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1	Kamala D. Harris	Date
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9	BEFORE THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE	
10	REGULATION STATE OF	CALIFORNIA
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12	In the Matter of the Accusation Against:	Case No. 2013-15
13	POWERFUL PEST MANAGEMENT 44-850 Las Palmas, Suite A	
14	Palm Desert, CA 92260	ACCUSATION
15	Company Registration Certificate No. PR 3508	
16	LORI ANN FAHNESTOCK,	
	PRESIDENT/QUALIFYING MANAGER 52-160 Avenida Mendoza	
17	La Quinta, CA 92253	
18	Operator's License No. OPR 10084	
19	Respondents.	
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21	Complainant alleges:	
22	PARTIES	
23	1. Susan Saylor (Complainant) brings this Acc	usation solely in her official capacity as
24	the Assistant Executive Officer of the Structural Pest Control Board (Board), Department of	
25	Pesticide Regulation.	
26	2. On or about August 26, 1999, the Board issu	ed Company Registration Certificate
27	Number PR 3508 to Powerful Pest Management (Respondent Powerful Pest Management), Lori	
28	Ann Fahnestock, President and Qualifying Manager, in Branch 2 with an address of 52-160	
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Avenida Mendoza, La Quinta, California. On December 9, 1999, Registration Certificate No. PR. 1 3508 was upgraded to include Branches 2 and 3, with Lori Ann Fahnestock as Branch 3 2 Qualifying Manager. On June 19, 2001, Respondent Powerful Pest Management changed its 3 mailing address to P.O. Box 166, La Quinta, California, and its business address to 44-855 San 4 Pablo, Unit #7, Palm Desert, California. On October 28, 2003, Respondent Powerful Pest 5 Management changed its address to 44-850 Las Palmas, Suite A, Palm Desert, California. On 6 October 28, 2009, Respondent Powerful Pest Management's registration certificate was 7 suspended for failure to maintain the general liability insurance as required by Business and 8 Professions Code section 8690. On November 3, 2009, Respondent Powerful Pest Management's 9 registration certificate was reinstated after posting general liability insurance. On November 5, 10 2010, Respondent Powerful Pest Management's registration certificate was suspended for failure ·11 to maintain general liability insurance. On November 12, 2010, Respondent Powerful Pest 12 Management's registration certificate was reinstated after posting general liability insurance. The 13 Respondent Powerful Pest Management's registration certificate was in full force and effect at all 14 times relevant to the charges brought herein. 15

On or about August 26, 1999, the Board issued Operator's License Number OPR 16 3. 10084 to Lori Ann Fahnestock (Respondent Fahnestock), in Branch 2, with an address of 52-160 17 Avenida Mendoza, La Quinta, California. On December 9, 1999, Respondent Fahnestock's 18 Operator's License No. OPR 10084 was upgraded to include Branches 2 and 3, and she became 19 the Branch 3 Qualifying Manager of Respondent Powerful Pest Management. On June 19, 2001, 20 Respondent Fahnestock's changed her mailing address to P.O. Box 166, La Quinta, California, 21 and changed her business address to 44-855 San Pablo, Unit 7, Palm Desert, California. On 22 October 28, 2003, Respondent Fahnestock changed her business address to 44-850 Las Palmas, 23 Suite A, Palm Desert, California. On October 28, 2009, Respondent Fahnestock's operator's 24 license was suspended due to failure to maintain the general liability insurance as required by 25 Business and Professions Code section 8690. On November 3, 2009, Respondent Fahnestock's 26 operator's license No. OPR 10084 was reinstated after posting general liability insurance. On 27 November 5, 2010, Respondent Fahnestock's operator's license was again suspended for failure 28

