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**BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:  
  
**STEVEN GEORGE MAYNE, JR.**  
9025 Church Street  
Gilroy, California 95020,  
  
**Operator's License No. OPR 11743, Branch 3,**  
  
Respondent

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In the Matter of the Statement of Issues Against:  
  
**MARY & STEVEN TERMITE CONTROL**  
**STEVEN GEORGE MAYNE, JR., Owner**  
9025 Church Street  
Gilroy, California 95020  
  
Respondent.

Case No. 2011-65

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Case No. 2011-66

**FINDINGS OF FACT**

1. On or about June 16, 2011, Complainant William H. Douglas, in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation, Case No. 2011-65, against Steven George Mayne, Jr., and Statement of Issues, Case No. 2011-66 against Mary & Steven Termite Control, Steven George Mayne, Jr. (Respondent) before the Structural Pest Control Board. (Accusation and Statement of Issues attached as Exhibit A.)

1           2.    On or about August 6, 1993, the Structural Pest Control Board issued Applicator  
2 License No. RA 33439, in Branch 2, to Respondent Steven George Mayne, Jr., as an employee of  
3 Servers Pest Control. The license was cancelled on August 6, 1996.

4           3.    On or about August 11, 1997, the Structural Pest Control Board, Department of  
5 Pesticide Regulation, issued Field Representative's License No. FR 28271, in Branch 3, to Steven  
6 G. Mayne, Jr., as an employee of S.G. Mayne Termite Company, Inc. The license was cancelled  
7 on February 23, 2000.

8           4.    On or about September 17, 1999, the Structural Pest Control Board, Department of  
9 Pesticide Regulation, issued Operator's License No. OPR 10094, in Branches 2 and 3, to Steven  
10 G. Mayne, Jr., as an employee of Antique Termite, Inc. On or about November 9, 1999,  
11 Operator's License No. OPR 10094 became the President and Qualifying Manager of Respectable  
12 Termite, Inc. On March 10, 2000, Operator's License No. OPR 10094 became the Owner and  
13 Qualifying Manager of Respectable Termite Co. Operator's License No. OPR 10094 was  
14 cancelled on June 30, 2002.

15           5.    On or about November 9, 1999, the Structural Pest Control Board, Department of  
16 Pesticide Regulation, issued Company Registration Certificate No. PR 3552, Branches 2 and 3, to  
17 Respectable Termite, Inc., with Steven George Mayne, Jr., as President and Qualifying Manager,  
18 Jerry Dills as Vice-President, and Mike Farley as Secretary. The license was cancelled on  
19 February 18, 2000.

20           6.    On or about March 10, 2000, the Structural Pest Control Board issued Company  
21 Registration Certificate No. PR 3628, Branches 2 and 3, to Respectable Termite Control with  
22 Steven George Mayne, Jr., as the Owner and Qualifying Manager. On or about October 1, 2002,  
23 Company Registration Certificate No. PR 3628 was suspended for having no qualifying manager  
24 due to failure to renew the operator's license. On or about December 16, 2002, Company  
25 Registration Certificate No. PR 3628 was suspended for failure to maintain general liability  
26 insurance as required by Business and Professions Code, section 8690. On or about August 20,  
27 2003, Company Registration Certificate No. PR 3628 was suspended for failure to maintain a  
28

1 surety bond as required by Business and Professions Code section 8697. Company Registration  
2 Certificate No. PR 3628 was cancelled on March 27, 2006.

3 7. On or about August 29, 2008, the Structural Pest Control Board, Department of  
4 Pesticide Regulation, issued Operator's License No. OPR 11743, inactive in Branch 3, to  
5 Respondent Steven George Mayne, Jr. On or about March 11, 2011, OPR 11743 reflected  
6 employment with Antique Termite, Inc., with a business address of 1913 Stone Avenue, San Jose,  
7 California, 95125 and reflected an address change to 9025 Church Street, Gilroy, California  
8 95020. The License is currently in effect and renewed through June 30, 2014.

9 8. On or about November 5, 2010, the Structural Pest Control Board, Department of  
10 Pesticide Regulation, received an application for a Branch 3, Company Registration Certificate,  
11 from Mary & Steven Termite Control, with Steven George Mayne, Jr, as the Owner/Operator.  
12 On or about November 4, 2010, Steven G. Mayne, Jr, certified under penalty of perjury to the  
13 truthfulness of all statements, answers, and representations in the application. The Board denied  
14 the application on January 25, 2011.

