

FILED

Date

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

In the Matter of the Accusation Against:

Case No. 2013-8

**SATELLITE PEST CONTROL; CORY RICO
WILSON, Owner and Qualifying Manager**
P.O. Box 191246
Los Angeles, CA 90019

ACCUSATION

Company Registration Certificate No. PR 5201, Br. 2 & 3

CORY RICO WILSON
P.O. Box 191246
Los Angeles, CA 90019

Operator's License No. OPR 11142, Br. 2
Field Representative License No. FR 47359, Br. 3

RICARDO ALONSO WILSON
P.O. Box 191246
Los Angeles, CA 90019

Operator's License No. OPR 11859, Br. 3

BOBBY BURGESS
18105 Sun Downer Way #977
Canyon Country, CA 91387

Field Representative License No. FR 43885, Br. 2 & 3

Respondents.

Complainant alleges:

1 **PARTIES**

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

5 **LICENSE HISTORY**

6 **Satellite Pest Control Company Registration Certificate PR 5201**

7 2. On or about January 2, 2007, the Structural Pest Control Board (Board) issued
8 Company Registration Certificate Number PR 5201, Branch 2, to Satellite Pest Control
9 (Respondent Satellite), with Cory Rico Wilson as Owner and Qualifying Manager (Respondents).
10 The Company Registration Certificate was in full force and effect at all times relevant to the
11 charges brought herein and will remain active, unless cancelled or revoked.

12 3. On or about July 1, 2009, Company Registration Certificate Number PR 5201 was
13 upgraded to include Branches 2 and 3 with Ricardo Alonso Wilson as Branch 3 Qualifying
14 Manager.

15 **Ricardo Alonso Wilson, Operator's License No. OPR 11859 and Field**

16 **Representative's License No. FR 30619**

17 4. On or about May 26, 2009, the Board issued Operator License No. OPR 11859 in
18 Branch 3 to Ricardo Alonso Wilson, employee of Orkin Exterminating Company, Inc. This
19 license is currently in effect and renewed through June 30, 2014. On or about June 30, 2009,
20 Operator's License No. OPR 11859 left the employ of Orkin Exterminating Company, Inc. and
21 on July 1, 2009, became the Branch 3 Qualifying Manager of Satellite.

22 5. On or about March 15, 1999, Field Representative's License No. FR 30619 was
23 issued in Branch 3 to Ricardo Alonso Wilson (R. Wilson), employee of Orkin Exterminating
24 Company, Inc., and was cancelled on May 26, 2009, due to the issuance of an Operator's license.

25 **Cory Rico Wilson, Operator's License No. OPR 11142 and Field Representative's**

26 **License Nos. FR 47359 and 31811**

27 6. On or about July 5, 2005, the Board issued Operator's License No. OPR 11142 in
28 Branch 2 to Cory Wilson (C. Wilson), which will expire on June 30, 2014, unless renewed.

1 7. On or about January 2, 2007, Operator's License No. OPR 11142 became the Owner
2 and Qualifying Manager of Satellite.

3 8. On or about December 9, 2011, the Decision in Accusation No. 2010-67 ordered
4 Operator's License No. OPR 11142 revoked, stayed and three years' probation, to file quarterly
5 reports, and pay the Board \$900 for the unpaid fine in CF 04-155, within 30 days.

6 9. On or about January 27, 2000, Field Representative's License No. FR 31811 was
7 issued in Branch 2 to Cory McQueen, employee of Terminix International Company LLP.

8 10. On or about April 12, 2001, Field Representative's License No. FR 31811 was
9 upgraded to include Branches 2 and 3, and reflected a change in name to Cory Rico Wilson, and a
10 change in employment to Orkin Exterminating Company Inc.

11 11. On or about September 30, 2001, Field Representative's License No. FR 31811 left
12 the employ of Orkin Exterminating Company, Inc. and on February 14, 2002, reflected
13 employment with Ecola Services, Inc.

14 12. On or about April 22, 2002, the Board received notification from Ecola Services, Inc.
15 that Field Representative's License No. FR 31811 was no longer employed.

16 13. On or about April 1, 2003, Field Representative's License No. FR 31811 reflected
17 employment with Stanley Pest Control.

18 14. On or about January 18, 2012, Field Representative's License No. FR 31811 paid a
19 \$900 fine levied by the Board for a violation of Section 8593 of the Business & Professions Code
20 and California Code of Regulations, title 16, section 1950.

21 15. On or about June 30, 2005, Field Representative's License No. FR 31811 was
22 cancelled from the Board's files.

23 16. On or about January 17, 2012, Field Representative's License No. FR 47359 was
24 issued in Branch 3 to Cory Rico Wilson, employee of Satellite, and is currently in effect and
25 renewed through June 30, 2014.

26 **Bobby Burgess, Field Representative License No. FR 43885**

27 17. On or about December 19, 2008, Field Representative's License No. FR 43885 was
28 issued in Branch 3 to Bobby Lamont Burgess, employee of Satellite, and is currently in effect and

1 renewed through June 30, 2014. License No. FR 43885 is also a Branch 2 license.

2 JURISDICTION

3 18. This Accusation is brought before the Board under the authority of the following
4 laws. All section references are to the Business and Professions Code unless otherwise indicated.

5 19. Section 118, subdivision (b) of the Code provides that the suspension, expiration,
6 surrender and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed
7 with a disciplinary action during the period within which the license may be renewed, restored,
8 reissued or reinstated.

9 20. Section 8620 of the Code authorizes the Board to suspend or revoke a license when it
10 finds that the holder, while a licensee or applicant, has committed any acts or omissions
11 constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

12 21. Section 8625 of the Code states:

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

18 STATUTORY PROVISIONS

19 22. Section 8516 of the Code provides as follows:

20 "(a) This section, and Section 8519, apply only to wood destroying pests or organisms.

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

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

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

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

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

15 (1) The date of the inspection and the name of the licensed field representative or operator
16 making the inspection.

17 * * *

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

22 (7) Information regarding the substructure, foundation walls and footings, porches, patios
23 and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias,
24 exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack
25 by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation
26 or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels,
27 excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be
28 reported."

1 * * *

2 “(10) Recommendations for corrective measures.”

3 23. Section 8518 of the Code states as follows:

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

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

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

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

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

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

23 24. Section 8550 provides, in relevant part, that:

24 “(a) It is unlawful for any individual to engage or offer to engage in the business or
25 practice of structural pest control, as defined in Section 8505, unless he or she is licensed under
26 this chapter.”

27 * * *

28 //

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

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

10 25. Section 8613 of the Code provides in relevant part that:

11 “A registered company which changes the location of its principal office or any branch
12 office or which changes its qualifying manager, branch supervisor, officers, or its bond or
13 insurance shall notify the registrar in writing of such change within 30 days thereafter. A fee for
14 filing such changes shall be charged in accordance with Section 8674.”