1	to maintain general liability insurance. On November 12, 2010, Respondent Fahnestock's	
-2	operator's license was reinstated after posting general liability insurance. Respondent	
3	Fahnestock's operator's license was in full force and effect at all times relevant to the charges	
4	brought herein, and will expire on June 30, 2014, unless renewed.	
5	JURISDICTION	
6	4. This Accusation is brought before the Board under the authority of the following	
7	laws. All section references are to the Business and Professions Code (Code) unless otherwise	
8	indicated.	
9	5. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or	
10	revoke a license when it finds that the holder, while a licensee or applicant, has committed any	
11	acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a	
12	civil penalty.	
13	6. Section 8620 of the Code provides:	
14	"The lapsing or suspension of a license or company registration by operation of law or by	
15	order or decision of the board or a court of law, or the voluntary surrender of a license or	
16	company registration shall not deprive the board of jurisdiction to proceed with any investigation	
17	of or action or disciplinary proceeding against such licensee or company, or to render a decision	
18	suspending or revoking such license or registration."	
19	STATUTORY AUTHORITIES	
20	7. Section 8516 of the Code states in relevant part:	
21	« • • • • •	
22	"(b) No registered company or licensee shall commence work on a contract, or sign, issue,	
23	or deliver any documents expressing an opinion or statement relating to the absence or presence	
24	of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3	
25	field representative or operator. The address of each property inspected or upon which work is	
26	completed shall be reported on a form prescribed by the board and shall be filed with the board no	
27	later than 10 business days after the commencement of an inspection or upon completed work.	
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"Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

3 "Failure of a registered company to report and file with the board the address of any
4 property inspected or work completed pursuant to Section 8518 or this section is grounds for
5 disciplinary action and shall subject the registered company to a fine of not more than two
6 thousand five hundred dollars (\$2,500).

"A written inspection report conforming to this section and a form approved by the board
shall be prepared and delivered to the person requesting the inspection or to the person's
designated agent within 10 business days of the inspection, except that an inspection report
prepared for use by an attorney for litigation purposes is not required to be reported to the board.
The report shall be delivered before work is commenced on any property. The registered
company shall retain for three years all original inspection reports, field notes, and activity forms.

"Reports shall be made available for inspection and reproduction to the executive officer of
the board or his or her duly authorized representative during business hours. Original inspection
reports or copies thereof shall be submitted to the board upon request within two business days.
The following shall be set forth in the report:

17 "(1) The date of the inspection and the name of the licensed field representative or operator18 making the inspection.

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"(2) The name and address of the person or firm ordering the report.

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"(6) A foundation diagram or sketch of the structure or structures or portions of the
structure or structures inspected, indicating thereon the approximate location of any infested or
infected areas evident, and the parts of the structure where conditions that would ordinarily
subject those parts to attack by wood destroying pests or organisms exist.

"(7) Information regarding the substructure, foundation walls and footings, porches, patios
and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias,
exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack
by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or

infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive 1 moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported. 2 «. . . » 3 Section 8619 of the Code states: 8. 4 "(a) An inspection tag shall be posted whenever an inspection for wood destroying pests or 5 organisms is made. 6 "(b) If the registered company completes any work with respect to wood destroying pests or 7 organisms, it shall post a completion tag next to the inspection tag." 8 Section 8622 of the Code states: 9. 9 "When a complaint is accepted for investigation of a registered company, the board, 10 through an authorized representative, may inspect any or all properties on which a report has been 11 issued pursuant to Section 8516 or a notice of completion has been issued pursuant to Section 12 8518 by the registered company to determine compliance with the provisions of this chapter and 13 the rules and regulations issued thereunder. If the board determines the property or properties are 14 not in compliance, a notice shall be sent to the registered company so stating. The registered 15 company shall have 30 days from the receipt of the notice to bring such property into compliance, 16 and it shall submit a new original report or completion notice or both and an inspection fee of not 17 more than one hundred twenty-five dollars (\$125) for each property inspected. If a subsequent 18 reinspection is necessary, pursuant to the board's review of the new original report or notice or 19 both, a commensurate reinspection fee shall also be charged. If the board's authorized 20 representative makes no determination or determines the property is in compliance, no inspection 21 fee shall be charged. 22 "The notice sent to the registered company shall inform the registered company that if it 23 desires a hearing to contest the finding of noncompliance, the hearing shall be requested by 24 written notice to the board within 20 days of receipt of the notice of noncompliance from the 25 board. Where a hearing is not requested pursuant to this section, payment of any assessment shall 26 not constitute an admission of any noncompliance charged." 27 /// 28 5

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10. Section 8650 of the Code states:

"Acting in the capacity of a licensee or registered company under any of the licenses or registrations issued hereunder except:

"....

