

BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2014-42

**CHARLES TIMMONS MASTERS**  
5805 44<sup>th</sup> St.  
Sacramento, CA 95824  
Field Representative License No. FR 38616

Respondent.

AND

In the Matter of the Statement of Issues  
Against:

Case No. 2014-51

**CHARLES TIMMONS MASTERS**  
5805 44<sup>th</sup> St.  
Sacramento, CA 95824

Applicant for Operator License

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 30, 2014.

It is so ORDERED October 31, 2014

  
FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 ROSAILDA PEREZ  
Deputy Attorney General  
4 State Bar No. 284646  
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*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 2014-42

13 **CHARLES TIMMONS MASTERS;**  
14 **5805 44<sup>th</sup> St.**  
15 **Sacramento, CA 95824**  
16 **Field Representative License No. FR 38616**

Respondent.

17 **AND**

18 In the Matter of the Statement of Issues  
19 Against:

Case No. 2014-51

20 **CHARLES TIMMONS MASTERS**  
21 **5805 44th St.**  
22 **Sacramento, CA 95824**  
23 **Operator License**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

24 **Applicant for Operator License**

Respondent.

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest  
5 Control Board (Board), Department of Consumer Affairs. She brought this action solely in her  
6 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
7 State of California, by Rosailda Perez, Deputy Attorney General.

8 2. Charles Timmons Masters (Respondent) is representing himself in this proceeding  
9 and has chosen not to exercise his right to be represented by counsel.

10 LICENSES AND APPLICATIONS

11 3. On or about May 9, 2005, the Structural Pest Control Board issued Field  
12 Representative License No. FR 38616 to Respondent. The Field Representative License was in  
13 full force and effect at all times relevant to the charges brought in Accusation No. 2014-42 and  
14 will expire on June 30, 2016, unless renewed.

15 4. On or about December 24, 2013, Respondent filed an application with the Board to  
16 obtain an Operator License. On or about December 20, 2013, Respondent certified under penalty  
17 of perjury as to the truthfulness of all statements, answers, and representations in the application.  
18 The Board denied the application on February 4, 2014.

19 JURISDICTION

20 5. Accusation No. 2014-42 was filed before the Structural Pest Control Board (Board),  
21 Department of Consumer Affairs, as to Respondent's Field Representative License, and is  
22 currently pending against Respondent. The Accusation and all other statutorily required  
23 documents were properly served on Respondent on February 26, 2014. Respondent timely filed  
24 his Notice of Defense contesting the Accusation. A copy of Accusation No. 2014-42 is attached  
25 as exhibit A and incorporated herein by reference.

26 6. Statement of Issues No. 2014-51 was filed before the Structural Pest Control Board  
27 (Board), Department of Consumer Affairs, as to Respondent's Application for Operator License,  
28 and is currently pending against Respondent. The Statement of Issues and all other statutorily

1 required documents were properly served on Respondent on May 8, 2014. A copy of Statement  
2 of Issues No. 2014-51 is attached as exhibit B and incorporated herein by reference.

### 3 ADVISEMENT AND WAIVERS

4 7. Respondent has carefully read, and understands, the charges and allegations in  
5 Accusation No. 2014-42 and Statement of Issues No. 2014-51. Respondent has also carefully  
6 read, and understands, the effects of this Stipulated Settlement and Disciplinary Order.

7 8. Respondent is fully aware of his legal rights in this matter, including the right to a  
8 hearing on the charges and allegations in the Accusation and/or Statement of Issues; the right to  
9 be represented by counsel at his own expense; the right to confront and cross-examine the  
10 witnesses against him; the right to present evidence and to testify on his own behalf; the right to  
11 the issuance of subpoenas to compel the attendance of witnesses and the production of  
12 documents; the right to reconsideration and court review of an adverse decision; and all other  
13 rights accorded by the California Administrative Procedure Act and other applicable laws.

14 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
15 every right set forth above.

### 16 CULPABILITY

17 10. Respondent admits the truth of each and every charge and allegation in Accusation  
18 No. 2014-42 and Statement of Issues No. 2014-51.

19 11. Respondent agrees that his Field Representative License is subject to discipline and  
20 that his Application for Operator License is subject to denial. Respondent further agrees to be  
21 bound by the Board's probationary terms as set forth in the Disciplinary Order below.

### 22 CONTINGENCY

23 12. This stipulation shall be subject to approval by the Structural Pest Control Board.  
24 Respondent understands and agrees that counsel for Complainant and the staff of the Structural  
25 Pest Control Board may communicate directly with the Board regarding this stipulation and  
26 settlement, without notice to or participation by Respondent. By signing the stipulation,  
27 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
28 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this

1 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
2 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
3 the parties, and the Board shall not be disqualified from further action by having considered this  
4 matter.

5 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
6 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
7 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

8 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
9 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
10 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
11 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
12 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
13 writing executed by an authorized representative of each of the parties.

14 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
15 the Board may, without further notice or formal proceeding, issue and enter the following  
16 Disciplinary Order:

17 **DISCIPLINARY ORDER**

18 IT IS HEREBY ORDERED that upon satisfaction of statutory and regulatory requirements  
19 for licensure, an Operator License will be issued Charles Timmons Masters (Respondent) and  
20 immediately revoked. However, the revocation is stayed and Respondent is placed on probation  
21 for three (3) years on the following terms and conditions.