15 26. Section 8622 of the Code states, in pertinent part:

16 “When a complaint is accepted for investigation of a registered company, the board,
17 through an authorized representative, may inspect any or all properties on which a report has been
18 issued pursuant to Section 8516 or a notice of completion has been issued pursuant to Section
19 8518 by the registered company to determine compliance with the provisions of this chapter and
20 the rule and regulations issued thereunder. If the board determines the property or properties are
21 not in compliance, a notice shall be sent to the registered company so stating. The registered
22 company shall have 30 days from the receipt of the notice to bring such property into compliance,
23 and it shall submit a new original report or completion notice or both and an inspection fee of not
24 more than one hundred twenty-five dollars (\$125) for each property inspected. If a subsequent
25 reinspection is necessary, pursuant to the board’s review of the new original report or notice or
26 both, a commensurate reinspection fee shall also be charged. If the board’s authorized
27 representative makes no determination or determines the property is in compliance, no inspection
28 fee shall be charged.”

1 27. Section 8638 sets forth that:

2 “Failure on the part of a registered company to complete any operation or construction
3 repairs for the price stated in the contract for such operation or constructions repairs or in any
4 modification of such contract is a ground for disciplinary action.”

5 28. Section 8650 of the Code states:

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

8 (a) In the name of the licensee or registered company as set forth upon the license or
9 registration, or

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

12 29. Section 8652 of the Code states:

13 “Failure of a registered company to make and keep all inspection reports, field notes,
14 contracts, documents, notices of work completed, and records, other than financial records, for a
15 period of not less than three years after completion of any work or operation for the control of
16 structural pests or organisms, is a ground for disciplinary action. These records shall be made
17 available to the executive officer of the board or his or her duly authorized representative during
18 business hours.”

19 30. Section 8641 provides as follows:

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

24 **REGULATORY PROVISIONS**

25 31. California Code of Regulations, Title 16, section 1990, sets forth report requirements
26 and provides, in pertinent part:

27 “(a) All reports shall be completed as prescribed by the board. Copies filed with the board
28 shall be clear and legible. All reports must supply the information required by Section 8516 of

1 the Code and the information regarding the pesticide or pesticides used as set forth in Section
2 8538 of the Code, and shall contain or describe the following:"

- 3 (1) Structural pest control license number of the person making the inspection.
- 4 (2) Signature of the Branch 3 licensee who made the inspection.
- 5 (3) Infestations, infections or evidence thereof.
- 6 (4) Wood members found to be damaged by wood destroying pests or organisms."

7 * * *

8 "(b) Conditions usually deemed likely to lead to infestation or infection include, but are
9 not limited to:"

10 * * *

11 "(3) Excessive Cellulose Debris. This is defined as any cellulose debris of a size that can
12 be raked or larger. Stumps and wood imbedded in footings in earth contact shall be reported."

13 * * *

14 "(5) Commonly controllable moisture conditions which would foster the growth of a fungus
15 infection materially damaging to woodwork."

16 * * *

17 32. California Code of Regulations, title 16, section 1991, states, in pertinent part:

18 "(a) Recommendations for corrective measures for the conditions found shall be made as
19 required by paragraph 10 of subdivision (b) of Section 8516 of the code and shall also conform
20 with the provisions of Title 24 of the California Code of Regulations and any other applicable
21 local building code, and shall accomplish the following:

22 * * *

23 "(2) Remove from the subarea all excessive cellulose debris in earth contact. This
24 excludes shavings or other cellulose too small to be raked or stored goods not in earth contact.
25 Stumps and wood imbedded in footings in earth contact shall be treated if removal is
26 impractical."

27 * * *

1 “(5) Structural members which appear to be structurally weakened by wood-destroying
2 pests to the point where they no longer serve their intended purpose shall be replaced or
3 reinforced. Structural members which are structurally weakened by fungus to the point where
4 they no longer serve their intended purpose shall be removed or, if feasible, may remain in place
5 if another structural member is installed adjacent to it to perform the same function, if both
6 members are dry (below 20% moisture content), and if the excessive moisture condition
7 responsible for the fungus damage is corrected. Structural members which appear to have only
8 surface fungus damage may be chemically treated and/or left as is if, in the opinion of the
9 inspector, the structural member will continue to perform its originally intended function and if
10 correcting the excessive moisture condition will stop the further expansion of the fungus.”

11 * * *

12 “(8) Exterminate all reported wood-destroying pests. Such extermination shall not be
13 considered repair under section 8516(b)(12) of the code. If evidence indicates that wood-
14 destroying pests extend into an inaccessible area(s), recommendation shall be made to either:

15 (A) enclose the structure for an all encompassing treatment utilizing materials listed in
16 Section 8505.1 of the code, or

17 (B) use another all encompassing method of treatment which exterminates the infestation
18 of the structure, or

19 (C) locally treat by any or all of the following:

- 20 1. exposing the infested area(s) for local treatment,
- 21 2. removing the infested wood,
- 22 3. using another method of treatment which exterminates the infestation. . .

23 33. California Code of Regulations, title 16, section 1992 “Secondary Recommendations”
24 provides:

25 “In addition to the recommendations required in section 1991, the report may suggest
26 secondary recommendations. When secondary recommendations are made, they shall be labeled
27 as secondary recommendations and included as part of the inspection report with a full
28 explanation of why they are made, with the notation that they are below standard measures. If

1 secondary recommendations are performed, any letter of completion, billing or other document
2 referring to the work completed, must state specifically which recommendations were secondary
3 and below standard and specify the name of the person or agency requesting completion of the
4 secondary recommendations.”

5 34. California Code of Regulations, title 16, section 1993 states, in pertinent part:

6 “All of the following reports must be in compliance with the requirements of Section 8516
7 of the code. All reports must be on the form prescribed by the board.”

8 * * *

9 (d) A supplemental report is the report on the inspection performed on inaccessible areas
10 that have been made accessible as recommended on a previous report. Such report shall indicate
11 the absence or presence of wood-destroying pests or organisms or conditions conducive thereto.
12 This report can also be used to correct, add, or modify information in a previous report. A
13 licensed operator or field representative shall refer to the original report in such a manner to
14 identify it clearly.”

15 35. California Code of Regulations, title 16, section 1996.3, subdivision (b)(4) states:

16 “(b) The form shall contain the following information for each property inspected and/or
17 upon which work was completed.”

18 * * *

19 “(4) Date of Activity.”

20 **COST RECOVERY/ RESTITUTION**

21 36. Section 125.3 of the Code provides that the Board may request the administrative law
22 judge to direct a licensee found to have committed a violation or violations of the licensing act to
23 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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

27 //

28 //

GARETAL STREET PROPERTY

38. On or about May 14, 2010, at the request of G.V., Respondent Satellite performed a WDO inspection¹ and issued a "complete" Wood Destroying Pests and Organisms Inspection Report on the property located at 11630 Garetal Street, Santa Fe Springs, CA ("the Property"), for escrow purposes. The inspection report failed to contain the required information as to who performed the WDO inspection and prepared the inspection report, which contained 8 findings and recommendations.

39. The Section I findings identified dry rot fungi (decay fungi), evidence of drywood termites and cellulose debris in the substructure; evidence of drywood termites at the back porch, attic, garage, windowsills and walls, and evidence of drywood termites and decay fungi at the rafter tails and fascia boards. The Section I recommendations stated to fumigate the structure, as a primary recommendation, for the reported evidence of drywood termites in the substructure and attic, and as a secondary recommendation, to treat the entire substructure with Timbor or Boracare, and to treat the termite galleries with Premise 2. Also, to scrape and chemically treat the decay fungi in the substructure with Timbor or Boracare, to remove or treat the cellulose debris with Timbor or Boracare, and to treat the reported evidence of drywood termites at the back porch, garage, windowsills, walls, rafter tails and fascia boards with Timbor or Boracare, and to treat the termite galleries with Premise 2.

