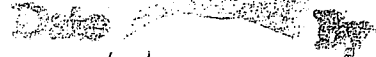


FILED

Date 

6/7/12

*William H. Douglas*

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8  
 9 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
 10 **DEPARTMENT OF PESTICIDE REGULATION**  
**STATE OF CALIFORNIA**

11  
 12 In the Matter of the Accusation Against:

Case No. 2012-58

13 **PLATINUM EXTERMINATORS**  
 14 **LEAH ANN TRIBBLE, QM**  
 847 South Orange Avenue  
 15 West Covina, California 91790

**ACCUSATION**

16 **Company Registration License No. PR 5127, Br. 2 and 3**  
 17 **Operator License No. OPR 7711, Br. 2 and 3**

18 -and-

19 **27614 Potomac Drive**  
 20 **Sun City, Ca. 92586**

21 **JOSE ANTONIO RUIZ**  
 847 South Orange Avenue  
 22 West Covina, California 91790

23 **Operator License No. OPR 12259, Br. 3**  
 24 **Field Representative License No. FR 45946, Br. 2**

25  
 26  
 27  
 28

1 ALLSTAR FUMIGATION, INC.  
2 CHRISTIAN PONCE, PRESIDENT  
3 JAIME CHAVEZ, QM  
4 3756 Dalton Avenue  
5 Los Angeles, Ca. 90018

6  
7 **Company Registration No. PR 5704, Br. 1**  
8 **Operator License No. OPR 11254, Br. 1**

9  
10 COUNTRY WIDE FUMIGATION  
11 JAIME CHAVEZ, QM  
12 P.O. Box 18947  
13 Los Angeles, Ca. 90018

14  
15 **Company Registration License No. PR 6285, Br. 1**  
16 **Operator License No. OPR 11254, Br. 1**

17 Respondents.

18 William H. Douglas ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in his official capacity as the Interim  
21 Executive Officer/Registrar of the Structural Pest Control Board ("Board"), Department of  
22 Pesticide Regulation.

23 **Company Registration Certificate No. PR 5127**

24 2. On or about September 1, 2006, the Board issued Company Registration Certificate  
25 Number PR 5127 ("registration") to Platinum Exterminators ("Respondent or Respondents") in  
26 Branch 3, with Jose Antonio Ruiz as Owner ("Respondent Ruiz or Respondents") and Leah Ann  
27 Tribble ("Respondent Tribble or Respondents") as Qualifying Manager. On or about March 18,  
28 2008, Company Registration Certificate Number PR 5127 was upgraded to include Branches 2  
and 3 and reflected Respondent Tribble as Branch 2 Qualifying Manager. On or about April 2,  
2009, Company Registration Certificate Number PR 5127 reflected the disassociation of  
Respondent Tribble as Branch 2 and 3 Qualifying Manager. On or about July 2, 2009, Company

1 Registration Certificate Number PR 5127 reflected Respondent Tribble as Qualifying Manager.  
2 On or about August 11, 2011, Company Registration Certificate Number PR 5127 reflected the  
3 disassociation of Respondent Tribble as Qualifying Manager. On or about August 23, 2011,  
4 Company Registration Certificate Number PR 5127 reflected Jose Antonio Ruiz as Branch 3  
5 Qualifying Manager. On or about September 20, 2011, Company Registration Certificate Number  
6 PR 5127 was downgraded to include Branch 3 only.

7 **Operator's License No. OPR 7711**

8 3. On or about July 16, 1987, the Board issued Operator's License Number OPR 7711  
9 ("license") in Branch 2 to Respondent Tribble. On or about April 29, 1991, Operator's License  
10 Number OPR 7711 was upgraded to include Branches 2 and 3. On or about September 1, 2006,  
11 Operator's License Number OPR 7711 became the Qualifying Manager of Platinum  
12 Exterminators. On or about March 18, 2008, Operator's License Number OPR 7711 became the  
13 Branch 2 Qualifying Manager of Platinum Exterminators. On or about April 2, 2009, Operator's  
14 License Number OPR 7711 disassociated as the Branch 2 and 3 Qualifying Manager of Platinum  
15 Exterminators. On or about July 2, 2009, Operator's License Number OPR 7711 became the  
16 Branch 2 and 3 Qualifying Manager of Platinum Exterminators. On or about August 11, 2011,  
17 Operator's License Number OPR 7711 disassociated as Qualifying Manager of Platinum  
18 Exterminators. The Operator's license will expire on June 30, 2014, unless renewed.

19 **Operator's License No. OPR 12259**

20 4. On or about August 23, 2011, the Board issued Operator's License Number OPR  
21 12259 ("license") in Branch 3 to Respondent Ruiz as Owner and Branch 3 Qualifying Manager of  
22 Platinum Exterminators. The Operator's license will expire on June 30, 2014, unless renewed.