"(b) At the address and location or place or places of business as licensed or registered or as later changed as provided in this chapter is a ground for disciplinary action."

11. Section 8654 of the Code states:

"Any individual who has been denied a license for any of the reasons specified in Section 8 8568, or who has had his or her license revoked, or whose license is under suspension, or who has 9 failed to renew his or her license while it was under suspension, or who has been a member, 10 officer, director, associate, qualifying manager, or responsible managing employee of any 11 partnership, corporation, firm, or association whose application for a company registration has 12 been denied for any of the reasons specified in Section 8568, or whose company registration has 13 been revoked as a result of disciplinary action, or whose company registration is under 14 suspension, and while acting as such member, officer, director, associate, qualifying manager, or 15 responsible managing employee had knowledge of or participated in any of the prohibited acts for 16 which the license or registration was denied, suspended or revoked, shall be prohibited from 17 serving as an officer, director, associate, partner, qualifying manager, or responsible managing 18 employee of a registered company, and the employment, election or association of such person by 19 a registered company is a ground for disciplinary action. 20

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• REGULATORY AUTHORITIES

12. California Code of Regulations, title 16, section 1990, states:

"(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, and shall contain or describe the following:

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"(4) Wood members found to be damaged by wood destroying pests or organisms.

1	"(b) Conditions usually deemed likely to lead to infestation or infection include, but are not
2	limited to:
3	"
4	"(5) Commonly controllable moisture conditions which would foster the growth of a
5	fungus infection materially damaging to woodwork.
6	11 22
7	13. California Code of Regulations, title 16, section 1993, states:
8	"All of the following reports must be in compliance with the requirements of Section 8516
9	of the code. All reports must be on the form prescribed by the board.
10	"(a) An original inspection report is the report of the first inspection conducted on a
11	structure at the request of a specified party or for a specified purpose. Subsequent inspections
12.	conducted on a structure at the request of a different party, for a different purpose than a previous
13	inspection, or a different transaction relating to the same structure shall be deemed to be new
14	inspections for which an original inspection report shall be required. An original inspection report
15	may be either a complete or limited inspection.
16	"(b) A complete report is the report of an inspection of all visible and accessible portions of
17	a structure.
18	"(c) A limited report is the report on only part of a structure. Such a report shall have a
19	diagram of the area inspected and shall specifically indicate which portions of the structure were
20	inspected with recommendation for further inspection of the entire structure and the name of the
21	person or agency requesting a limited report.
22	"(d) A supplemental report is the report on the inspection performed on inaccessible areas
23	that have been made accessible as recommended on a previous report. Such report shall indicate
24	the absence or presence of wood-destroying pests or organisms or conditions conducive thereto.
25	This report can also be used to correct, add, or modify information in a previous report. A
26	licensed operator or field representative shall refer to the original report in such a manner to
27	identify it clearly.
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"(e) A reinspection report is the report on the inspections of items) completed as 1 recommended on an original report or subsequent reports). The areas reinspected can be limited 2 to the items requested by the person ordering the original inspection report. A licensed operator or 3 field representative shall refer to the original report in such a manner to identify it clearly." 4 California Code of Regulations, title 16, section 1996.1, states in relevant part: 14. 5 ".... 6 "(c) The inspection report shall indicate the location of the inspection tag. The inspection 7 report must also indicate the presence of any other inspection or fumigation tag that is less than 8 two years old and any similar completion tag. A registered company shall not remove any tag." 9 California Code of Regulations, title 16, section 1996.3, states in relevant part: 15. 10 "(a) The address of each property inspected and/or upon which work was completed shall 11 be reported on a form prescribed by the Board and designated as the WDO Inspection and 12 Completion Activity Report Form (see Form No. 43M-52 Rev. 5/09) at the end of this section. 13 This form shall be prepared by each registered company and shall comply with all of the 14 requirements pursuant to Section 8516(b), and 8518." 15 "····" 16 COSTS 17 Section 125.3 of the Code provides, in pertinent part, that the Board may request the 16. 18 administrative law judge to direct a licentiate found to have committed a violation or violations of 19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and 20 enforcement of the case. 21 FACTS 22 On or about June 1, 2011, at the request of Grant Realty, Respondent Fahnestock 23 17. performed a wood destroying pests and organisms inspection (WDO inspection) on behalf of 24 Respondent Powerful Pest Management, and prepared a "complete" Wood Destroying Pests and 25 Organisms Inspection Report (WDO inspection report or inspection report) for the property 26 located at 42433 Sandy Bay Road, in Bermuda Dunes, California ("the property"). The 27 inspection report was a "clean/clear" inspection report, containing no findings and 28 8