40. In doing this inspection, Respondent Satellite was acting in the capacity of a registered company under a name that is different (Satellite Pest Management Services) than the name set forth upon the company registration (Satellite Pest Control). Also, the inspection report was not prepared on a form approved by the Board, because it contains an incorrect address for the Board on the bottom of the first page. The inspection report failed to contain the name, license number and signature of the licensee who performed the inspection.

41. Furthermore, the secondary recommendations in the inspection report failed to contain a full explanation about why they were made, and failed to indicate they are below

¹ A WDO inspection is a wood destroying organisms inspection.

1 standard measures. The drywood termite recommendations failed to contain a recommendation
2 to cover or remove the accessible evidence of infestation. Although the drywood termite
3 infestations are in the same structure, some of the drywood termite recommendations contained
4 both primary (fumigation) and secondary recommendations (treatment) and others contained only
5 a primary recommendation for treatment. The decay fungi findings failed to identify the
6 excessive moisture conditions responsible for the infections, and the recommendations failed to
7 include a recommendation to correct the excessive moisture conditions responsible for the
8 infections. The inspection report also failed to indicate the approximate location of finding 4A.

9 42. On or about November 8, 2011, escrow closed on the subject property.

10 43. On or about July 7, 2011, at the request of the property owner, T.J., A Accredited
11 Termite & Pest Control Co. (A Accredited), performed a WDO inspection and issued a "complete",
12 "separated" inspection report on the Property. The Section I finding identified evidence of
13 drywood termites in the substructure, with a recommendation to fumigate the entire structure and
14 to remove the accessible evidence of infestation. The Section II finding identified cellulose
15 debris in the substructure, with a recommendation to remove and dispose of all loose cellulose
16 debris in the substructure.

17 44. On or about August 8, 2011, the Board received a Complaint Form from T.J. dated
18 August 7, 2011, which alleged that Respondent Satellite failed to properly complete the necessary
19 work prior to the close of escrow for the Property.

20 45. On or about August 23, 2011, the Board's representative notified Respondent, via a
21 letter, of the complaint and asked it for a written response within 10 days from receipt of the
22 letter.

23 46. On or about September 2, 2011, the Board received a written response for
24 Respondent from C. Wilson, dated August 29, 2011, which stated that the initial inspection was
25 done for G.V., around May 10, 2010, and the property was treated on May 14, 2010. Six months
26 later, G.V. called and explained she was selling the Property and needed a Standard Notice of
27 Work Completed and Not Completed (completion notice). Respondent Satellite performed a
28 WDO inspection at the Property, at which time no evidence of infestation was found. Then, in

1 July of 2011, T.J. filed a complaint after a friend of his, whom C. Wilson questions is even
2 licensed, found drywood termite droppings in the substructure and stated the Property needed to
3 be fumigated.

4 47. Further, C. Wilson stated in his letter that, on August 29, 2011, he inspected the
5 Property and found no live activity, only old evidence of drywood termites in the same area
6 previously treated by Respondent Satellite. He stated there were no subterranean termites, no
7 alates, no wings and no cellulose debris, because Respondent Satellite previously removed it.
8 Respondent Satellite offered to re-treat the Property at no cost, and will issue a new inspection
9 report to the owner.

10 48. On or about May 14, 2010, Respondent Satellite performed a WDO inspection, but
11 not the work. C. Wilson is not licensed to perform a WDO inspection at the Property. Although
12 C. Wilson is Respondent's "Branch Manager", the Board's records indicate Respondent has only
13 one location.

14 49. On or about September 8, 2011, T.J. spoke to the Board's representative by
15 telephone, and stated he was dissatisfied with Respondent Satellite's response because he felt that
16 the Property needed to be fumigated and it was not.

17 50. On or about October 27, 2011, the Board's inspector attempted to visit Respondent
18 Satellite at its Vine Street address, the address of record with the Board, to review its file
19 regarding the Property, and was told by a security guard at the complex that Respondent Satellite
20 had moved out of this location two to three weeks ago. When he called Respondent Satellite's
21 telephone number of record, he was directed to a new telephone number, and called and left a
22 message. The Board's inspector spoke by telephone with C. Wilson, who confirmed that Satellite
23 had relocated, and stated that this was because the new owners wanted to rearrange the offices.
24 C. Wilson stated he did not know how long it would be before Satellite could move back in, and
25 that the company's records were in storage. The Board's inspector advised C. Wilson that the
26 case regarding the Property had not been closed, and he requested copies of all inspection reports
27 and completion notices issued by Satellite for the Property. C. Wilson stated the Board already
28 had these documents, and the Board's inspector replied that he does not work in Sacramento, and

1 requested that C. Wilson send the documents by facsimile to his office.

2 51. On or about August 30, 2011, the Board's inspector received a facsimile from
3 Respondent Satellite of the August 30, 2011 "complete" inspection report for the Property, which
4 WDO inspection was performed by R. Wilson and contained six findings and four
5 recommendations. The findings identified inactive evidence of drywood termites in the
6 substructure, no evidence of drywood termites in the attic, inactive evidence of drywood termites
7 in the garage, no evidence of drywood termites at the patio, no evidence of active infestation in
8 the partially accessible interior, and no evidence of infestation at the exterior.

9 52. The recommendations in the August 30, 2011 "complete" inspection report for the
10 Property stated that the entire substructure was treated with borates for the eradication and
11 prevention against wood-destroying organisms, that preventative treatment was previously
12 performed in the attic, that the garage was partially inaccessible due to storage, and that the
13 garage was previously treated with Timbor or Boracare for the eradication and prevention against
14 wood-destroying organisms and that yearly inspection is recommended for the patio. There is no
15 recommendation for the interior and exterior findings.

16 53. The recommendations failed to include a recommendation to cover or remove the
17 accessible, inactive evidence of infestation in the substructure and garage. Also, there is no
18 recommendation for further inspection and the issuance of a "supplemental" inspection report
19 regarding the reported inaccessible portion of the garage due to storage.

20 54. The August 30, 2011 inspection report was not prepared on a form approved by the
21 Board, and the Board's address on the bottom of the first page is incorrect. Furthermore, Satellite
22 is acting in the capacity of a registered company under a name that is different from the name set
23 forth upon the company's registration. The inspection report and fax cover sheet state the
24 company's name as "Satellite Pest Management Services", whereas the company is registered as
25 "Satellite Pest Control".

26 55. In his written response to the Board dated August 29, 2011, C. Wilson states that he
27 inspected the Property on that date, but the inspection report dated August 29, 2011 indicates that
28 R. Wilson performed the WDO inspection.