23 **Field Representative's License No. FR 45946, Br. 2**

24 5. On or about September 14, 2010, the Board issued Field Representative's License  
25 Number FR 45946 ("license") in Branch 2 to Respondent Ruiz. The license will expire on June  
26 30, 2013, unless renewed.

27 ///

28 ///

1           **Company Registration Certificate No. PR 5704**

2           6.     On or about October 20, 2008, the Board issued Company Registration Certificate  
3     Number PR 5704 (“registration”) to Allstar Fumigation, Inc. (“Respondent Allstar or  
4     Respondents”) in Branch 1, with Florencio Ponce as President, Christian Ponce as Vice President,  
5     and Abdul-Aleem Rasheed as Qualifying Manager. On or about May 18, 2009, Company  
6     Registration Certificate Number PR 5704 reflected the disassociation of Abdul-Aleem Rasheed  
7     as Branch 1 Qualifying Manager. On or about February 8, 2010, Company Registration  
8     Certificate Number PR 5704 reflected Raymundo Esteban Gill as Qualifying Manager. On or  
9     about June 14, 2010, Company Registration Certificate Number PR 5704 reflected the  
10    disassociation of Raymundo Esteban Gill as Qualifying Manager. On or about July 9, 2010,  
11    Company Registration Certificate Number PR 5704 reflected Susana Haro as Qualifying  
12    Manager. On or about July 12, 2010, Company Registration Certificate Number PR 5704  
13    reflected the disassociation of Susana Haro as Qualifying Manager. On or about August 12,  
14    2010, Company Registration Certificate Number PR 5704 reflected Jaime Chavez (“Respondent  
15    Chavez or Respondents”) as Qualifying Manager. On or about February 10, 2011, Company  
16    Registration Certificate Number PR 5704 reflected the disassociation of Jaime Chavez as  
17    Qualifying Manager.

18           **Operator’s License No. OPR 11254**

19           7.     On or about January 27, 2006, the Board issued Operator’s License Number OPR  
20    11254 (“license”) in Branch 1 to Respondent Chavez . On or about August 12, 2010, Operator’s  
21    License Number OPR 11254 became the Qualifying Manager of Respondent Allstar. On or about  
22    February 10, 2011, Operator’s License Number OPR 11254 disassociated as the Qualifying  
23    Manager of Respondent Allstar. The Operator’s license will expire on June 30, 2014, unless  
24    renewed.

25           **Company Registration Certificate No. PR 6285**

26           8.     On or about May 5, 2011, the Board issued Company Registration Certificate  
27    Number PR 6285 (“registration”) to Country Wide Fumigation (“Respondent Country Wide or  
28

1 Respondents”) in Branch 1, with Ambar A. Byrami as owner, and Respondent Chavez as  
2 Qualifying Manager.

### 3 JURISDICTION

4 9. Code section 8620 provides, in pertinent part, that the Board may suspend or revoke a  
5 license when it finds that the holder, while a licensee or applicant, has committed any acts or  
6 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil  
7 penalty.

8 10. Code section 8624 states:

9 If the board suspends or revokes an operator's license and one or more branch offices  
10 are registered under the name of the operator, the suspension or revocation may be applied  
11 to each branch office.

12 If the operator is the qualifying manager, a partner, responsible officer, or owner of a  
13 registered structural pest control company, the suspension or revocation may be applied to  
14 the company registration.

15 The performance by any partnership, corporation, firm, association, or registered  
16 company of any act or omission constituting a cause for disciplinary action, likewise  
17 constitutes a cause for disciplinary action against any licensee who, at the time the act or  
18 omission occurred, was the qualifying manager, a partner, responsible officer, or owner of  
19 the partnership, corporation, firm, association, or registered company whether or not he or  
20 she had knowledge of, or participated in, the prohibited act or omission.

21 11. Code section 8625 states:

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

27 12. Code section 8622 states:

28 When a complaint is accepted for investigation of a registered company, the board,  
through an authorized representative, may inspect any or all properties on which a report  
has been issued pursuant to Section 8516 or a notice of completion has been issued  
pursuant to Section 8518 by the registered company to determine compliance with the  
provisions of this chapter and the rules and regulations issued thereunder. If the board  
determines the property or properties are not in compliance, a notice shall be sent to the  
registered company so stating. The registered company shall have 30 days from the receipt  
of the notice to bring such property into compliance, and it shall submit a new original  
report or completion notice or both and an inspection fee of not more than one hundred

1 twenty-five dollars (\$125) for each property inspected. If a subsequent reinspection is  
2 necessary, pursuant to the board's review of the new original report or notice or both, a  
3 commensurate reinspection fee shall also be charged. If the board's authorized  
representative makes no determination or determines the property is in compliance, no  
inspection fee shall be charged.