recommendations, and it certified that no evidence of active infestation or infection was found in the visible and accessible areas. The inspection report did contain a Roof Disclosure, which reported that the exterior surface of the roof was not inspected. The inspection report did not report that the underside of the eaves was not inspected, or that the eaves had been recently painted.

18. The June 1, 2011 inspection report was not prepared on a form prescribed by the Board in that the title of the inspection report is incorrect. The word "pest" should be plural. The address provided on the report for Respondent Powerful Pest Management, P.O. Box 166, in La Quinta, has not been the address of record with the Board since 2001.

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19. On June 14, 2011, escrow closed for the sale of the property.

Sometime after June 1, 2011, Respondent Fahnestock, on behalf of Respondent 20. 11 Powerful Pest Management, performed another WDO inspection at the request of the buyer, and 12 issued a "supplemental" inspection report also dated June 1, 2011 on the property. This 13 "supplemental" report referenced the same report number as the June 1, 2011 "complete" 14 inspection report. This report indicated that it was provided at the request of Grant Realty. The 15 supplemental report identified dry rot (decay fungi damage) at the eaves that was not visible at 16 the time the June 1, 2011 "complete" WDO inspection was performed, because the eaves had 17 been freshly painted. The recommendation stated for the owner to employ a licensed contractor 18 to inspect and make necessary repairs. The "supplemental" inspection report was also not 19 prepared on a form prescribed by the Board, in that the title of the inspection report is incorrect as 20 the word "pest" should be plural. The address provided on the report for Respondent Powerful 21 Pest Management, P.O. Box 166, in La Quinta, has not been the address of record with the Board 22 since 2001. The "supplemental" inspection report failed to contain the proper information 23 concerning who ordered the report; escrow had already closed and the property had already 24 changed hands. The inspection report also failed to contain a proper general description of the 25 building or premises inspected and the location of where the inspection tag was posted. The 26 "supplemental" inspection report statement failed to refer to the original inspection report clearly. 27 /// 28

On July 15, 2011, Respondents issued another version of the June 1, 2011 21. "supplemental" inspection report. This version contained "3A's" on the inspection report diagram, along with a 3A finding and recommendation, which were not present on the initial "supplemental" inspection report. This version of the June 1, 2011 "supplemental" inspection report contained all the same violations as the initial "supplemental" inspection report.

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22. On or about October 5, 2011, the Board received a complaint from the buyer of the property who complained that one week after purchasing the property, he noticed extensive decay fungi damage in the eaves. The buyer contacted Respondent Powerful Pest Management. Respondent Fahnestock returned to the property on July 15, 2011. During that inspection, Respondent Fahnestock acknowledged the decay fungi damage, but indicated it was not visible at the time of the June 1, 2011 "complete" inspection report, because the incident property had been freshly painted. 12

On November 30, 2011, the Board's investigator performed an inspection of the 23. 13 property. That inspection revealed: evidence of an excessive moisture condition (water damage) 14 at the plywood roof sheathing, in the house eaves, and adjacent to the front porch; decay fungi 15 damage at the plywood roof sheathing, in the house eaves, adjacent to both lattice covered patios; 16 and decay fungi damage at the plywood roof sheathing, in the house eaves, at the rear of the 17 structure. This inspection also revealed the incident property had not been painted for years. 18