1 56. On or about October 31, 2011, the Board's inspector went to the Property, and found
2 and photographed the following conditions, which he set forth on his Field Work Sheet:

- 3 1. Cellulose debris in the substructure.
- 4 2. Evidence of drywood termites in the substructure.
- 5 3. Drywood termite damage in the substructure.
- 6 4. Evidence of an excessive moisture condition (water stains) in the substructure.
- 7 5. Evidence of an excessive moisture condition (corroded pipes) in the substructure.
- 8 6. A chemical treatment tag posted in the substructure, dated 12/28/67.
- 9 7. Drywood termite damage in the attic.
- 10 8. A fumigation tag in the attic, dated 04/21/90.
- 11 9. Evidence of drywood termites in the garage.
- 12 10. Drywood termite damage in the garage.
- 13 11. Drywood termite damage in the rafter tail on the garage.
- 14 12. An A Accredited inspection tag posted in the garage, dated 07/07/11.
- 15 13. Drywood termite damage at the patio.
- 16 14. Decay fungi damage at the patio.
- 17 15. Evidence of an excessive moisture condition (water stains) at the patio.
- 18 16. Decay fungi damage at the kitchen window.
- 19 17. Evidence of drywood termites (live) in the house eaves.
- 20 18. Drywood termite damage in the house eaves.
- 21 19. Decay fungi damage in the house eaves.

22 57. The Board's inspector contacted C. Wilson, and requested a meeting with him, to
23 discuss the numerous problems he found during his inspection of the Property. C. Wilson stated
24 the company had offered to re-treat the Property when it returned to the Property in August of
25 2011, but the owner had refused this offer. C. Wilson stated the owner had "crawled" into the
26 attic with him, and he did not find any problems. In addition, C. Wilson explained to the Board's
27 inspector that the company was only hired to treat the Property during escrow. The company
28 performed the job, the owner fixed some damage, and escrow on the Property closed.

1 58. On or about November 1, 2011, the Board's inspector received a letter from
2 Respondent Satellite dated 10/24/11, which was prepared by C. Wilson, and informs the Board
3 that the company is no longer at its physical address of record with the Board, does not have a
4 current physical address, but its mailing address remains the same.

5 59. The Board's inspector performed several WDO Activity Searches on Respondent, to
6 ascertain if Respondent had been filing WDO activities reports with the Board and, if so, if C.
7 Wilson had performed any of the WDO inspections. The search revealed that, during 2011,
8 Respondent Satellite filed four WDO activities with the Board, which were performed by C.
9 Wilson, under C. Wilson's Branch 2 Operator License OPR 11142. The search also disclosed
10 that Respondent Satellite's 05/14/10 WDO inspection at the Property states it was performed by
11 Field Representative Bobby Burgess, FR No. 43885. Satellite's 08/30/11 WDO inspection at the
12 Property was filed with the Board as having been performed on 08/28/11, by R. Wilson, not
13 C. Wilson, as C. Wilson had stated in his 08/29/11 response to the Board and in his telephone
14 conversation with the Board's representative on 11/01/11. Although the report number on
15 Respondent Satellite's 05/14/10 "complete" inspection report is 10035, and the report number on
16 its 08/30/11 "complete" inspection report is 10179, there is a difference of 144 between the two
17 report numbers. Respondent Satellite, however, only filed 35 WDO inspections with the Board
18 between 05/14/10 and 08/30/11.

19 60. Respondent Satellite's completion notice for the Property, which would have been
20 issued before escrow closed, and any additional WDO inspections it performed at the Property,
21 were not filed with the Board. Although the Board's inspector requested that C. Wilson meet
22 with him and bring a copy of Respondent's completion notice, issued before the close of escrow,
23 and any other inspection reports it issued for the Property, when the inspector met with C. Wilson
24 and R. Wilson, they did not bring the documents he had requested. When the Board's
25 representative again asked them for Satellite's completion notice and reports, R. Wilson stated he
26 doubted he would be able to find these documents.

27 61. On or about November 9, 2011, the Board's inspector prepared a Report of Findings
28 (ROF) to Respondent Satellite that contained 19 violations. Since Satellite failed to provide the

1 Board's inspector with any of the documents he had requested on 11/01/11, he could not
2 reference them in the ROF.

3 62. On 11/11/11, the Board's inspector received a letter from C. Wilson, requesting that
4 he send him his findings, including photographs taken at the Property, and Satellite will comply
5 with everything he needs.

6 63. On 11/12/11, the inspector received a processed copy of the ROF to Satellite.

7 64. On 11/22/11, the inspector had not heard back from Satellite, and left a message to
8 contact him with questions about the ROF.

9 65. On 12/01/11, he received return receipts from the Board for the certified mailings of
10 the ROF to Satellite and Burgess. The return receipts indicated that the ROF was received by
11 Satellite on or about 11/17/11, and the ROF was received by Burgess on or about 11/12/11.

12 66. On or about 12/02/11, the Board's inspector received an e-mail from R. Wilson,
13 informing him that copies of Satellite's inspection report will be sent to the Board, the owner and
14 the inspector, and that the company's intention is to fully comply. Further, the e-mail stated that
15 Satellite's system is currently down due to a recent windstorm.

16 67. On or about 12/09/11, the Board's inspector received from the Board a copy of
17 Satellite's "complete" inspection report for the Property, dated 11/21/11, prepared in response to
18 the ROF. R. Wilson performed the WDO inspection and prepared the inspection report
19 containing eight findings and six recommendations.

20 68. On 12/02/11, Respondent Satellite faxed the inspection report to the Board. The
21 findings identified cellulose debris in the substructure, cardboard and a one-foot piece of lumber
22 that was treated with borates, Timbor and Boracare; evidence of drywood termite damage
23 (cosmetic) at one exterior rafter on the patio, evidence of excessive moisture on the patio ceiling
24 framing and sheathing, along with some decay fungi noted due to excessive moisture; evidence of
25 damage (cosmetic) at one attic rafter, with no evidence of activity, which was noted on a previous
26 inspection report; and evidence of drywood termites in the garage, on the work bench. Moreover,
27 it was noted that the interior was inspected, but is partially inaccessible due to furniture and
28 appliances, the rear section of the home, the den, was newly reconstructed by the new

1 homeowner; there is evidence of excessive moisture and decay fungi damage at the exterior side
2 beam and fascia and evidence of drywood termite damage at an exterior garage rafter tail, at a
3 previously reported inaccessible area due to plants.

4 69. The recommendations stated to remove or treat the cellulose debris with a registered
5 material, Timbor or Boracare, for the eradication and protection against all wood-destroying
6 organisms, and that no activity of any WDO (wood-destroying organisms) was noted at the time
7 of inspection. Regarding the evidence of drywood termite damage at the patio rafter, to treat with
8 a registered material, Timbor or Boracare, for the eradication and protection against wood-
9 destroying organisms, and drill and foam treat into galleries with a registered material, Premise,
10 even though no live activity was found. Regarding the evidence of excessive moisture and decay
11 fungi at the patio, the owner should hire a contractor or handyman to fix the moisture problem,
12 and should check the roof and gutters. There was no recommendation for the reported drywood
13 termite damage in the attic. It was recommended to treat the workbench in the garage with a
14 registered material, Timbor or Boracare, for the eradication and protection against all wood-
15 destroying organisms, and to drill and foam treat into all noted galleries with a registered
16 material, Premise 2, for the eradication of any active infestation. Furthermore, it was
17 recommended that the owner should hire a handyman or contractor to fix the moisture problem
18 noted at the exterior side beam and fascia and to fix the damaged rafter tail at the garage.