15 9. On or about June 22, 2011, Respondent was served by Certified and First Class Mail  
16 copies of the Accusation and Statement of Issues, Case Nos. 2011-65 and 2011-66, Statement to  
17 Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government  
18 Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant  
19 to Business and Professions Code section 136, is required to be reported and maintained with the  
20 Board, which was and is:

21 9025 Church Street  
22 Gilroy, CA 95020.

23 10. Service of the Accusation and Statement of Issues was effective as a matter of law  
24 under the provisions of Government Code section 11505, subdivision (c) and/or Business &  
25 Professions Code section 124.

26 11. On or about July 24, 2011, a signed green card was returned by the U.S. Postal  
27 Service showing proof of service of the aforementioned documents received by Respondent on  
28 June 23, 2011.

1 12. Government Code section 11506 states, in pertinent part:

2 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
3 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
4 of the accusation not expressly admitted. Failure to file a notice of defense shall  
5 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
6 may nevertheless grant a hearing.

7 13. Respondent failed to file a Notice of Defense within 15 days after service upon them  
8 of the Accusation and Statement of Issues, and therefore waived their right to a hearing on the  
9 merits of Accusation and Statement of Issues, Case Nos. 2011-65 and 2011-66.

10 14. California Government Code section 11520 states, in pertinent part:

11 (a) If the respondent either fails to file a notice of defense or to appear at the  
12 hearing, the agency may take action based upon the respondent's express admissions  
13 or upon other evidence and affidavits may be used as evidence without any notice to  
14 respondent.

15 15. Pursuant to its authority under Government Code section 11520, the Board finds  
16 Respondent is in default. The Board will take action without further hearing and, based on the  
17 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
18 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
19 file at the Board's offices regarding the allegations contained in Accusation and Statement of  
20 Issues, Case Nos. 2011-65 and 2011-66, finds that the charges and allegations in Accusation and  
21 Statement of Issues, Case Nos. 2011-65 and 2011-66, are separately and severally, found to be  
22 true and correct by clear and convincing evidence.

23 16. Taking official notice of its own internal records, pursuant to Business and  
24 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
25 and Enforcement is \$3,740.64 as of August 9, 2011.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Steven George Mayne, Jr. has  
28 subjected his Operator's License No. OPR 11743, Branch 3, to discipline.

1. Based on the foregoing findings of fact, the application submitted by Mary & Steven  
Termite Control, with Steven George Mayne, Jr, as the Owner/Operator, for a Branch 3,  
Company Registration Certificate, is subject to denial.




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IT IS SO ORDERED that the application for a Branch 3, Company Registration Certificate submitted by Mary & Steven Termite Control, Steven George Mayne, Jr., as the Owner/Operator, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 22, 2011.

It is so ORDERED September 22, 2011

  
\_\_\_\_\_  
FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF PESTICIDE REGULATION

20491229.DOC  
DOJ Matter ID:SF2011200460

Attachment:  
Exhibit A: Accusation and Statement of Issues

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Facsimile: (415) 703-5480  
*Attorneys for Complainant*

**FILED**

Date 6/16/11 By *William H. Douglas*

**BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:  
**STEVEN GEORGE MAYNE, JR.**  
9025 Church Street  
Gilroy, California 95020,  
**Operator's License No. OPR 11743  
Branch 3**  
  
Respondent

Case No. 2011-65  
**ACCUSATION**

In the Matter of the Statement of Issues Against:  
**MARY & STEVEN TERMITE CONTROL  
STEVEN GEORGE MAYNE, JR., Owner**  
9025 Church Street  
Gilroy, California 95020  
  
Applicant.

Case No. 2011-66  
**STATEMENT OF ISSUES**

Complainant alleges:

**PARTIES**

1. William H. Douglas (Complainant) brings this Accusation and Statement of Issues solely in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

1           2.     On or about August 6, 1993, the Structural Pest Control Board issued Applicator  
2 License No. RA 33439 in Branch 2 to Respondent Steven George Mayne, Jr., as an employee of  
3 Servers Pest Control. The license was cancelled on August 6, 1996.

4           3.     On or about August 11, 1997, the Structural Pest Control Board, Department of  
5 Pesticide Regulation, issued Field Representative's License No. FR 28271 in Branch 3 to Steven  
6 G. Mayne, Jr., as an employee of S.G. Mayne Termite Company, Inc. The license was cancelled  
7 on February 23, 2000.

