A fee may also be required at the time of notification. The fee shall be set by the county board of supervisors, except that in no case shall the fee exceed the actual cost of processing the notification or ten dollars ($10), whichever is less. Payment of the fee shall be due by the date designated by the commissioner. (b) Each notification shall be in a form prescribed by the director after consulting with the Structural Pest Control Board and commissioners and shall be limited to the structural pest control licensee's name and address (including each place of business in the county), telephone numbers, responsible persons, and the type of pest control to be conducted. (c) Each structural pest control licensee who intends to conduct fumigation operations may be required to appear in person at the office of the commissioner to complete notification. (d) If ordered by the commissioner, other structural pest control licensees shall appear in person at the office of the commissioner to complete notification."

31. Section 11519 (d) of the Government Code states, in pertinent part:

"Specified terms of probation may include an order of restitution. Where restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall be credited to any subsequent judgment in a civil action."

32. Title 16, California Code of Regulations, section 1970, sets forth the standards and record requirements for fumigation and pesticide use, and provides in pertinent

part, that for the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a log for each fumigation job and for each pesticide control operation in which a pesticide is used by the registered company or the registered company's employee. The log for each fumigation job shall contain the address of the property, date and hour fumigant was introduced, cylinder number of each fumigant used, weight of each fumigant cylinder before introduction of gas, pounds of fumigant used from each cylinder, and total pounds of fumigant used.

33. Title 16. California Code of Regulations. section 1970.3, provides, in pertinent part, the phrase "locked, barricaded, or otherwise secured against entry" shall mean that all structures, prior to fumigation, shall have a secondary lock on all outside doors. A secondary lock means a device or barricade that will secure and prevent a door from being opened by anyone other than the licensee in charge of the fumigation.

34. Title 16. California Code of Regulations. section 1990, sets forth report requirements and provides, in pertinent part, (a) All reports shall be completed as prescribed by the board. Copies filed with the board shall be clear and legible. All reports must supply the information required by Section 8516 of the Code and the information regarding the pesticide or pesticides used as set forth in Section 8538 of the Code.

35. Title 3. California Code of Regulations. section 6600, states:

"Each person performing pest control shall:

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

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

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

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

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

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36. Title 3, California Code of Regulations, section 6780, states:

"(a) When fumigation concentrations cannot be controlled and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, California Code of Regulations, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment.

(b) Whenever an employee may be exposed above an exposure standard to methyl bromide, sulfuryl fluoride, or any other fumigant for which only air-supplied respirator equipment is approved, the employer shall either:

(1) require the use of air-supplied respirator equipment,

(2) employ continuous monitoring to warn employees before the PEL is reached or

(3) operate under the provisions of (c) below.

(c) Upon written application by an employer, the director will review and may accept a Fumigation Safety Program that described methods, work practices, devices, or processes which the director determines will ensure that employees will not be exposed to concentrations of fumigants in excess of the PEL.

(d) The employer shall have an accident response plan at the worksite. The plan shall provide instructions to protect employees during situations such as spills, fire, and leaks. Employees shall be trained in accident management procedures based on the plan."

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4205 OHIO STREET PROPERTY

37. On or about March 7, 2005, Respondent D & S fumigated a 30 unit condominium complex located at 4205 Ohio Street in San Diego ("Ohio Street Project.") Respondent D & S fumigated the property using Vikane gas.

38. Respondent Parish was the licensee in charge, working as Field Representative for Respondent D & S, who introduced Vikane into the tarped structure on the Ohio Street Project. It is the responsibility of the licensee in charge to make certain that the structure is properly prepared prior to introducing a fumigant. It is the duty of the licensee in charge to examine, or instruct other employees to examine, all units to determine that all persons have vacated from the structure prior to introducing a fumigant. It is the duty of the licensee in charge to remove, or instruct other employees to remove, all food, drug, and medicinal items from all units in the structure prior to introducing a fumigant.