19 70. Respondent Satellite's inspection report is not in compliance because it was acting in
20 the capacity of a registered company under a name that is different than the name set forth upon
21 the company registration. The inspection report and fax cover sheet states Respondent's name is
22 "Satellite Pest Management Services", when it is and was actually registered as "Satellite Pest
23 Control"

24 71. On 12/12/11, the Board's inspector prepared a Report of Findings Compliance
25 Instruction Letter #1 (Compliance Instruction Letter), which listed the non-compliant issues he
26 found with the subject company's 11/21/11 "complete" inspection report, and consisted of the
27 following 22 violations:

28 //

1 1. It fails to contain a proper recommendation for the reported cellulose debris in the
2 substructure. Cellulose debris in contact with the soil is required to be removed from the
3 substructure.

4 2. It fails to report the evidence of drywood termites in the substructure.

5 3. It fails to report the drywood termite damage in the substructure.

6 4. It fails to report the evidence of an excessive moisture condition (water stains) in
7 the substructure.

8 5. It fails to report the evidence of an excessive moisture condition (corroded pipes)
9 in the substructure.

10 6. It fails to report the evidence of drywood termites in the attic.

11 7. It fails to report the full extent of the drywood termite damage in the attic.

12 8. It fails to contain a proper recommendation for the reported drywood termite
13 damage in the attic.

14 9. It fails to report the full extent of the evidence of drywood termites in the garage.

15 10. It fails to contain a proper recommendation for the reported evidence of drywood
16 termites in the garage. Evidence present in the garage indicates the infestations extend into
17 inaccessible areas.

18 11. It fails to report the drywood termite damage in the garage.

19 12. It fails to report the full extent of the evidence of drywood termites at the patio.

20 13. It fails to report the full extent of the drywood termite damage at the patio.

21 14. It fails to report the full extent of the decay fungi damage at the patio.

22 15. It fails to contain a proper recommendation for the reported evidence of an
23 excessive moisture condition at the patio. The evidence of the condition, as well as correcting the
24 source of the condition, are both Respondent Satellite's responsibility.

25 16. It fails to report the decay fungi damage at the kitchen window.

26 17. It fails to make a proper recommendation for the reported excessive moisture
27 condition and fungi damage at the side beam and fascia. The evidence of the condition and fungi
28 damage, as well as correcting the source of the condition and fungi damage, are both Respondent

1 Satellite's responsibility.

2 18. It fails to report the evidence of drywood termites at the garage rafter tail.

3 19. It fails to contain a proper recommendation for the reported drywood termite
4 damage at the garage rafter tail. Repairing the damage at the rafter tail is Respondent Satellite's
5 responsibility.

6 20. It fails to report the evidence of drywood termites in the house eaves.

7 21. It fails to report the drywood termite damage in the house eaves.

8 22. It fails to report the decay fungi damage in the house eaves.

9 72. The Board's inspector left a message for C. Wilson, explaining there are issues with
10 the 11/21/11 "complete" inspection report, to contact him once he receives the Compliance
11 Instruction Letter, and not to commence with the work until the inspection report is in
12 compliance. Respondent failed to request a hearing within 20 days of receipt of the ROF, on or
13 about 3:58 p.m. on 11/17/11 by Respondent.

14 73. The Board's inspector checked the Board's records for Respondent Satellite, which
15 still listed its physical address of record as the Vine Street address, but he had discovered that the
16 company was no longer at this address 47 days ago, on 10/27/11.

17 74. On 12/28/11 and 1/03/12, the Board's inspector left telephone messages for C.
18 Wilson about the Compliance Instruction Letter, and explained that he would return the file to the
19 Board's office for disciplinary action, if he did not hear back from him a day or two afterwards.
20 Since C. Wilson left a message for the Board's inspector, stating that he would not do anything
21 with respect to the ROF unless he spoke with other persons at the Board, the file was returned to
22 the Board for disciplinary action due to non-compliance with the ROF.

23 75. On 1/4/12, the Board's inspector performed a WDO Activity Search on the subject
24 company, from 11/17/11, the date the ROF was received, to 1/04/12, to ascertain how many
25 WDO activities it filed with the Board after receipt of the ROF, and to ascertain whether it had
26 filed its 11/21/11 "complete" inspection report on the incident address with the Board. The
27 results of the WDO Activity Search disclosed the subject company had filed six WDO activities
28 with the Board, which included the 11/21/11 "complete" inspection report. This WDO Activity

1 Search, like the ones he had previously printed, failed to show that Respondent Satellite was
2 filing any completion notices with the Board.

3 76. Besides disclosing that no completion notices were being filed with the Board, the
4 WDO Activity Search also disclosed that another licensee, FR 46562, issued to, Justin J. Francis
5 (Francis), a Branch 2 licensee, associated with a company in Central California, was performing
6 WDO inspections for the subject company. The Board's inspector concluded that it was likely
7 that, when filing WDO activities with the Board, Respondent had transposed the last three
8 numbers of a licensee associated with the subject company, Ricardo Alonso Wilson III (Wilson
9 III), who has License number, FR 46265.

10 77. The Board's inspector expanded the WDO Activity Search on Respondent Satellite,
11 checking on the WDO activities it filed with the Board from 1/01/10. The results of the WDO
12 Activity Search disclosed the subject company filed 68 WDO activities with the Board during this
13 period. Of the 68 WDO activities filed with the Board, none were completion notices. The
14 Board's inspector found only one address listed twice, which involved a "reinspection" inspection
15 report. Respondent company's 8/30/11 (8/28/11) "reinspection" inspection report was filed with
16 the Board twice. It would not be practical to think that a company could successfully operate a
17 termite division, without completing a single termite job in two years.

18 78. The WDO Activity Search disclosed that Respondent Satellite filed three WDO
19 activities with the Board involving the incident address. The WDO activities are the, 5/14/10
20 "complete" inspection report, which is subject company report No. 10035; the 8/30/11
21 "reinspection" inspection report, which is subject company report No. 10179, which was
22 incorrectly filed with the Board as being done, on 8/28/11; and the 11/21/11 "complete"
23 inspection report, which is subject company report No. 10202. According to the report numbers,
24 there is a difference of 144 report numbers between the 5/14/10 and 8/30/11 inspection reports,
25 yet, there are only 35 WDO activities filed with the Board during this period. Furthermore, there
26 is a difference of 23 report numbers between the 8/30/11 and 11/21/11 inspection reports, yet,
27 there are only 17 WDO activities filed with the Board during this period. There are only 52 of
28 167 report numbers accounted for on the WDO Activity Search, and with the WDO Activity

1 Search not showing any completion notices being filed with the Board, the Board's inspector is
2 convinced the subject company is not filing all of its WDO activities with the Board.

3 79. Four of the WDO activities the subject company filed with the Board were filed as
4 having been done by License number, OPR 11142, which is issued to C. Wilson, in Branch 2
5 (general pest control) only. Therefore, this license cannot be used to perform WDO inspections.
6 At one time, C. Wilson was licensed in Branch 3 (wood-destroying pests), FR 31811, but the
7 license expired and was subsequently cancelled, on 6/30/05.