8           4.     On or about September 17, 1999, the Structural Pest Control Board, Department of  
9 Pesticide Regulation, issued Operator's License No. OPR 10094 in Branches 2 and 3 to Steven G.  
10 Mayne, Jr., as an employee of Antique Termite, Inc. On or about November 9, 1999, Operator's  
11 License No. OPR 10094 became the President and Qualifying Manager of Respectable Termite,  
12 Inc. On March 10, 2000, Operator's License No. OPR 10094 became the Owner and Qualifying  
13 Manager of Respectable Termite Co. The license was cancelled on June 30, 2002.

14           5.     On or about November 9, 1999, the Structural Pest Control Board, Department of  
15 Pesticide Regulation, issued Company Registration Certificate No. PR 3552, Branches 2 and 3, to  
16 Respectable Termite, Inc., with Steven George Mayne, Jr., as President and Qualifying Manager.  
17 The registration was cancelled on February 18, 2000.

18           6.     On or about March 10, 2000, the Structural Pest Control Board issued Company  
19 Registration Certificate No. PR 3628 in Branches 2 and 3 to Respectable Termite Control with  
20 Steven George Mayne, Jr., as the Owner and Qualifying Manager. On or about October 1, 2002,  
21 Company Registration Certificate No. PR 3628 was suspended for having no qualifying manager  
22 due to failure to renew the operator's license. On or about December 16, 2002, Company  
23 Registration Certificate No. PR 3628 was suspended for failure to maintain general liability  
24 insurance as required by Business and Professions Code, section 8690. On or about August 20,  
25 2003, Company Registration Certificate No. PR 3628 was suspended for failure to maintain a  
26 surety bond as required by Business and Professions Code section 8697. The registration was  
27 cancelled on March 27, 2006.

28     ///



1           7. On or about August 29, 2008, the Structural Pest Control Board, Department of  
2 Pesticide Regulation, issued Operator's License No. OPR 11743, inactive in Branch 3, to  
3 Respondent Steven George Mayne, Jr. On or about March 11, 2011, Operator's License No.  
4 OPR 11743 reflected employment with Antique Termite, Inc., with a business address of 1913  
5 Stone Avenue, San Jose, California, 95125 and reflected an address change to 9025 Church  
6 Street, Gilroy, California 95020. Operator's License No. OPR 11743 is currently in effect and  
7 renewed through June 30, 2011.

8           8. On or about November 5, 2010, the Structural Pest Control Board, Department of  
9 Pesticide Regulation, received an application for a Branch 3, Company Registration Certificate,  
10 from Mary & Steven Termite Control, with Steven George Mayne, Jr, as the Owner/Operator.  
11 On or about November 4, 2010, Steven G. Mayne, Jr, certified under penalty of perjury to the  
12 truthfulness of all statements, answers, and representations in the application. The Board denied  
13 the application on January 25, 2011.

14   **JURISDICTION**

15           9. This Accusation and Statement of Issues is brought before the Structural Pest Control  
16 Board (Board), Department of Pesticide Regulation, under the authority of the following laws.  
17 All section references are to the Business and Professions Code unless otherwise indicated.

18   **STATUTORY PROVISIONS**

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

23           11. Section 8625 of the Code states:

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

1           12. Section 8639 of the Code states:

2           "Aiding or abetting an unlicensed individual or unregistered company to evade the  
3 provisions of this chapter [the Structural Pest Control Act] or knowingly combining or conspiring  
4 with an unlicensed individual or unregistered company, or allowing one's license or company  
5 registration to be used by an unlicensed individual or unregistered company, or acting as agent or  
6 partner or associate, or otherwise, of an unlicensed individual or unregistered company to evade  
7 the provisions of this chapter is a ground for disciplinary action."

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

11           14. Section 8648 of the Code states:

12           "Authorizing, directing, conniving at or aiding in the publication, advertisement,  
13 distribution or circulation of any material by false statement or representation concerning a  
14 registered company's business is a ground for disciplinary action."

15           15. Section 8650 of the Code states:

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

18           "(a) In the name of the licensee or registered company as set forth upon the license or  
19 registration, or

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

22           16. Section 8610(a) of the Code states in relevant part that "every company that engages  
23 in the practice of structural pest control, as a sole proprietorship, partnership, corporation, or other  
24 organization or any combination thereof, shall be registered with the Structural Pest Control  
25 Board. "

26           17. Section 8651 of the Code states:

27           "The performing or soliciting of structural pest control work, the inspecting for structural or  
28 household pests, or the applying of any pesticide, chemical, or allied substance for the purpose of

1 eliminating, exterminating, controlling, or preventing structural pests in branches of pest control  
2 other than those for which the operator, field representative, or applicator is licensed or the  
3 company is registered is a ground for disciplinary action."