4 The notice sent to the registered company shall inform the registered company that if  
5 it desires a hearing to contest the finding of noncompliance, the hearing shall be requested  
6 by written notice to the board within 20 days of receipt of the notice of noncompliance from  
the board. Where a hearing is not requested pursuant to this section, payment of any  
assessment shall not constitute an admission of any noncompliance charged.

### 7 STATUTORY PROVISIONS

8 13. Code section 8516 states, in pertinent part:

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

14 Every property inspected pursuant to subdivision (b) of Section 8516.1, or Section  
15 8518, or subdivision (b) of this section shall be assessed a filing fee pursuant to Section  
8674.

16 Failure of a registered company to report and file with the board the address of any  
17 property inspected or work completed pursuant to Section 8516.1, Section 8518, or this  
18 section are grounds for disciplinary action and shall subject the registered company to a fine  
of not more than two thousand five hundred dollars (\$2,500).

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

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

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

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

8 (9) Indication or description of any areas that are inaccessible or not inspected with  
9 recommendation for further inspection if practicable. If, after the report has been made in  
10 compliance with this section, authority is given later to open inaccessible areas, a  
11 supplemental report on conditions in these areas shall be made.

12 (10) Recommendations for corrective measures.

13 14. Code section 8514 states, in pertinent part, that no registered company shall  
14 commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or  
15 statement relating to the control of household pests, or wood destroying pests or organisms until  
16 an inspection has been made.

17 15. Code section 8519 states, in pertinent part:

18 Certification as used in this section means a written statement by the registered  
19 company attesting to the statement contained therein relating to the absence or presence of  
20 wood-destroying pests or organisms and, listing such recommendations, if any, which  
21 appear on an inspection report prepared pursuant to Section 8516, and which relate to (1)  
22 infestation or infection of wood-destroying pests or organisms found, or (2) repair of  
23 structurally weakened members caused by such infestation or infection, and which  
24 recommendations have not been completed at the time of certification.

25 Any registered company which makes an inspection report pursuant to Section 8516,  
26 shall, if requested by the person ordering the inspection report, prepare and deliver to that  
27 person or his or her designated agent, a certification, to provide:

28 (c) When the inspection report prepared pursuant to Section 8516 discloses  
infestation or infection and the notice of work completed prepared pursuant to Section 8518  
indicates that the registered company has not completed all recommendations to remove  
that infestation or infection or to repair damage caused by it: "This is to certify that the  
property described herein is now free of evidence of active infestation or infection in the  
visible and accessible areas except as follows: (describing infestations, infections, damage  
or evidence thereof, excepted)."

This certificate shall be accompanied by a copy of the inspection report prepared  
pursuant to Section 8516, and by a copy of the notice of work completed prepared pursuant  
to Section 8518, if any notice has been prepared at the time of the certification, or the

1 certification may be endorsed on and made a part of that inspection report or notice of work  
2 completed.

3 16. Code section 8525 states:

4 The board, subject to the approval of the director, may, in accordance with Chapter  
5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
6 Code, adopt, amend, repeal, and enforce reasonably necessary rules and regulations relating  
7 to the practice of pest control and its various branches as established by Section 8560 and  
8 the administration of this chapter.

9 17. Code section 8550 subpart (a) states:

10 It is unlawful for any individual to engage or offer to engage in the business or  
11 practice of structural pest control, as defined in Section 8505, unless he or she is licensed under  
12 this chapter.

13 18. Code section 8571 states:

14 If the licensed operator who is designated as the qualifying manager for a registered  
15 company ceases for any reason whatsoever to be connected with the company, the company shall  
16 notify the registrar in writing within 10 days from such cessation. If the notice is given the  
17 registration shall remain in force for a reasonable length of time, to be determined by rules of the  
18 board, during which period the company must submit to the registrar in writing the name of  
19 another qualified, or to be qualified, qualifying manager to replace the qualifying manager who  
20 has ceased to be connected with it, and who shall qualify as such within the time allowed by rules  
21 and regulations of the board.

22 If the company fails to notify the registrar within the 10-day period, or fails to replace  
23 with a qualifying manager within the period fixed by the regulations of the board, at the end of  
24 the period the registration shall be ipso facto suspended. The registration shall be reinstated upon  
25 the filing of an affidavit, executed by a representative of the company, and filed with the registrar,  
26 to the effect that the qualifying manager who ceased to be connected with the company has been  
27 replaced by another operator who is authorized by this chapter to act in such capacity, and that  
28 such operator has not had his or her license suspended or revoked or that he or she has not been  
connected with a company which has had its registration suspended or revoked.

19. Code section 8590 states:

Except as otherwise provided herein, all operator's and field representative's licenses shall  
expire at 12 midnight on June 30 of every third year and all applicator's licenses shall expire  
at 12 midnight three years from the date of issue.