8 80. Complainant, depending on what is found during the course of the repair work, has
9 been left with at least \$10,000 worth of work to do, for which Respondent should be held
10 accountable.

11 81. On 1/10/12, the Board's inspector contacted the complainant for an update, who
12 indicated that Respondent Satellite had not returned to the incident address after the Board's
13 inspector issued the Compliance Instruction Letter. The complainant confirmed that C. Wilson
14 performed the 8/30/11 WDO inspection, and that both C. Wilson and R. Wilson performed the
15 11/21/11 WDO inspection.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Code Regulations)**

18 82. Respondent Satellite's registration and Respondent R. Wilson's Operator's license are
19 subject to discipline under Section 8641, in that, concerning the Property, Respondents failed to
20 comply with the following Sections:

21 **Section 8650(a):**

22 a. Acting in the capacity of a registered company under a name that is different than the
23 name set forth upon the company registration. The subject company's 5/14/10 "complete"
24 inspection report, 8/29/11 letter to the Board, 8/30/11 "complete" inspection report, 10/28/11 and
25 11/11/11 fax cover sheets, the 11/21/11 "complete" inspection report and the 12/2/11 fax cover
26 sheet, all identify Respondent company as Satellite Pest Management Services, even though the
27 company is registered as Satellite Pest Control.

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1 **Section 8516(b) and California Code of Regulations, title 16, Section 1993:**

2 b. Respondents failed to issue an inspection report on a form approved by the Board,
3 and the Board's address, which was changed in March of 2008, was listed incorrectly at the
4 bottom of the first page for the 5/14/10, 8/30/11 and 11/21/11 "complete" inspection reports.

5 **Section 8516(b)(1) and California Code of Regulations, title 16, Section 1990(a)(1) and**
6 **(a)(2):**

7 c. Respondents failed to issue an inspection report that contained the name, license
8 number and signature of the Branch 3 licensee performing the inspection. The 5/14/10
9 "complete" inspection report contains the name and signature of an individual who is not a
10 licensee of the Board, and what appears to be a date for the license number. The WDO Activity
11 Searches disclosed that the WDO inspection was performed by Field Representative Bobby
12 Burgess, FR 43885.

13 **Section 8638 and California Code of Regulations, title 16, Section 1991(a)(2):**

14 d. Respondents failed to complete the work, regarding the removal of the cellulose
15 debris in the substructure, reported on the 5/14/10 "complete" inspection report. Cellulose debris
16 remains throughout the substructure.

17 **Section 8638 and California Code of Regulations, title 16, Section 1991(a)(5):**

18 e. Respondents failed to complete the work, regarding the treatment of the decay fungi
19 at the patio, reported on the 5/14/10 "complete" inspection report. Decay fungi damage remains at
20 the reported areas.

21 **Section 8638:**

22 f. Respondents failed to exterminate the evidence of drywood termites, reported on the
23 5/14/10 "complete" the inspection report, through the use of a secondary chemical treatment.
24 Active drywood termite infestations remain at the reported areas in the house and garage.
25 Fumigation, or another all-encompassing method of treatment, is required to eliminate the
26 infestations.

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1 **Section 8613:**

2 g. Respondents failed to notify the Board in writing of a change in the location of its
3 principal office within 30 days of the change. Respondent Satellite has not been at its physical
4 address of record with the Board, on Vine Street, since approximately October of 2011. As of
5 January of 2012, Board records indicate it is still on Vine Street. The Board has no idea where
6 the subject company is located.

7 **Section 8652:**

8 h. Respondents failed to make records available, as set forth in Paragraphs 48 and 58
9 above. Furthermore, Respondent Satellite does not currently have a physical location, as set forth
10 in Paragraph 56, above.

11 **Section 8622:**

12 i. Respondents failed to comply with the ROF within the required 30 days. The ROF
13 was received at the subject company on 11/17/11, and as of 1/9/12, the subject company has not
14 commenced with the work, or prepared and delivered an inspection report that is in compliance.

15 **Section 8516(b)(6) and California Code of Regulations, title 16, Section 1996.3(b)(4):**

16 j. Respondents failed to accurately file WDO activities with the Board. The 8/30/11
17 "complete" inspection report was filed with the Board as being performed on 8/28/11, and
18 represented it was performed by R. Wilson, when C. Wilson actually performed the WDO
19 inspection. Also, WDO activities performed by Wilson III, FR 46265, were mistakenly filed with
20 the Board as being done by Francis, FR 46562.

21 **Sections 8550(a), 8550(c) and 8550(d):**

22 k. Performing Branch 3 WDO inspections without being properly licensed. Respondent
23 Satellite has filed four WDO inspections with the Board as having been done by C. Wilson, using
24 his Branch 2 Operator's license, OPR 11142. C. Wilson was previously a Branch 3 licensee, but
25 his license, FR 31811, expired on 6/30/05, and was subsequently cancelled.

26 **Sections 8550(a), 8550(c) and 8550(d):**

27 l. Performing Branch 3 WDO inspections without being properly licensed. In his
28 8/29/11 letter to a Board employee, C. Wilson states that he inspected the incident address, on

1 8/29/11 (actually 8/30/11), which was confirmed by the complainant. C. Wilson is currently a
2 Branch 2 licensee only. C. Wilson was previously a Branch 3 licensee, but his license, FR 31811,
3 expired on 6/30/05, and was subsequently cancelled.

4 **Violation of Statement of Issues Case No. 2011-8:**

5 m. Violation of the Statement of Issues, dated 9/2/10. The Statement of Issues, under No.
6 7, Other Matters, states, if C. Wilson's license application is denied, which it was, he shall be
7 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
8 responsible managing employee of a registered company, and the employment, election or
9 association of such person by a registered company is grounds for disciplinary action. Board
10 records indicate C. Wilson is the subject company owner and Branch 2 Qualifying Manager.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Failure to Report)**

13 83. Respondent R. Wilson, as an inspector, is subject to disciplinary action under Code
14 sections 8516, subdivisions (b)(6) and (b)(7), and 8620, in that Respondent failed to report items
15 in separate inspection reports regarding the Property. The circumstances are as follows:

16 a. Failure to report the cellulose debris in the substructure, on the 8/30/11 "complete"
17 inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(3) of
18 the California Code of Regulations, title 16.

19 b. Failure to report the full extent of the evidence of drywood termites in the
20 substructure, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections
21 8516(b)(6) and 8516(b)(7) and Section 1990(a)(3) of the California Code of Regulations, title 16.

22 c. Failure to report the drywood termite damage in the substructure, on the 8/30/11 and
23 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and
24 Section 1990(a)(4) of the California Code of Regulations, title 16.

25 d. Failure to report the evidence of an excessive moisture condition (water stains) in the
26 substructure, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections
27 8516(b)(6) and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

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1 e. Failure to report the evidence of an excessive moisture condition (corroded pipes) in
2 the substructure, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of
3 Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(5) of the California Code of
4 Regulations, title 16.