4 18. Section 8646 of the Code states:

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

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

12 20. Section 8550 of the Code states:

13 "(a) It is unlawful for any individual to engage or offer to engage in the business or practice  
14 of structural pest control, as defined in Section 8505, unless he or she is licensed under this  
15 chapter.

16 "(b) Notwithstanding subdivision (a), an unlicensed individual may solicit pest control  
17 work on behalf of a structural pest control company only if the company is registered pursuant to  
18 this chapter, and the unlicensed individual does not perform or offer to perform any act for which  
19 an operator, field representative, or applicator license is required pursuant to this chapter. As  
20 used in this subdivision, to "solicit pest control work" means to introduce consumers to a  
21 registered company and the services it provides, to distribute advertising literature, and to set  
22 appointments on behalf of a licensed operator or field representative.

23 "(c) It is unlawful for an unlicensed individual, soliciting pest control work on behalf of a  
24 registered structural pest control company pursuant to subdivision (b), to perform or offer to  
25 perform any act for which an operator, field representative, or applicator license is required,  
26 including, but not limited to, performing or offering pest control evaluations or inspections, pest  
27 identification, making any claims of pest control safety or pest control efficacy, or to offer price  
28 quotes other than what is provided and printed on the company advertising or literature, or both.

1           (d) It is also unlawful for any unlicensed individual to offer any opinion, or to make any  
2 recommendations, concerning the need for structural pest control work in general, or in  
3 connection with a particular structure.

4           (e) It is unlawful for any firm, sole proprietorship, partnership, corporation, association, or  
5 other organization or combination thereof to engage or offer to engage in the practice of structural  
6 pest control, unless registered in accordance with Article 6 (commencing with Section 8610)."

7           21. Section 8552 of the Code states:

8           "It is unlawful for any person to advertise or represent in any manner that any pest control  
9 work, in whole or in part, has been done upon any structure, unless the work has been performed  
10 by a company registered under this chapter."

11           22. Section 8568 of the Business and Professions Code (Code) provides, in pertinent part,  
12 that the Board may deny a license or registration if the applicant, while unlicensed or not  
13 registered, knowingly committed or aided or abetted the commission of any act for which a  
14 license or company registration is required, or has committed any act or omissions constituting  
15 grounds for discipline under section 480 of that code.

16           23. Section 480 of the Code states in relevant part that:

17           "(a) A board may deny a license regulated by this code on the grounds that the applicant has  
18 one of the following:

19           "..."

20           "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
21 benefit himself or herself or another, or substantially injure another.

22           "(3) (A) Done any act that if done by a licentiate of the business or profession in question,  
23 would be grounds for suspension or revocation of license.

24           "..."

25           "(c) A board may deny a license regulated by this code on the ground that the applicant  
26 knowingly made a false statement of fact required to be revealed in the application for the  
27 license."

28           ///

1 REGULATORY PROVISIONS

2 24. California Code of Regulations, title 16, section 1999.5, provides in relevant part that:

3 "It is the purpose of this regulation to protect the public from false, misleading, deceptive,  
4 or unfair representations or claims concerning structural pest control while enabling the public to  
5 receive truthful and legitimate information about those structural pest control products and  
6 services and the potential of these products and services to reduce impact to health or the  
7 environment."

8 "(a) It is unlawful for any licensee, or any employee thereof, directly or indirectly to make  
9 disseminate, represent, claim, state, or advertise, or cause to be made, disseminated, represented,  
10 claimed, stated or advertised by any manner or means whatever, any statement or representation  
11 concerning structural pest control, as defined in Business and Professions Code section 8505,  
12 which is unfair, deceptive, untrue or misleading, and which is known, or which by the exercise of  
13 reasonable care should be known, to be unfair, deceptive, untrue or misleading."