An individual licensed in more than one category may request that each license expire  
on the same date. The date requested shall be the date of the earliest expiration.



1 Every operator and every field representative shall pay a fee for the renewal of his or  
2 her license.

3 The board shall on or before the first day of June of each year mail to each operator  
4 and field representative whose license will expire in that year, addressed to him or her at his  
5 or her last known address, a notice that his or her renewal fee is due and payable and that, if  
6 not paid by June 30, a penalty will be added thereto.

7 In no case shall the penalty be waived.

8 Upon the receipt of the fee the board shall cause the renewal certificate to be issued.

9 20. Code section 8591 states:

10 If delinquency in the payment of the fee for renewal of any license extends beyond three  
11 months, the license shall not be reinstated and the licensee shall be required to obtain a new  
12 license in accordance with the provisions of Article 4 (commencing with Section 8560).

13 21. Code section 8622 states:

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

28 The notice sent to the registered company shall inform the registered company that  
if it desires a hearing to contest the finding of noncompliance, the hearing shall be  
requested by written notice to the board within 20 days of receipt of the notice of  
noncompliance from the board. Where a hearing is not requested pursuant to this section,  
payment of any assessment shall not constitute an admission of any noncompliance  
charged.

1 22. Code section 8638 states:

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 construction repairs or in  
4 any modification of such contract is a ground for disciplinary action.

5 23. Code section 8641 states:

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

11 24. Code section 8642 states:

12 The commission of any grossly negligent or fraudulent act by the licensee as a pest  
13 control operator, field representative, or applicator or by a registered company is a ground  
14 for disciplinary action.

15 **REGULATORY PROVISIONS**

16 25. California Code of Regulations, title 16, section 1916 states:

17 A registered company which notifies the board of the disassociation of its qualifying  
18 manager or branch supervisor within the ten day period prescribed by Section 8571 of the code,  
19 shall be granted a period of thirty (30) days in which to replace such person with another  
20 qualifying manager or branch supervisor. An additional thirty (30) day extension can be granted  
21 by the registrar for good cause.

22 26. California Code of Regulations, title 16, section 1920 subsection (d), states, in  
23 pertinent part:

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

29 27. California Code of Regulations, title 16, section 1990, states, in pertinent  
30 part:

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

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

2 (3) Infestations, infections or evidence thereof.

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

4 (b) Conditions usually deemed likely to lead to infestation or infection include, but are not  
5 limited to:

6 (1) Faulty Grade Level. A faulty grade level exists when the top of any foundation is even  
7 with or below the adjacent earth. The existing earth level shall be considered grade.

8 (2) Inaccessible subareas or portions thereof and areas where there is less than 12 inches  
9 clear space between the bottom of the floor joists and the unimproved ground area.

10 (4) Earth-wood contacts.

11 28. California Code of Regulations, title 16, section 1991, states, in pertinent  
12 part:

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

16 (3) When evidence of moisture, infestations or infections exists as a result of faulty  
17 grade levels, earth fill planters or loose stucco, a recommendation shall be made to correct  
18 the condition. Any method of controlling infestations arising from these conditions is  
considered adequate if the infestation is controlled.

19 (4) Comply with the provisions of section 2516(c)(6.1) of Title 24 of the California  
20 Code of Regulations (Effective July 1992).

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

(6) Comply with the provisions of section 2516(c)(6) of Title 24 of the California  
Code of Regulations.

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

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

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

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

10 1. exposing the infested area(s) for local treatment,

11 2. removing the infested wood,

12 3. using another method of treatment which exterminates the infestation. (If any  
13 recommendation is made for local treatment, the report must contain the following  
14 statement: "Local treatment is not intended to be an entire structure treatment method. If  
15 infestations of wood-destroying pests extend or exist beyond the area(s) of local treatment,  
16 they may not be exterminated.")

17 When a complete inspection is performed, a recommendation shall be made to  
18 remove or cover all accessible pellets and frass of wood-destroying pests.

19 When a limited inspection is performed, the inspection report shall state that the  
20 inspection is limited to the area(s) described and diagrammed. A recommendation shall be  
21 made to remove or cover all accessible pellets and frass of wood-destroying pests in the  
22 limited areas. The limited inspection report shall include a recommendation for further  
23 inspection of the entire structure and that all accessible evidence of wood-destroying pests  
24 be removed or covered.

25 (11) Correct any excessive moisture condition that is commonly controllable. When  
26 there is reasonable evidence to believe a fungus infection exists in a concealed wall or area,  
27 recommendations shall be made to open the wall or area.