5 f. Failure to report the evidence of drywood termites and drywood termite damage in
6 the attic, on the 8/30/11 "complete" inspection report, in violation of Sections 8516(b)(6) and
7 8516(b)(7) and Section 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

8 g. Failure to report the evidence of drywood termites and the full extent of the drywood
9 termite damage in the attic, on the 11/21/11 "complete" inspection report, in violation of Sections
10 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of
11 Regulations, title 16.

12 h. Failure to make a recommendation for the reported drywood termite damage in the
13 attic, on the 11/21/11 "complete" inspection report, in violation of Section 8516(b)(10) and
14 Section 1991(a)(5) of the California Code of Regulations, title 16.

15 i. Failure to report the full extent of the evidence of drywood termites in the garage, on
16 the 8/30/11 and 11/21/11 "complete" inspection reports in violation of Sections 8516(b)(6) and
17 8516(b)(7) and Section 1990(a)(3) of the California Code of Regulations, title 16.

18 j. Failure to report the drywood termite damage, inside and outside of the garage, on the
19 8/30/11 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and
20 Section 1990(a)(4) of the California Code of Regulations, title 16.

21 k. Failure to report the drywood termite damage, inside the garage, on the 11/21/11
22 "complete" inspection report, in violation of Section 8516(b)(7) and Section 1990(a)(4) of the
23 California Code of Regulations, title 16.

24 l. Failure to report the evidence of drywood termites and drywood termite damage at
25 the patio, on the 8/30/11 "complete" inspection report in violation of Sections 8516(b)(6) and
26 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

27 m. Failure to report the full extent of the evidence of drywood termites and drywood
28 termite damage at the patio, on the 11/21/11 "complete" inspection report, in violation of Sections

1 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of
2 Regulations, title 16.

3 n. Failure to report the dry rot (decay fungi damage) at the patio, on the 8/30/11
4 "complete" inspection report., in violation of Sections 8516(b)(6) and 8516(b)(7) and Section
5 1990(a)(4) of the California Code of Regulations, title 16.

6 o. Failure to report the full extent of the decay fungi damage at the patio, on the
7 11/21/11 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and
8 Section 1990(a)(4) of the California Code of Regulations, title 16.

9 p. Failure to report the evidence of an excessive moisture condition (water stains) at the
10 patio framing, on the 8/30/11 "complete" inspection report, in violation of Sections 8516(b)(6)
11 and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

12 q. Failure to report the decay fungi damage at the kitchen window, on the 8/30/11 and
13 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and
14 Section 1990(a)(4) of the California Code of Regulations, title 16.

15 r. Failure to report the evidence of drywood termites and drywood termite damage in
16 the house eaves, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of
17 Sections 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California
18 Code of Regulations, title 16.

19 s. Failure to report the decay fungi damage in the house eaves, on the 8/30/11 and
20 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and
21 Section 1990(a)(4) of the California Code of Regulations, title 16.

22 t. Failure to make a proper recommendation, regarding the reported evidence of
23 drywood termites, on the 8/30/11 and 11/21/11 "complete" inspection reports. The
24 recommendations failed to include a recommendation to cover or remove the accessible evidence
25 of infestation, in violation of Section 8516(b)(10) and Section 1991(a)(8) of the California Code
26 of Regulations, title 16.

27 u. Failure to make a proper recommendation, regarding the reported evidence of
28 drywood termites in the garage, on the 11/21/11 "complete" inspection report. Evidence present

1 in the garage indicates the infestations extend into inaccessible areas, which would require an all-
2 encompassing method of treatment, not a localized chemical treatment, in violation of Section
3 8516(b)(10) and Section 1991(a)(8) of the California Code of Regulations, title 16.

4 v. Failure to make a recommendation for further inspection and the issuance of a
5 "supplemental" inspection report, regarding the inaccessible portion of the garage due to storage,
6 on the 8/30/11 "complete" inspection report, in violation of Sections 8516 and 8516(b)(10) and
7 Section 1993(d) of the California Code of Regulations, title 16.

8 w. Failure to make a proper recommendation, regarding the reported cellulose debris in
9 the substructure, on the 11/21/11 "complete" inspection report. Cellulose debris in contact with
10 the soil, is required to be removed from the substructure; not treated, in violation of Section:
11 8516(b)(10) and Section 1991(a)(2) of the California Code of Regulations, title 16.

12 x. Failure to make a proper recommendation for the reported evidence of an excessive
13 moisture condition at the patio, on the 11/21/11 "complete" inspection report, in violation of
14 Section 8516(b)(10).

15 y. Failure to make a proper recommendation for the reported excessive moisture
16 condition and fungi damage at the side beam and fascia, on the 11/21/11 "complete" inspection
17 report, in violation of Section 8516(b)(10).

18 z. Failure to make a proper recommendation for the reported drywood termite damage at
19 the garage rafter tail, on the 11/21/11 "complete" inspection report, in violation of Section:
20 8516(b)(10).

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Failure to Report)**

23 84. Respondent Bobby Burgess, FR 43885, is subject to disciplinary action under Code
24 sections 8516, subdivisions (b)(6) and (b)(7), and 8620, in that Respondent failed to report items
25 in separate inspection reports regarding the Property. The circumstances are as follows:

26 a. Failure to report the full extent of the evidence of drywood termites in the
27 substructure, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and
28 8516(b)(7) and Section: 1990(a)(3) of the California Code of Regulations, title 16.

1. b. Failure to report the drywood termite damage in the substructure, on the 5/14/10
2 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section
3 1990(a)(4) of the California Code of Regulations, title 16.

4 c. Failure to report the evidence of an excessive moisture condition (water stains) in the
5 substructure, on the 5/14/10 "complete" inspection reports, in violation of Sections 8516(b)(6)
6 and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

7 d. Failure to report the evidence of an excessive moisture condition (corroded pipes) in
8 the substructure, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6)
9 and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations title 16.

10 e. Failure to report the evidence of drywood termites and drywood termite damage in
11 the attic, on the 5/14/10 "complete" inspection report in violation of Sections 8516(b)(6) and
12 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

13 f. Failure to report the full extent of the evidence of drywood termites in the garage, on
14 the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and
15 Section 1990(a)(3) of the California Code of Regulations, title 16.

16 g. Failure to report the drywood termite damage, inside and outside of the garage, on the
17 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and
18 Section 1990(a)(4) of the California Code of Regulations, title 16.

19 h. Failure to report the evidence of drywood termites and drywood termite damage at
20 the patio, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and
21 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

22 i. Failure to report the evidence of an excessive moisture condition (water stains) at the
23 patio framing, on the 5/14/10 "complete" inspection report in violation of Sections 8516(b)(6)
24 and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

25 j. Failure to report the decay fungi damage at the kitchen window, on the 5/14/10
26 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section
27 1990(a)(4) of the California Code of Regulations, title 16.

1 k. Failure to report the evidence of drywood termites and drywood termite damage in
2 the house eaves, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6)
3 and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations,
4 title 16.

5 l. Failure to report the decay fungi damage in the house eaves, on the 5/14/10
6 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section
7 1990(a)(4) of the California Code of Regulations, title 16.

8 m. Failure to make a proper recommendation, regarding the reported cellulose debris in
9 contact in the soil in the substructure, which is required to be removed, on the 5/14/10 "complete"
10 inspection report, in violation of Section 8516(b)(10) and Section 1991(a)(2) of the California
11 Code of Regulations, title 16.

