

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804
Attorneys for Complainant

FILED

Date 4/22/14 By 

7
8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2014-53

13 **FINLEY TERMITE & PEST CONTROL;**
14 **CHRISTINA STROUD, OWNER;**
15 **GREGORY LINDEN WALLIS,**
16 **QUALIFYING MANAGER**
17 **4219 Shadowcrest Drive**
18 **Santa Maria, CA 93455**

ACCUSATION

19 **Company Registration Certificate No. PR**
20 **5565,**

21 **and**

22 **GREGORY LINDEN WALLIS**
23 **2246 Signal Avenue**
24 **Santa Maria, CA 93458**

25 **Operator's License No. OPR 10654**

26 Respondents.

27 Complainant alleges:

28 **PARTIES**

1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs.

2. On or about April 4, 2008, the Structural Pest Control Board issued Company Registration Certificate Number PR 5565 to Finley Termite & Pest Control; Christina Stroud,

1 owner; Gregory Linden Wallis, qualifying manager, (Respondent Finley Termite & Pest Control).
2 The Company Registration Certificate was suspended on December 17, 2013 for failure to
3 maintain the required general liability insurance.

4 3. On or about November 19, 2002, the Structural Pest Control Board issued Operator's
5 License Number OPR 10654 to Gregory Linden Wallis (Respondent Wallis). The Operator's
6 License was in full force and effect at all times relevant to the charges brought herein and will
7 expire on June 30, 2014, unless renewed.

8 **JURISDICTION**

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

12 **STATUTORY PROVISIONS**

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

17 6. Section 8625 of the Code states:

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

23 7. Section 8516 of the Code states, in pertinent part:

24 (b) No registered company or licensee shall commence work on a
25 contract, or sign, issue, or deliver any documents expressing an opinion or statement
26 relating to the absence or presence of wood destroying pests or organisms until an
27 inspection has been made by a licensed Branch 3 field representative or operator. The
28 address of each property inspected or upon which work is completed shall be reported
on a form prescribed by the board and shall be filed with the board no later than 10
business days after the commencement of an inspection or upon completed work.

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1 Every property inspected pursuant to this subdivision or Section 8518
shall be assessed a filing fee pursuant to Section 8674.

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

5 8. Section 8518 of the Code states:

6 When a registered company completes work under a contract, it shall
prepare, on a form prescribed by the board, a notice of work completed and not
7 completed, and shall furnish that notice to the owner of the property or the owner's
agent within 10 working days after completing the work. The notice shall include a
8 statement of the cost of the completed work and estimated cost of work not
completed.

9 The address of each property inspected or upon which work was
10 completed shall be reported on a form prescribed by the board and shall be filed with
the board no later than 10 working days after completed work.

11 Every property upon which work is completed shall be assessed a filing
12 fee pursuant to Section 8674.

13 Failure of a registered company to report and file with the board the
address of any property upon which work was completed pursuant to subdivision (b)
14 of Section 8516 or Section 8518 is grounds for disciplinary action and shall subject
the registered company to a fine of not more than two thousand five hundred dollars
15 (\$2,500).

16 The registered company shall retain for three years all original notices of
work completed, work not completed, and activity forms.

17 Notices of work completed and not completed shall be made available for
18 inspection and reproduction to the executive officer of the board or his or her duly
authorized representative during business hours. Original notices of work completed
19 or not completed or copies thereof shall be submitted to the board upon request within
two business days.

20 REGULATORY PROVISIONS

21 9. California Code of Regulations, title 16, section 1920, states in pertinent part:

22 "(d) When a citation is not contested or if the citation is appealed and the person cited does
23 not prevail, failure to comply with the order of abatement or to pay the fine in the citation within
24 the time allowed by a licensee may result in disciplinary action being taken by the Board against
25 the person cited, or where the cited person is unlicensed in appropriate judicial relief being taken
26 against the person cited."

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1 **COSTS**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Failure to Report Wood Destroying Organisms)**

8 11. Respondents are subject to disciplinary action under section 8516, subdivision (b), in
9 that they failed to report wood destroying organisms to the Board as required. The circumstances
10 are as follows:

11 12. Respondents failed to submit 42 Wood Destroying Organism (WDO) Activities for
12 inspections and completions they performed between the dates of August 22, 2013 and October
13 18, 2013.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to File Notices of Work Completed)**

16 13. Respondents are subject to disciplinary action under section 8518 in that they failed to
17 file notices of work completed. Complainant hereby incorporates paragraph 12, above, as though
18 set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with a Citation's Order of Abatement or Pay Fine)**

21 14. Respondents are subject to disciplinary action under California Code of Regulations,
22 title 16, section 1920, in that they failed to comply with a citation's order of abatement and pay a
23 required fine. The circumstances are as follows:

24 15. On or about May 16, 2013, Respondents were issued Citation # CF 2013-100 for
25 failing to report and file with the Board the addresses of properties inspected or work completed
26 and failure to file 66 WDO Activities. The citation ordered Respondents to, within 30 days of
27 receipt of the citation, pay a fine of \$2,665.00 and comply with an order of abatement requiring
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1 them to file the 66 unreported WDO Activities. Respondents have failed to pay the citation
2 penalty and failed to comply with the order of abatement.

3 **DISCIPLINE CONSIDERATIONS**

4 16. To determine the degree of discipline, if any, to be imposed on Respondents Finley
5 Termite & Pest Control and Gregory Linden Wallis, Complainant alleges that on or about
6 February 9, 2009, in a prior action, the Structural Pest Control Board issued Citation Number CF
7 2009 53 for failure to submit Wood Destroying Organism Activities and ordered Respondent to
8 pay a penalty of \$533.00. That Citation is now final and is incorporated by reference as if fully
9 set forth.

10 17. To determine the degree of discipline, if any, to be imposed on Respondents Finley
11 Termite & Pest Control and Gregory Linden Wallis, Complainant alleges that on or about
12 December 28, 2011, in a prior action, the Structural Pest Control Board issued Citation Number
13 CF 2012 78 for failure to submit Wood Destroying Organism Activities and ordered Respondent
14 to pay a penalty of \$3,395.00. That Citation is now final and is incorporated by reference as if
15 fully set forth.

16 **PRAYER**

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

19 1. Revoking or suspending Company Registration Certificate Number PR 5565, issued
20 to Finley Termite & Pest Control; Christina Stroud, owner; Gregory Linden Wallis, qualifying
21 manager;

22 2. Revoking or suspending Operator's License Number OPR 10654, issued to Gregory
23 Linden Wallis;

24 3. Ordering Finley Termite & Pest Control and Gregory Linden Wallis to pay the
25 Structural Pest Control Board the reasonable costs of the investigation and enforcement of this
26 case, pursuant to Business and Professions Code section 125.3; and

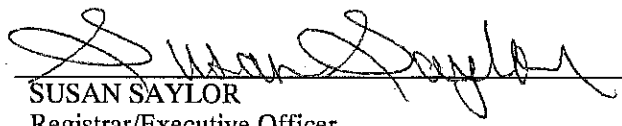
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4. Taking such other and further action as deemed necessary and proper.

DATED: 4/22/14



SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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