14 FACTUAL BACKGROUND

15 25. On or about August 16, 2010, during the course of investigating another matter, a  
16 Specialist for the Structural Pest Control Board (Board) received a Wood Destroying Pests and  
17 Organisms inspection report (WDO), and a supplemental report, prepared for a real estate agent  
18 on property located at 13905 Sheila Avenue, in Morgan Hill, California. Both reports were  
19 signed by Steven George Mayne, Jr., Operator's License No. OPR 11743, (Respondent), and  
20 appeared under the company name M & S Pest Control and Termite, Company Registration  
21 Certificate PR 3628, with an address of P. O. Box 2328, in Gilroy, California, 95021. A review  
22 of the Board's records for M & S Pest Control and Termite showed that the Company  
23 Registration Certificate No. PR 3628 was a cancelled registration belonging to Respectable  
24 Termite Control, registered to conduct business as a Branch 2 and Branch 3 company. The  
25 Board's records also showed that Respondent, licensed as Operator's License No. OPR 10094,  
26 disassociated himself as the qualifying manager for Company Registration Certificate No. PR  
27 3628 on June 30, 2002, and allowed Operator's License No. OPR 10094 to expire on that same  
28 date. Operator's License No. OPR 11743, used by Respondent on his WDO inspection reports

1 prepared for the property at 13905 Sheila Avenue in Morgan Hill, has been on inactive status  
2 since it was issued in August 29, 2008.

3 26. On or about August 16, 2010, the Board's specialist found that Respondent advertised  
4 and solicited pest control services under the business name M & S Pest Control and Termite  
5 (M&S). The Board's specialist also found that Respondent advertised on a computer website,  
6 that M & S Pest Control and Termite could perform structural pest control services in both  
7 Branch 2 and 3. The services Respondent advertised and solicited require registration with the  
8 State of California, insurance, a bond as well as registration with the County Department of  
9 Agriculture. In checking the status of M&S with the Santa Clara County Department of  
10 Agriculture and Environmental Management, South County Office, the Board's specialist learned  
11 that Respondent's company, M&S, was not registered to practice pest control in that county.

12 27. On or about September 15, 2010, while reviewing the WDO reports Respondent  
13 prepared, the Board's specialist noticed a paragraph in the reports indicating that "M & S  
14 technicians were state certified and were constantly being upgraded by training." Further, the  
15 statement provided a telephone number for inquiries. The Board's specialist called the telephone  
16 number provided and found that it was registered to a plumbing company. The Board later found  
17 that the telephone number Respondent listed in his WDO reports had been issued to the plumbing  
18 company several years ago.

19 28. During the Board's investigation regarding Respondent's activities as M&S, the  
20 Board's specialist was advised by two separate real estate agents that Respondent frequently  
21 prepared WDO reports on personal as well as real property transactions using the reports from  
22 Respondent doing business as M&S.

23 **ACCUSATION**

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Unlicensed Practice)

26 29. Respondent's operator's license is subject to disciplinary action under Business and  
27 Professions Code section 8550(e) in that Respondent engaged in the practice of pest control  
28

1 without properly registering with the Structural Pest Control Board, as set forth in paragraphs 26-  
2 28, above.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Improper Company Registration)

5 30. Respondent's license is subject to disciplinary action under Business and Professions  
6 Code section 8610 in that he failed to register his company known as M&S Pest Control with the  
7 Structural Pest Control Board as set forth in paragraphs 25, 26 and 28, above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 (Representing an Unregistered Company)

10 31. Respondent's license is subject to disciplinary action under Business and Professions  
11 Code section 8552 in that Respondent represented an unregistered company known as M&S Pest  
12 Control in the performance of wood destroying pest and organism inspections as set forth in  
13 paragraphs 25-28, above.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 (Grossly Negligent and/or Fraudulent Act)

16 32. Respondent's license is subject to disciplinary action under Business and Professions  
17 Code section 8642 of the Business and Professions Code in that Respondent committed a grossly  
18 negligent and/or fraudulent act(s) by representing M & S Pest Control and Termite as a  
19 legitimately registered pest control company by using a cancelled registration number in the  
20 performance and preparation of a wood destroying pests and organisms inspection report as set  
21 forth in paragraphs 25-28, above.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 (Aiding and Abetting an Unregistered Company)

24 33. Respondent's license is subject to disciplinary action under Business and Professions  
25 Code section 8639 of in that Respondent aided and abetted an unregistered company to avoid the  
26 provisions of the Structural Pest Control Act by soliciting and performing structural pest control  
27 activities on behalf of the company M & S Pest Control and Termite as set forth in paragraphs 25-  
28 28, above.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 (Deviation from Operations Authorized by License or Registration)

3 34. Respondent's license is subject to disciplinary action under Business and Professions  
4 Code section 8651 in that Respondent solicited to perform in branches of pest control other than  
5 those for which he was licensed as set forth in paragraphs 25-28, above.