28 29. Regulations, Title 16, section 1996.3, states:

(a) The address of each property inspected and/or upon which work was  
completed shall be reported on a form prescribed by the Board and designated as the  
WDO Inspection and Completion Activity Report Form (see Form No. 43M-52 Rev.  
5/03) at the end of this section. This form shall be prepared by each registered  
company and shall comply with all of the requirements pursuant to Section 8516(b),  
and 8518.

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

(1) Company Name

(2) Company registration number

1 (3) Branch office registration number (when a branch office issues an  
inspection report or notice of work completed

2 (4) Date of Activity

3 (5) Address of property inspected or upon which work was  
4 completed, including zip code

5 (6) Activity Code

6 (7) License number of licensee performing the inspection

7 (c) Failure of a registered company to report and file with the Board the  
8 address of any property inspected or upon which work was completed pursuant to  
Section 8516(b) or 8518 are grounds for disciplinary action and subject to a fine of  
not more than two thousand five hundred dollars (\$2,500).

9 **COST RECOVERY/RESTITUTION**

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

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

17 **MORRIS PROPERTY**

18 32. On or about March 3, 2009, at the request of Mark Morris ("Morris"), Respondent  
19 Platinum performed a wood destroying pests and organisms inspection ("WDO") and issued a  
20 complete separated WDO inspection report on the property located at 3056 Motor Avenue, in Los  
21 Angeles ("Morris property"). Respondent Ruiz performed the WDO inspection and prepared the  
22 inspection report containing five findings and recommendations. The Section I findings identified  
23 evidence of subterranean and drywood termites, and termite damaged wood members in the  
24 substructure; termite damaged wood members at the deck and evidence of drywood termites at  
25 the interior of the structure. The Section I recommendations stated to chemically treat the  
26 subterranean and drywood termites, to remove or cover the evidence of infestation and to replace  
27 the termite damage wood members. There were no Section II or Further Inspection findings or  
28

1 recommendations. The inspection report failed to contain any property owner/party of interest  
2 information and failed to contain any information in the Other Tags Posted box.

3 33. On or about March 18, 2009, Respondent Platinum issued a Standard Notice of Work  
4 Completed and Not Completed ("completion notice") on the incident address. The completion  
5 notice certified that all recommendations made by Respondent Ruiz on his March 3, 2009  
6 complete, separated inspection report had been completed. On or about December 9, 2009, at the  
7 request of Mr. Morris, Respondent Platinum performed a WDO inspection and issued a complete,  
8 separated inspection report on the Morris property. Respondent Ruiz performed the WDO  
9 inspection and prepared an inspection report containing a Section I finding of evidence of  
10 drywood termites at the interior of the structure. The Section I recommendation stated to  
11 chemically treat visible and accessible infestations and to remove or cover accessible pellets. The  
12 inspection report failed to contain any property owner/party of interest information.

13 34. On or about December 11, 2009, Respondent Platinum issued a completion notice on  
14 the Morris property. The completion notice certified that the recommendation made by  
15 Respondent Ruiz on his December 9, 2009 report had been completed. On or about November 26,  
16 2010, at the request of Mr. Morris, Respondent Platinum performed a WDO inspection and issued  
17 an inspection report on the Morris property. Respondent Ruiz performed the WDO inspection and  
18 documented finding evidence of drywood termites on the interior of the structure. The Section I  
19 recommendation stated to fumigate the structure for drywood termites and to remove or cover the  
20 evidence of infestation. There were no Section II or Further inspection findings or  
21 recommendations. The inspection report failed to contain any property owner/party of interest  
22 information. On or about November 30, 2010, Respondent Platinum issued a completion notice  
23 on the Morris property. The completion notice certified that the recommendation made by  
24 Respondent Ruiz on his November 26, 2010 report had been completed. In fact, the fumigation  
25 on the Morris property had been completed by Respondent Allstar. Further, the completion notice  
26 failed to contain a proper certification statement.

27 35. On or about June 22, 2011, Mr. Morris filed a complaint with the Board, alleging that  
28 Respondent Allstar failed to exterminate the termites after Respondent Platinum hired it to

1 fumigate the Morris property. On or about October 10, 2011, Board inspector Steven R. Smith  
2 (“Smith”) inspected the Morris property and found evidence of drywood termites on top of the  
3 kitchen cabinets falling from a ceiling beam, evidence of drywood termites in a kitchen cabinet,  
4 evidence of drywood termites in a ceiling beam inside of the kitchen utility closet, evidence of  
5 drywood termites on the kitchen doorsill, falling out the door, evidence of drywood termites in a  
6 bathroom cabinet, and evidence of drywood termite swarmers in an office window.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Failure to Complete Fumigation)**

9 36. Respondent Platinum and Respondent Tribble are subject to discipline under Code  
10 section 8641, in that on or about November 2010, concerning the Morris property, Respondents  
11 failed to comply with Code section 8638 in that Respondents failed to complete the fumigation  
12 contracted to Allstar Fumigation, Inc. as further set forth in paragraphs 26-29 which are  
13 incorporated hereto as though fully set forth herein.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Name Property Owner on Inspection Report)**