39. Approximately three hours after the fumigant was introduced into the tarped structure, employees from Respondent D & S heard cries and noticed movement beneath the tarps. The employees from Respondent D & S went to the area where they assisted a female resident of the property out from within the tarps covering the building in which the Vikane gas had been administered. The resident was transported to a local hospital where she was subsequently pronounced dead.

40 During an inspection of the Ohio Street Project on or about March 9, 2005, inspectors determined that in unit 108, where the decedent resided, a number of food, drug, and medicinal items were not removed as required prior to fumigation.

41. During an inspection of the Ohio Street Project on or about March 9, 2005, Inspectors instructed Respondent Dawn Charrette not to remove any items from any of the units, after the fumigation. During an inspection of the Ohio Street Project on or about March

9, 2005, inspectors observed Respondent Dawn Charrette with five large garbage type bags containing items that she said had been removed from units in the Ohio Street Project after the fumigation. Inspectors determined that these items should have been removed from units in the Ohio Street Project before the fumigation.

42. During an inspection of the Ohio Street Project on or about March 9, 2005, Inspectors determined there were preparation violations in 20 of the 30 units.

43. During an inspection of the records regarding the Ohio Street Project on or about March 11, 2005, Inspectors determined that there were violations in fumigation logs completed by Respondent Parish.

FIRST CAUSE FOR DISCIPLINE

(Failure to Comply with Code Regulations)

44. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, Respondent David Dierolf's Operator License No. OPR 8044, Respondent Peter Charrette's Field Representative License No. FR 19144, Respondent Saunders' Operator License No. OPR 5869, Respondent Stradley's Operator License No. OPR 10832 and Field Representative License No. FR 29330, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, David Dierolf, Peter Charrette, Saunders, Stradley, and Parish failed to comply with the provisions of Code section 8505.4 by failing to perform the fumigation on the condominium complex located at 4205 Ohio Street in San Diego in compliance with applicable laws and regulations. Respondents failed to comply with the provisions of Code section 8505.7 by failing to ensure that the space to be fumigated was vacated by all occupants prior to the commencement of fumigation and all entrances secured against entry while performing the fumigation on the condominium complex located at 4205 Ohio Street in San Diego.

45. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, Respondent Peter Charrette's Field Representative License No. FR 19144, and Respondent Parish's Field Representative License

No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, Peter Charrette, and Parish failed to comply with the provisions of Code section 8505.13 by failing to properly maintain a log of each fumigation job performed with respect to the Ohio Street Project.

SECOND CAUSE FOR DISCIPLINE

(Negligence)

46. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8642 in that Respondents D & S, Dawn Charrette, and Parish were grossly negligent in the manner in which they performed the fumigation on the Ohio Street Project.

47. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8643 in that Respondents D & S, Dawn Charrette, and Parish negligently handled or used poisonous exterminating agents on the Ohio Street Project.

THIRD CAUSE FOR DISCIPLINE

(Violation of Law)

48. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8646 in that Respondents D & S, Dawn Charrette, and Parish violated fumigation laws in the manner in which they performed the fumigation on the Ohio Street Project by failing to remove all persons from the structure prior to introducing a fumigant, failing to examine all units to determine that all persons had vacated the structure prior to introducing a fumigant, failing to properly prepare the structure prior to introducing a fumigant, and failing to remove or bag all opened food, drug, and medicinal items from all units prior to fumigation.

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FOURTH CAUSE FOR DISCIPLINE

(Violation of Law)

49. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8647 in that Respondents D & S, Dawn Charrette, and Parish failed to comply with the Food and Agricultural Code in the use of insecticides on the Ohio Street Project. Respondents failed to perform the work in a careful manner by failing to remove all persons from the structure prior to introducing a fumigant, failing to examine all units to determine that all persons had vacated the structure prior to introducing a fumigant, failing to properly prepare the structure prior to introducing a fumigant, and failing to remove or bag all opened food, drug, and medicinal items from all units prior to fumigation.

50. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8647 in that Respondents D & S, Dawn Charrette, and Parish violated Food and Agricultural Code section 11791 (b) in the manner in which they performed the Ohio Street Project. Respondents failed to perform the work in a careful manner when they failed to remove all persons from the structure prior to introducing a fumigant, failed to remove or bag all opened food, drug, and medicinal items from all units prior to fumigation, failed to remove all plants from the structure, and failed to secure or lock all exterior doorways.

51. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8647

in that Respondents D & S, Dawn Charrette, and Parish violated Food and Agricultural Code section 12973 in the manner in which they used pesticides on the Ohio Street Project. Respondents used pesticides in conflict with the label when they failed to remove all persons from the structure prior to introducing a fumigant, failed to remove or bag all opened food, drug, and medicinal items from all units prior to fumigation, failed to remove all plants from the structure, and failed to secure or lock all exterior doorways.

FIFTH CAUSE FOR DISCIPLINE

(Violation of Regulations)

52. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, Respondent Peter Charrette's Field Representative License No. FR 19144, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, Peter Charrette, and Parish violated the provisions of Title 16, California Code of Regulations, section 1970 (a) for failure to properly prepare and retain a fumigation log regarding pesticide use regarding the Ohio Street Project.

53. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, and Parish violated the provisions of Title 16, California Code of Regulations, section 1970.3 for failure to properly secure the Ohio Street property against entry prior to fumigation.

54. Respondent D & S' Company Registration No. 1164 and Respondent Dawn Charrette's Operator License No. OPR 9119, and Respondent Parish's Field Representative License No. FR 23237 are subject to disciplinary action under Code section 8641 in that Respondents D & S, Dawn Charrette, and Parish violated the provisions of Title 3, California Code of Regulations, section 6600 (b) by failing to perform pest control in a careful and effective manner on the Ohio Street Project by failing to remove all persons from the structure, failing to remove or bag all opened food and medicines, failing to remove all plants

from the structure, and failing to secure or lock all exterior doorways.

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SIXTH CAUSE FOR DISCIPLINE

(Responsiblity of Mangers and Corporation Officers)

55. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's President and Qualifying Manager in Branches 1 & 3, Respondent Dawn Charrette, regardless of whether Respondent Dawn Charrette had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

56. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's C.E.O., Respondent David Dierolf, regardless of whether Respondent David Dierolf had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

57. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's Vice President, Respondent Peter Charrette, regardless of whether Respondent Peter Charrette had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

58. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's Vice President, Respondent Michael Saunders, regardless of whether Respondent Michael Saunders had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

59. Pursuant to section 8624 of the Code, the causes for discipline established as to Respondent D & S likewise constitute cause for discipline against Respondent D & S's

Qualifying Manager in Branch 2, Respondent Stradley, regardless of whether Respondent Stradley had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent D & S.

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60. Pursuant to section 8624 of the Code, if Operator License No. OPR 9119, issued to Respondent Dawn Charrette, President and Qualifying Manger in Branches 1 & 3 for Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

61. Pursuant to section 8624 of the Code, if Operator License No. OPR 8044, issued to Respondent David Dierolf , C.E.O. of Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

62. Pursuant to section 8624 of the Code, if Field Representative's License No. FR 19144, issued to Respondent Peter Charrette, Vice President of Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

63. Pursuant to section 8624 of the Code, if Operator's License No. OPR 5869, issued to Respondent Michael Saunders, Vice President of Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

64. Pursuant to section 8624 of the Code, if Operator's License No. OPR 10832 and Field Representative's License No. FR 29330, issued to Respondent Stradley, Qualifying Manager in Branch 2 for Respondent D & S, is suspended or revoked, the Board may suspend or revoke Company Registration Certificate No. 1164, issued to Respondent D & S Termite Control.