6 **SEVENTH CAUSE FOR DISCIPLINE**

7 (Failure to Register)

8 35. Respondent's license is subject to disciplinary action under Business and Professions  
9 Code section 8646 in that Respondent disregarded and/or violated laws of the state and/or  
10 regulations adopted pursuant to those laws, concerning pesticide use and application, fumigation,  
11 or extermination of the state by failing to register M & S Pest Control and Termite with the  
12 County Agricultural Department as set forth in paragraphs 25-28, above.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 (False Statement or Representation)

15 36. Respondent's license is subject to disciplinary action under Business and Professions  
16 Code section 8648, as defined in California Code of Regulations, Title 16, section 1999.5, in that  
17 Respondent advertised that his company, M & S Pest Control and Termite could perform  
18 structural pest control services in both Branch 2 and 3, representing that the company was  
19 legitimate, when in fact it was not, as set forth in paragraphs 25-28, above.

20 **STATEMENT OF ISSUES**

21 **FIRST CAUSE FOR DENIAL OF APPLICATION**

22 (Unlicensed Activity)

23 37. Respondent's application is subject to denial under Business and Professions Code  
24 sections 8550, 8552, 8568, for the violation of section 8639 of the Code pursuant to Code  
25 section(s) 480(a)(2) and 480(a)(3)(A) in that Respondent solicited and performed structural pest  
26 activities on behalf of an unregistered company, to wit: M & S Pest Control and Termite, as set  
27 forth in paragraphs 25-28, above.

28 ///



**SECOND CAUSE FOR DENIAL OF APPLICATION**

(False Statement)

38. Respondent's application is subject to denial under Business and Professions Code sections 8550, 8552, 8568, for the violation of section 8639 of the Code pursuant to Code section 480(c), in that Respondent answered "No" in response to Question No. 7 of the Application which asks: "Are you, or any of you, at the present time employed or engaged in the pest control business?" As set forth in paragraph 26, 27 and 29, above, Respondent was engaged in advertising and soliciting business to practice pest control, including the preparation of WDO reports for real estate agents, as set forth in paragraphs 25-28, above.

**THIRD CAUSE FOR DENIAL OF APPLICATION**

(False Statement)

39. Respondent's application is subject to denial under Business and Professions Code sections 8550, 8552, 8568, for the violation of section 8639 of the Code pursuant to Code section 480(c), in that Respondent answered "No" in response to Question No. 8 of the Application which asks: "Have you, or any of you, ever had a professional or vocational license refused, suspended, or revoked by this or any other state?" As set forth in paragraph 6 above, the Board issued Company Registration Certificate No. PR 3628, (Branches 2 and 3) to Respondent Steven George Mayne, Jr., as the owner and qualifying manager of Respectable Termite Control. Company Registration Certificate No. PR 3628 was subject to suspension on or about October 1, 2002, December 16, 2002, and on August 20, 2003, as set forth in paragraph 6, above.

**OTHER MATTERS**

40. Pursuant to section 8624 of the Code, if Operator's License No. OPR 11743, issued to respondent is suspended or revoked, the Board may suspend or revoke the registration of any registered company under the name of Steven George Mayne, Jr.

41. Pursuant to section 8654 of the Code, if discipline is imposed on Operator's License No. OPR 11743 issued to Respondent, Steven George Mayne, Jr. 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

1 which employs, elects, or associates Steven George Mayne, Jr. shall be subject to disciplinary  
2 action.

3 42. Section 8622 of the Code provides, in pertinent part, that respondent shall submit an  
4 inspection fee of not more than \$125. If a reinspection is necessary, a commensurate reinspection  
5 fee shall be charged.

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

11 PRAYER

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

15 1. Revoking or suspending Operator's License Number OPR 11743, issued to Steven  
16 George Mayne, Jr.;

17 2. Denying the application of Mary & Steven Termite Control, Steven George Mayne,  
18 Jr., owner/operator, for registration of company;

19 3. Prohibiting Steven George Mayne, Jr., from serving as an officer, director, associate,  
20 partner, or qualifying individual of any licensee during the period that discipline is imposed on  
21 Operator's License Number OPR 11743;

22 4. Revoking or suspending any other license for which Steven George Mayne, Jr., is  
23 furnishing the qualifying experience or appearance;

24 5. Ordering Steven George Mayne, Jr., to pay the Board its costs in the investigation and  
25 enforcement of the case according to proof at the hearing, pursuant to Business and Professions  
26 Code section 125.3;

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

DATED: 6/16/11

*William H. Douglas*  
WILLIAM H. DOUGLAS  
Interim Registrar/Executive Officer  
Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
*Complainant*

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