16 37. Respondents Platinum Exterminators and Tribble are subject to disciplinary action  
17 under Section 8516, subdivision (b) (3) in that Respondents’ reports on the Morris property dated  
18 March 3, 2009, December 9, 2009, and November 26, 2010, failed to contain any property  
19 owner/party of interest information as further set forth in paragraphs 26-29 which are  
20 incorporated hereto as though fully set forth herein.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Incorrect License Number on Inspection Report)**

23 38. Respondents Platinum Exterminators and Tribble are subject to discipline under  
24 Section 8641, in that Respondents failed to comply with California Code of Regulations, title 16,  
25 section 1990 subsection (a)(1) in that Respondents failed to issue an inspection report that  
26 contained the correct license number of the person making the inspection. The November 26,  
27 2010 inspection report contains the license number for Respondent Ruiz, i.e. FR 43098 which  
28

1 was cancelled on June 30, 2010. Respondent Ruiz was issued license number FR 45946 on  
2 September 23, 2010.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Contain Proper Certification Statement)**

5 39. Respondents Platinum Exterminators and Tribble are subject to discipline under  
6 Section 8641, in that Respondents failed to comply with Section 8519 subsection (b) of the Code  
7 in that Respondents inspection report dated November 30, 2010, fails to contain a proper  
8 certification statement as further set forth in paragraphs 26-29 which are incorporated hereto as  
9 though fully set forth herein.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Failure to File and/or Timely File WDO Activities)**

12 40. Respondents Platinum Exterminators and Tribble are subject to disciplinary action  
13 under Section 8516, subdivision (b) and subdivision (a) of Section 1996.3 of title 16 of the  
14 California Code of Regulations, in that Respondents failed to file WDO<sup>1</sup> activities reports with  
15 the Board, within 10 business days after commencement of inspection or upon completed work.  
16 The results of a WDO Activity Search by the Board disclosed that Respondents failed to file with  
17 the Board their November 26, 2010 inspection report and November 30, 2010 completion notice.  
18 In addition, Respondents March 18, 2009 completion notice was filed with the Board as having  
19 been issued on March 4, 2009. Complainant hereby incorporates paragraphs 26-29 which are  
20 incorporated hereto as though fully set forth herein.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Failure to File and/or Timely File WDO Activities)**

23 41. Respondent Ruiz is subject to disciplinary action under Code Section 8516, and  
24 Section 1996.1 subsection (c) of title 16 of the California Code of Regulations, in that Respondent  
25 Ruiz failed to include Other Tags Posted Information on the March 3, 2009 inspection report.  
26

27 <sup>1</sup> The abbreviation "WDO" stands for the Wood Destroying Organism Inspection and  
28 Completion Activity Report Form (see Form No. 43M-52 Rev. 5/03).



1 Complainant hereby incorporates paragraphs 26-29 which are incorporated hereto as though fully  
2 set forth herein.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Complete Work)**

5 42. Respondents Allstar and Chavez are subject to disciplinary action under Code Section  
6 8638, in that Respondents failed to complete the work on the Morris property in November 2010.  
7 Moreover, active drywood termites were found after the completion of the fumigation.

8 Complainant hereby incorporates paragraphs 26-29 which are incorporated hereto as though fully  
9 set forth herein.

10 **EIGHTH CAUSE FOR DISCIPLINE**

11 **(Failure to Notify Board of Change of Address and/or**  
12 **Change of Location of Principle Office)**

13 43. Respondents Country Wide and Chavez are subject to disciplinary action under Code  
14 Section 8613, and Section 1911 of title 16 of the California Code of Regulations in that  
15 Respondents failed to notify the Board in writing of a change in the location of Country Wide's  
16 principal office within thirty (30) days of the change. Moreover, Respondent Chavez failed to  
17 notify the Board of a change in address within ten (10) days of the change. Complainant hereby  
18 incorporates paragraphs 26-29 which are incorporated hereto as though fully set forth herein.

19 **NINTH CAUSE FOR DISCIPLINE**

20 **(Performing WDO Inspections With**  
21 **An Expired/Delinquent License)**

22 44. Respondents Platinum, Tribble and Ruiz are subject to disciplinary action under Code  
23 Sections 8590 and 8591 in that Respondent Platinum performed WDO inspections on or about  
24 August 30, 2010 and September 1, 2010, with a license, FR 43098, that expired on or about June  
25 30, 2010, and was cancelled on or about September 2, 2010.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 (Failure to Notify Board in Writing Within

3 Ten Days of Disassociation of Qualifying Manager)

4 49. Respondents Platinum Exterminators and Ruiz are subject to disciplinary action under  
5 Section 8506.2 and Sections 1916 and 1996.3 subpart (b) of title 16 of the California Code of  
6 Regulations, in that Respondents engaged in the practice of structural pest control without a  
7 qualifying manager in that Respondents filed five WDO activities with the Board for activities  
8 between August 11, 2011, and August 22, 2011 when Respondent Platinum had no qualifying  
9 manager.