On or about December 7, 2011, the Board's inspector prepared a Report of Findings 24. 19 (ROF) which was served on Respondents that contained the following violations: 20

(1) failure to report the evidence of an excessive moisture condition (water damage) at the 21 plywood roof sheathing, to the right of the front porch, on the June 1, 2011 "complete" inspection 22 report, the June 1, 2011 "supplemental" inspection report, and the July 15, 2011 "supplemental 23 inspection report in violation of Code section 8516(b)(6) and 8516(b)(7), and CCR, title 16, 24 section 1990(b)(5); 25

(2) failure to report the decay fungi damage in the house eaves, at the rear of the house and 26 adjacent to both patios on the June 1, 2011 "complete" inspection report in violation of Code 27 sections 8516(b)(6) and 8516(b)(7) and CCR, title 16, section 1990(a)(4); and 28

(3) failure to report the decay fungi damage in the house eaves, and at the rear of the house
on the June 1, 2011 and July 15, 2011 "supplemental" inspection reports in violation of Code
sections 8516(b)(6) and 8516(b)(7) and CCR, title 16, section 1990(a)(4). The ROF also included
the following two notes: "Besides being required to address the actual damage, you are also
required to address the source of the damage. Furthermore, you are also required to prime and
paint and/or stain all completed work." and "NOTE: All repairs must comply with local building
code regulations and meet accepted trade standards for good and workmanlike construction."

8 25. On December 16, 2011, Respondents received the Report of Findings. The Board
9 received nothing in writing from Respondents within ten calendar days concerning whether
10 Respondents intended to comply with the ROF or not.

26. On February 6, 2012, the Board's investigator performed a WDO Activity Search on
the property which disclosed that Respondents had not filed any wood destroying organisms
activities with the Board after receipt of the ROF. The WDO search also disclosed that
Respondents had failed to file its June 1, 2011 and July 15, 2011 "supplemental" inspection
reports with the Board.

27. On February 20, 2012, the Board's investigator performed another WDO Activity
Search on the property which disclosed that Respondents had not filed the June 1, 2011 and/or
July 15, 2011 "supplemental" inspection reports with the Board.

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FIRST CAUSE FOR DISCIPLINE

(Failure to Report an Inspection on the Appropriate Form)

28. Respondents are subject to disciplinary action under section 8516, subdivision (b), for
failing to report an inspection on the form prescribed by the Board in violation of California Code
of Regulations, title 16, section 1993 as set forth in paragraph numbers 15, 16, 18 and 19 above,
which are incorporated here by this reference. The circumstances are as follows:

25 29. The title of the June 1, 2011 "complete" inspection report, the June 1, 2011
26 "supplemental" inspection report, and the July 15, 2011 "supplemental" inspection report is
27 incorrect. The word "pest" in the titles should be plural.

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SECOND CAUSE FOR DISCIPLINE 1 (Failure to Report an Inspection Using the Licensee's Address of Record) 2 Respondents are subject to disciplinary action under section 8650, subdivision (b), for 30. 3 failing to prepare and deliver an inspection report that contains an address for the subject 4 company that is registered with the Board as set forth in paragraph numbers 15, 16, 18 and 19 5 above, which are incorporated here by this reference. 6 THIRD CAUSE FOR DISCIPLINE 7 (Failure to Report an Inspection Using the Correct Date) 8 Respondents are subject to disciplinary action under section 8516, subdivision (b)(1), 31. 9 for failing to prepare and deliver an inspection report that contains the correct date of inspection 10 as set forth in paragraph numbers 15, 16, 18 and 19 above, which are incorporated here by this 11 reference. The circumstances are as follows: the June 1, 2011 "supplemental" inspection report 12 contains the same date as the initial June 1, 2011 "complete" inspection report, even though the 13 WDO inspection was performed on July 15, 2011. 14 FOURTH CAUSE FOR DISCIPLINE 15 (Failure to Correctly Identify the Person Ordering the Inspection Report) 16 Respondents are subject to disciplinary action under section 8516, subdivision (b)(2) 32. 17 for failing to prepare and deliver an inspection report that contains the correct identity of the 18 person or firm ordering the inspection report as set forth in paragraph numbers 15 through 19 19 above, which are incorporated here by this reference. The circumstances are as follows: the buyer 20 ordered the two "supplemental" inspection reports, and not Grant Realty. 21 FIFTH CAUSE FOR DISCIPLINE 22 (Failure to File the Inspection Report with the Board) 23 Respondents are subject to disciplinary action under section 8516, subdivision (b) for 33. 24 failing to file WDO activities with the Board in violation of California Code of Regulations, title 25 16, section 1996.3, subdivision (a), as set forth in paragraph 18 above, which is incorporated here 2.6 by this reference. The circumstances are as follows: the June 1, 2011 "supplemental" inspection 27