12 n. Failure to make a proper recommendation, regarding the reported evidence of
13 drywood termites, on the 5/14/10 "complete" inspection report. The recommendations failed to
14 include a recommendation to cover or remove the accessible evidence of infestation, in violation:
15 of Section 8516(b)(10) and Section 1991(a)(8) of the California Code of Regulations, title 16.

16 o. Failure to make a proper finding and recommendation, regarding the reported decay
17 fungi, on the 5/14/10 "complete" inspection report. The findings failed to identify the excessive
18 moisture conditions responsible for the infections, and the recommendations failed to include a
19 recommendation to correct the excessive moisture conditions responsible for the infections, in
20 violation of Section: 8516(b)(10) and Section 1991(a)(5) of the California Code of Regulations,
21 title 16.

22 p. Failure to make a proper recommendation, regarding the reported evidence of
23 drywood termites, on the 5/14/10 "complete" inspection report. Even though all of the drywood
24 termite infestations are in the same structure, some of the drywood termite recommendations
25 contained both primary (fumigation) and secondary recommendations (treatment) and others
26 contained only a primary recommendation for treatment, in violation of Section: 8516(b)(10) and
27 Sections 1991(a)(8) and 1992 of the California Code of Regulations, title 16.

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q. Failure to make proper secondary recommendations on the 5/14/10 "complete" inspection report, which fails to contain a full explanation as to why they were made and failed to indicate they are below standard measures, in violation of Section 8516(b)(10) and Section 1992 of the California Code of Regulations, title 16.

r. Failure to indicate on the 5/14/10 “complete” inspection report diagram, the approximate location of finding, 4A, in violation of Section 8516(b)(6) and Section 1990 of the California Code of Regulations, title 16.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Complete Work)

85. Respondents Satellite and R. Wilson are subject to disciplinary action pursuant to Code section 8638 in that they failed to complete work they contracted to perform at the Property as set forth in Paragraphs 38-82 above, which are incorporated by reference as though set forth in full here.

FIFTH CAUSE FOR DISCIPLINE

(Acting in Capacity of Registered Company Under Name Not Appearing on Registration)

86. Respondents Satellite and R. Wilson are subject to disciplinary action under Code sections 8620 and 8650, subdivision (a) in that Respondents acted in the capacity of a registered company, Satellite Pest Control, under a name that does not appear on the company registration with the Board, Satellite Pest Management Services. The circumstances are set forth in the preceding Paragraphs 40, 54, 70 and 82a, which are incorporated by reference herein as though set forth in full.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Board's Notice)

87. Respondents Satellite and R. Wilson are subject to disciplinary action pursuant to Code section 8622, in conjunction with section 8641, in that Respondents failed to comply with the ROF Notice. The circumstances are that Respondents failed to bring the subject property into compliance by correcting all of the items described in the Report of Findings within thirty (30) calendar days from their receipt of the Board's notice on 11/17/11.

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1 the penalty of perjury, that he had completed the required continuing education requirements. In
2 the Statement of Issues, under No. 7, "Other Matters", it states if C. Wilson's application is
3 denied, which it was, C. Wilson shall be prohibited from serving as an officer, director, associate,
4 partner, qualifying manager, or responsible managing employee of a registered company, and the
5 employment, election or association of such person by a registered company is grounds for
6 disciplinary action. Board records indicate C. Wilson is Respondent Satellite's owner and Branch
7 2 Qualifying Manager.

8 93. On or about December 9, 2011, the Decision in Accusation No. 2010-67 ordered
9 Operator's License No. OPR 11142, issued to C. Wilson, revoked, stayed and three years'
10 probation, to file quarterly reports, and pay the Board \$900 for the unpaid fine in CF 04-155,
11 within 30 days.

12 94. On or about January 9, 2012, the Field Representative's License 31811, issued to C.
13 Wilson, paid a \$900 fine levied to the Board for violation of Section 8593 and California Code of
14 Regulations, title 16, Section 1950.

15 **OTHER MATTERS**

16 95. Pursuant to Section 8654 of the Code, if Operator's License No. OPR 11142, issued
17 to Respondent Cory Rico Wilson, is suspended or revoked, he shall be prohibited from serving as
18 an officer, director, associate, partner, qualifying manager, or responsible managing employee for
19 any registered company during the time the discipline is imposed, and any registered company
20 which employs, elects, or associates Respondent Cory Rico Wilson shall be subject to
21 disciplinary action.

22 96. Pursuant to Section 8654 of the Code, if Operator's License No. OPR 11859, issued
23 to Respondent Ricardo Alonso Wilson, is suspended or revoked, he shall be prohibited from
24 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
25 employee for any registered company during the time the discipline is imposed, and any
26 registered company which employs, elects, or associates Respondent Ricardo Alonso Wilson
27 shall be subject to disciplinary action.
28

97. Pursuant to Section 8654 of the Code, if Field Representative License No. FR 43885, issued to Respondent Bobby Burgess, is suspended or revoked, 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 Bobby Burgess shall be subject to disciplinary action.

98. Pursuant to Section 8624 of the Code, the causes for discipline established as to Respondent Satellite constitute cause for discipline against Respondent Cory R. Wilson as Owner and Qualifying Manager regardless of whether he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent Satellite.

99. Pursuant to Section 8624 of the Code, the causes for discipline established as to Respondent Satellite constitute cause for discipline against Respondent Ricardo Wilson as Qualifying Manager regardless of whether he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent Satellite.

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 Certificate Number PR 5201, issued to Satellite Pest Control and Cory Wilson;

2. Revoking or suspending Operator's License No. OPR 11859 issued to Ricardo Alonso Wilson;

3. Revoking or suspending Operator's License No. OPR 11142 and Field Representative's License No. FR 47359 issued to Cory Rico Wilson;

4. Revoking or suspending Field Representative's License No. FR 43885 issued to Bobby Burgess;

5. Prohibiting Ricardo Alonso Wilson from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Company Registration Certificate Number PR 5201,

1 issued to Satellite Pest Control, Operator's License No. OPR 11859, or Field Representative's
2 License No. FR 43885;

3 6. Prohibiting Cory Rico Wilson from serving as an officer, director, associate, partner,
4 qualifying manager or responsible managing employee of any registered company during the
5 period that discipline is imposed on Company Registration Certificate Number PR 5201, issued to
6 Satellite Pest Control, Operator's License No. OPR 11859, or Field Representative's License No.
7 FR 43885;


8 7.. Prohibiting Bobby Burgess from serving as an officer, director, associate, partner,
9 qualifying manager or responsible managing employee of any registered company during the
10 period that discipline is imposed on Company Registration Certificate Number PR 5201, issued to
11 Satellite Pest Control;

12 8. Ordering Satellite Pest Control, Ricardo Alonso Wilson, Cory Rico Wilson and
13 Bobby Burgess to pay the Structural Pest Control Board the reasonable costs of the investigation
14 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

15 9. Ordering restitution of all damages according to proof suffered by T.J. as a condition
16 of probation in the event probation is ordered; and

17 10. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 7/26/12


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

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