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OTHER MATTERS

65. Pursuant to section 8654 of the Code, if discipline is imposed on Operator License No. OPR 9119, Field Representative's License No. FR 12741, or Field Representative's License No. FR 21851 issued to Respondent Dawn Charrette, she shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Dawn Charrette shall be subject to disciplinary action.

66. Pursuant to section 8654 of the Code, if discipline is imposed on Operator License No. OPR 8044 issued to Respondent David Dierolf, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent David Dierolf shall be subject to disciplinary action.

67. Pursuant to section 8654 of the Code, if discipline is imposed on Field Representative's License No. FR 19144 issued to Respondent Peter Charrette, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Peter Charrette shall be subject to disciplinary action.

68. Pursuant to section 8654 of the Code, if discipline is imposed on Operator License No. OPR 5869 issued to Respondent Michael Saunders, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing

employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Michael Saunders shall be subject to disciplinary action.

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69. Pursuant to section 8654 of the Code, if discipline is imposed on Operator License No. OPR 10832, Field Representative's License No. FR 29330, or Registered Applicator's License No. RA 8713, issued to Respondent Travis Stradley, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Travis Stradley shall be subject to disciplinary action.

70. Pursuant to section 8654 of the Code, if discipline is imposed on Field Representative's License No. FR 23237 or Registered Applicator's License No. RA 34241 issued to Respondent Christopher Parish, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates Respondent Christopher Parish shall be subject to disciplinary action.

71. Pursuant to section 8624 of the Code, if Operator's License No. OPR 9119, issued to Respondent Dawn Charrette, is suspended or revoked, the Board may suspend or revoke the registration of any branch office registered under the name of Respondent Dawn Charrette, Qualifying Manager for D & S Termite Control.

72. Pursuant to section 8624 of the Code, if Operator's License No. OPR 8044, issued to Respondent David Dierolf, is suspended or revoked, the Board may suspend or revoke the registration of any branch office registered under the name of Respondent David Dierolf, Qualifying Manager for D & S Termite Control.

73. Pursuant to section 8624 of the Code, if Field Representative's License No. FR 19144, issued to Respondent Peter Charrette, is suspended or revoked, the Board may suspend or revoke the registration of any branch office registered under the name of Respondent Peter Charrette, Vice President for D & S Termite Control.

74. Pursuant to section 8624 of the Code, if Operator's License No. OPR 10832 and Field Representative's License No. FR 29330, issued to Respondent Stradley, is suspended or revoked, the Board may suspend or revoke the registration of any branch office registered under the name of Respondent Stradley, Qualifying Manager for D & S Termite Control.

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

76. Section 11519(d) of the Government Code provides, in pertinent part, that the Board may require restitution of damages suffered as a condition of probation in the event probation is ordered.

PRAYER

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

1. Revoking or suspending Company Registration No. 1164, issued to D & S Termite Control;

2. Revoking or suspending Operator's License No. OPR 9119, Field Representative's License No. FR 12741, and Field Representative's License No. FR 21851 issued to Dawn Marie Charrette aka Dawn Marie Dierolf aka Dawn Marie Dierolf-Charrette;

3. Revoking or suspending Operator's License No. OPR 8044 issued to David Paul Dierolf;

4. Revoking or suspending Field Representative's License No. FR 19144 issued to Peter John-Paul Charrette;

5. Revoking or suspending Operator's License No. OPR 5869 issued to Michael Robert Saunders;

6. Revoking or suspending Operator's License No. OPR 10832, Field Representative's License No. FR 29330, and Registered Applicator's License No. RA 8713 issued to Travis Matthew Stradley;

7. Revoking or suspending Field Representative's License No. FR 23237 and Registered Applicator's License No. RA 34241 issued to Christopher Harrison Parish;

8. Ordering D & S Termite Control to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 3-3-06

KELLI OKUMA
Registrar
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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