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report was not filed with the Board.

SIXTH CAUSE FOR DISCIPLINE 1 (Failure to File the Inspection Report with the Board) 2 Respondents are subject to disciplinary action under section 8622 for failing to 34. 3 comply with the Report of Findings which was received on December 16, 2011, as set forth in 4 paragraphs 15 through 25, which are incorporated here by this reference. The circumstances are 5 as follows: Respondents failed to notify the Board in writing within 10 days of the company's 6 intentions, and the property was not brought into compliance within 30 days after receipt of the 7 ROF. 8 SEVENTH CAUSE FOR DISCIPLINE 9 (Failure to Issue an Inspection Report Containing a Proper Description of the Premises) 10 Respondent Fahnestock is subject to disciplinary action under section 8516, 35. 11 subdivision (b)(6) for failing to issue an inspection report that contained a proper general 12 description of the building or premises inspected as set forth in paragraphs 15 through 25, which 13 are incorporated here by this reference. The circumstances are as follows: under general 14 description on the June 1, 2011 and July 15, 2011 "supplemental" inspection reports it states, 15 "Subject property is a [sic] limited to eaves as shown on diagram." 16 EIGHTH CAUSE FOR DISCIPLINE 17 (Failure to Indicate Where the Inspection Tag was Posted in Inspection Report) 18 Respondent Fahnestock is subject to disciplinary action under section 8619, 36. 19 subdivision (a), for failing to issue an inspection report that indicated where the inspection tag 20 was posted in violation of CCR, title 16, section 1996.1, subdivision (c), as set forth in paragraphs 21 15 through 25, which are incorporated here by this reference. The circumstances are as follows: 22 Respondent failed to indicate in the June 1, 2011 and the July 15, 2011 "supplemental" inspection 23 reports where the inspection tag was posted. 24 NINTH CAUSE FOR DISCIPLINE 25 (Failure to Include a Proper Supplemental Inspection Report Statement) 26 Respondent Fahnestock is subject to disciplinary action under section 8516 for failing 37. 27 to issue an inspection report that contained a proper "supplemental" inspection report statement in 28 13

Accusation

violation of CCR, title 16, section 1993, subdivision (d), as set forth in paragraphs 15 through 25, which are incorporated here by this reference. The circumstances are as follows: the June 1, 2011 and July 15, 2011 "supplemental" inspection reports fail to refer to the original inspection report in such a manner to identify it clearly.

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TENTH CAUSE FOR DISCIPLINE

(Failure to Report Evidence of Excessive Moisture Condition)

38. Respondent Fahnestock is subject to disciplinary action under section 8516,
subdivision (b)(6) and 8516, subdivision (b)(7), for failing to report evidence of an excessive
moisture condition (water damage) at the plywood roof sheathing, to the right of the front porch
on the June 1, 2011 "complete" and June 1, 2011 "supplemental" and July 15, 2011
"supplemental" inspection reports in violation of CCR, title 16, section 1990, subdivision (b)(5),
as set forth in paragraphs 15 through 25, which are incorporated here by this reference.

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ELEVENTH CAUSE FOR DISCIPLINE

(Failure to Report Evidence of Decay Fungi Damage)

39. Respondent Fahnestock is subject to disciplinary action under section 8516,
subdivision (b)(6) and 8516, subdivision (b)(7), for failing to report evidence of decay fungi
damage in the June 1, 2011 "complete" inspection report, and the June 1, 2011 and July 15, 2011
"supplemental" inspection reports in violation of CCR, title 16, section 1990, subdivision (a)(4),
as set forth in paragraphs 15 through 25, which are incorporated here by this reference.