10 **FIFTEENTH CAUSE FOR DISCIPLINE**

11 (Grossly Negligent or Fraudulent Act(s))

12 50. Respondents Platinum Exterminators and Ruiz are subject to disciplinary action under  
13 Section 8642, in that Respondents changed the license number on WDO inspection reports dated  
14 March 18, 2009, July 6, 2009, August 30, 2010, September 1, 2010, and November 26, 2010  
15 from his previous Field Representative's license, FR 43098, to his current Operator's license,  
16 OPR 12259. Respondent Ruiz Operator's license, OPR 12259, was not even issued until August  
17 23, 2011. In addition, the inspection report the Board received for the property located at 16509  
18 Knollwood Drive, Granada Hills, Ca. is dated August 25, 2011, yet the report was filed with the  
19 Board as having been performed on September 10, 2010.

20 **DISCIPLINARY CONSIDERATIONS**

21 **Company Registration No. PR 5127**

22 51. On or about January 31, 2008, a fine in the amount of \$250 was levied against the  
23 registration by the Los Angeles County Agricultural Commissioner for violating California Code  
24 of Regulations, title 16, section 6724.

25 52. On or about September 10, 2008, a fine in the amount of \$1800 was levied against the  
26 registration by the Board for violating section 8640 of the Business and Professions Code.

27 **Operator License No. OPR 7711**

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1           53. On or about September 10, 2008, a fine in the amount of \$1800 was levied against the  
2 Operator license by the Board for violating section 8640 of the Business and Professions Code.

3           **Company Registration No. PR 5704**

4           54. On or about May 3, 2010, a fine in the amount of \$2500 was levied against the  
5 registration by the Board for violating section 8652 of the Business and Professions Code. The  
6 remaining balance due is \$1500.00.

7           55. On or about September 12, 2010, a fine in the amount of \$500 was levied against the  
8 registration by the Los Angeles County Agricultural Commissioner for violating section 1970.4  
9 of the California Code of Regulations and section 8505.10 of the Business and Professions Code.

10          56. On or about May 23, 2011, a fine in the amount of \$1200 was levied against the  
11 registration by the Los Angeles County Agricultural Commissioner for violating section 8698.1  
12 of the Business and Professions Code and section 15204 of the Food and Agriculture Code. The  
13 fine has not been paid.

14          57. On or about May 23, 2011, a fine in the amount of \$400 was levied against the  
15 registration by the Los Angeles County Agricultural Commissioner for violating section 15204 of  
16 the Food and Agriculture Code. The fine has not been paid.

17          58. On or about May 23, 2011, a fine in the amount of \$400 was levied against the  
18 registration by the Los Angeles County Agricultural Commissioner for violating section 15204 of  
19 the Food and Agriculture Code. The fine has not been paid.

20          59. On or about May 23, 2011, a fine in the amount of \$1900 was levied against the  
21 registration by the Los Angeles County Agricultural Commissioner for violating section 6600(b)  
22 of the California Code of Regulations and section 15204 of the Food and Agriculture Code. The  
23 fine has not been paid.

24           **Operator License No. OPR 11254**

25          60. On or about April 17, 2009, a fine in the amount of \$400 was levied against the  
26 Operator license by the Los Angeles County Agricultural Commissioner for violating section  
27 6600(b) of the California Code of Regulations.

28

1           61. On or about May 23, 2010, a fine in the amount of \$400 was levied against the  
2 Operator license by the Los Angeles County Agricultural Commissioner for violating section  
3 15204 of the Food and Agriculture Code. The fine has not been paid.

4           62. On or about November 10, 2011, a fine in the amount of \$400 was levied against the  
5 Operator license by the Los Angeles County Agricultural Commissioner for violating section  
6 15204 of the Food and Agriculture Code.

7           63. On or about November 10, 2011, a fine in the amount of \$250 was levied against the  
8 Operator license by the Los Angeles County Agricultural Commissioner for violating section  
9 6780 of the California Code of Regulations.

10           64. On or about November 10, 2011, a fine in the amount of \$250 was levied against the  
11 Operator license by the Los Angeles County Agricultural Commissioner for violating section  
12 6780 of the California Code of Regulations.

13           65. On or about November 21, 2011, a fine in the amount of \$300 was levied against the  
14 Operator license by the Los Angeles County Agricultural Commissioner for violating section  
15 6780 of the California Code of Regulations and section 8505.10 of the Business and Professions  
16 Code.