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TWELFTH CAUSE FOR DISCIPLINE

(Failure to Include Proper Diagram of the Structure Inspected)

40. Respondent Fahnestock is subject to disciplinary action under section 8516,
subdivision (b)(6) for failing to include a diagram of the portions of the structure inspected as set
forth in paragraphs 15 through 25, which are incorporated here by this reference. The
circumstances are as follows: The diagram on the June 1, 2011 "complete" inspection report fails
to include either of the attached patios; and there is only an "X" or an "X" with a "3A" where the
diagram should be in the June 1, 2011 and July 15, 2011 "supplemental" inspection reports.

DISCIPLINARY CONSIDERATIONS

Respondent Powerful Pest Management

On August 16, 2005, Respondent Powerful Pest Management paid a \$151.00 fine 41. levied by the Riverside County Agricultural Commissioner for violation of California Code of Regulations, title 3, section 6738(c)(1).

On February 28, 2006, Respondent Powerful Pest Management paid a \$302.00 fine 42. levied by the Riverside County Agricultural Commissioner for violation of Business and Professions Code section 8551.5, and California Code of Regulations, title 3, section 6738(b)(1).

On October 28, 2009, Respondent Powerful Pest Management was suspended for 43. 9 failure to maintain the general liability insurance as required by Business and Professions Code 10 section 8690. 11

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On November 3, 2009, Respondent Powerful Pest Management was reinstated after 44. posting the general liability insurance. 13

On November 5, 2010, Respondent Powerful Pest Management was suspended for 14 45. failure to maintain the general liability insurance as required by Business and Professions Code 15 section 8690. 16

On November 12, 2010, Respondent Powerful Pest Management was reinstated after 46. 17 posting the general liability insurance. 18

Respondent Fahnestock 19

On October 28, 2009, Respondent Fahnestock's Operator's License No. OPR 10084 47. 20 was suspended for failure to maintain the general liability insurance as required by Business and 21 Professions Code section 8690. 22

On November 3, 2009, Respondent Fahnestock Operator's License No. OPR 10084 48. 23 was reinstated after posting the general liability insurance. 24

49. On November 5, 2010, Respondent Fahnestock Operator's License No. OPR 10084 25 was suspended for failure to maintain the general liability insurance as required by Business and 26 Professions Code section 8690, and 27

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1	50. On November 12, 2010, <u>Respondent Fahnestock</u> Operator's License No. OPR 10084	
2	was reinstated after posting the general liability insurance.	
3	OTHER MATTERS	
4	51. If Respondent Fahnestock's operator's license or the company registration certificate	
5	is revoked or suspended as a result of disciplinary action while Respondent Fahnestock was	
6	acting as such member, officer, director, associate, qualifying manager, or responsible managing	
7	employee, and had knowledge of or participated in any of the prohibited acts for which the	
8	license or registration was suspended or revoked, she shall be prohibited from serving as an	
9	officer, director, associate, partner, qualifying manager, or responsible managing employee of a	
. 10	registered company, and the employment, election or association of Respondent Fahnestock by a	
11	registered company is a ground for disciplinary action.	
12	PRAYER	
13	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
14	and that following the hearing, the Structural Pest Control Board issue a decision:	
15	1. Revoking or suspending the Company Registration Certificate Number PR 3508,	
16	issued to Powerful Pest Management;	
17	2. Revoking or suspending the Operator's License OPR 10084 issued to Lori Ann	
18	Fahnestock;	
19	3. Ordering Respondents to pay the Structural Pest Control Board the reasonable costs	
20	of the investigation and enforcement of this case, pursuant to Business and Professions Code	
21	section 125.3;	
22	4. Taking such other and further action as deemed necessary and proper.	
23	DATED: 10/2/10 SUSAN SAYDOR	
24	Assistant Executive Officer Structural Pest Control Board	
25	Department of Pesticide Regulation State of California	
26	Complainant	
27	SD2012703156	
28	70601708.doc	
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	Accusation	