17           **Company Registration No. PR 6285**

18           66. On or about November 10, 2011, a fine in the amount of \$400 was levied against the  
19 registration by the Los Angeles County Agricultural Commissioner for violating section 15204 of  
20 the Food and Agriculture Code.

21           67. On or about November 10, 2011, a fine in the amount of \$250 was levied against the  
22 registration by the Los Angeles County Agricultural Commissioner for violating section 6780 of  
23 the California Code of Regulations.

24           68. On or about November 10, 2011, a fine in the amount of \$250 was levied against the  
25 registration by the Los Angeles County Agricultural Commissioner for violating section 6780 of  
26 the California Code of Regulations.

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1           75. Pursuant to Code section 8654, if discipline is imposed on Company Registration  
2 Certificate Number PR 5127, issued to Platinum Exterminators, then Leah Ann Tribble, who  
3 serves as the Qualifying Manager of Platinum Exterminators, shall be prohibited from serving as  
4 an officer, director, associate, partner, qualifying manager, or responsible managing employee for  
5 any registered company during the time the discipline is imposed, and any registered company  
6 which employs, elects, or associates her, shall be subject to disciplinary action.

7           76. Pursuant to Code section 8624, the causes for discipline established as to Company  
8 Registration Certificate Number PR 5704, issued to Allstar Fumigation, Inc., likewise constitute  
9 cause for discipline against Operator's License Number OPR 11254, issued to Jaime Chavez, who  
10 serves as the Qualifying Manager of Allstar Fumigation, Inc., regardless of whether Jaime  
11 Chavez had knowledge of or participated in the acts or omissions which constitute cause for  
12 discipline against Allstar Fumigation, Inc.

13           77. Pursuant to Code section 8654, if discipline is imposed on Company Registration  
14 Certificate Number PR 5704, issued to Allstar Fumigation, Inc., then Jaime Chavez, who serves  
15 as the Qualifying Manager of Allstar Fumigation, Inc., shall be prohibited from serving as an  
16 officer, director, associate, partner, qualifying manager, or responsible managing employee for  
17 any registered company during the time the discipline is imposed, and any registered company  
18 which employs, elects, or associates him, shall be subject to disciplinary action.

19           78. Pursuant to Code section 8624, the causes for discipline established as to Company  
20 Registration Certificate Number PR 6285, issued to Country Wide Fumigation, likewise  
21 constitute cause for discipline against Operator's License Number OPR 11254, issued to Jaime  
22 Chavez, who serves as the Qualifying Manager of Country Wide Fumigation, regardless of  
23 whether Jaime Chavez had knowledge of or participated in the acts or omissions which constitute  
24 cause for discipline against Country Wide Fumigation.

25           79. Pursuant to Code section 8654, if discipline is imposed on Company Registration  
26 Certificate Number PR 6285, issued to Country Wide Fumigation, then Jaime Chavez, who  
27 serves as the Qualifying Manager of Country Wide Fumigation, shall be prohibited from serving  
28 as an officer, director, associate, partner, qualifying manager, or responsible managing employee

1 for any registered company during the time the discipline is imposed, and any registered company  
2 which employs, elects, or associates him, shall be subject to disciplinary action.

3 **PRAYER**

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

- 6 1. Revoking or suspending Company Registration Certificate Number PR 5127, issued to  
7 Platinum Exterminators;
- 8 2. Revoking or suspending Company Registration Certificate Number PR 5704, issued to  
9 Allstar Fumigation, Incorporated;
- 10 3. Revoking or suspending Company Registration Certificate Number PR 6285, issued to  
11 Country Wide Fumigation;
- 12 4. Revoking or suspending Operator's License Number OPR 7711, issued to Leah Ann  
13 Tribble;
- 14 5. Revoking or suspending any other license for which Leah Ann Tribble is furnishing  
15 the qualifying experience or appearance;
- 16 6. Revoking or suspending Operator's License Number OPR 12259, issued to Jose  
17 Antonio Ruiz;
- 18 7. Revoking or suspending any other license for which Jose Antonio Ruiz is furnishing  
19 the qualifying experience or appearance;
- 20 8. Revoking or suspending Field Representative License Number FR 45946, issued to  
21 Jose Antonio Ruiz;
- 22 9. Ordering restitution of all damages according to proof suffered by Mark Morris as a  
23 condition of probation in the event probation is ordered;
- 24 10. Prohibiting Leah Ann Tribble and/or Jose Antonio Ruiz from serving as an officer,  
25 director, associate, partner, qualifying manager or responsible managing employee of any  
26 registered company during the period that discipline is imposed on Company Registration  
27 Certificate Number PR 5127, issued to Platinum Exterminators;

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11. Ordering Leah Ann Tribble, Platinum Exterminators and Jose Antonio Ruiz to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 6/7/12

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