22 IT IS FURTHER HEREBY ORDERED that this order shall apply to Field Representative  
23 License No. FR 38616 issued to Charles Timmons Masters (Respondent), for as long as it  
24 remains in effect. Accordingly, if on the effective date of this decision this license remains  
25 effective (i.e., has not been canceled or made invalid by operation of law), the license is revoked,  
26 with the revocation stayed and the license placed on probation for three (3) years on the terms

27  
28

1 and conditions detailed below.<sup>1</sup> If the license is subsequently renewed, restored, or reissued, it  
2 shall be subject to any remaining period of probation with all terms and conditions.

3 1. **Obey All Laws.** Respondent shall obey all federal, state, and local laws, as well as  
4 all laws and rules relating to the practice of structural pest control.

5 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during  
6 the period of probation.

7 3. **Tolling of Probation.** Should Respondent leave California to reside outside this  
8 state, Respondent must notify the Board in writing of the dates of departure and return. Periods  
9 of residency or practice outside the state shall not apply to reduction of the probationary period.

10 4. **Notice to Employers.** Respondent shall notify all present and prospective employers  
11 of the decision in Case Nos. 2014-42 and 2014-51, and the terms, conditions, and restriction  
12 imposed on Respondent by said decision.

13 Within 30 days of the effective date of this decision, and within 15 days of Respondent  
14 undertaking new employment, Respondent shall cause his/her employer to report to the Board in  
15 writing acknowledging the employer has read the decision in Case Nos. 2014-42 and 2014-51.

16 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this  
17 decision, post or circulate a notice to all employees involved in structural pest control operations  
18 which accurately recite the terms and conditions of probation. Respondent shall be responsible  
19 for said notice being immediately available to said employees. "Employees" as used in this  
20 provision includes all full-time, part-time, temporary and relief employees and independent  
21 contractors employed or hired at any time during probation.

22 6. **Completion of Probation.** Upon successful completion of probation, Respondent's  
23 license/certificate will be fully restored.

24 7. **Violation of Probation.** Should Respondent violate probation in any respect, the  
25 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and  
26 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against

27 <sup>1</sup> Field Representative License No. FR 38616 will be cancelled by operation of law upon  
28 issuance of the Operator License.



1 Respondent during probation, the Board shall have continuing jurisdiction until the matter is  
2 final, and the period of probation shall be extended until the matter is final.

3       8.    **Business Ethics Course.** Respondent Charles Timmons Masters shall complete a  
4 four (4) hour Board approved business ethics course within eighteen (18) months of the effective  
5 date of this decision.

6       9.    **Random Inspections.** Respondent shall reimburse the Board for one random  
7 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per  
8 inspection.

9       10. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
10 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,  
11 qualifying manager or branch office manager of any registered company during the period that  
12 discipline is imposed on his Operator License and Field Representative License No. FR 38616.

13       11. **No Interest In Any Registered Company.** Respondent shall not have any legal or  
14 beneficial interest in any company currently or hereinafter registered by the Board.

15       12. **Reimbursement of Board Costs.** As a condition precedent to successful completion  
16 of probation, respondent shall pay to the board its costs of investigation and prosecution in the  
17 amount of \$3,183.15. Costs must be paid in full no later than three months prior to the end of  
18 probation. Probation shall not be terminated until all costs are paid in full.

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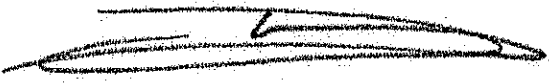
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Field Representative License and my Application for Operator License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 7.30.14



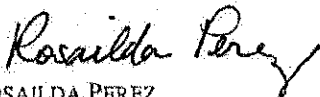
CHARLES TIMMONS MASTERS  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

Dated: 10/1/14

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JOSHUA A. ROOM  
Supervising Deputy Attorney General

  
ROSAILDA PEREZ  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**  
**Accusation No. 2014-42**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 ROSAILDA PEREZ  
Deputy Attorney General  
4 State Bar No. 284646  
455 Golden Gate Avenue, Suite 11000  
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6 Facsimile: (415) 703-5480  
Attorneys for Complainant  
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**FILED**

Date 2/19/14 By

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

12 In the Matter of the Accusation Against:

Case No. 2014-42

13 **CHARLES TIMMONS MASTERS**  
14 **111 Fountain Oaks Circle, #76**  
15 **Sacramento, CA 95031**

**ACCUSATION**

Field Representative License No. FR 38616

Respondent.

16 Complainant alleges:

17 PARTIES

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

21 2. On or about May 9, 2005, the Board issued Field Representative License Number FR  
22 38616 to Charles Timmons Masters (Respondent). The Field Representative License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
24 2016, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the following laws.  
27 All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.

1 4. Code section 8625 states that, "[t]he lapsing or suspension of a license or company  
2 registration by operation of law or by order or decision of the board or a court of law, or the  
3 voluntary surrender of a license or company registration shall not deprive the board of jurisdiction  
4 to proceed with any investigation of or action or disciplinary proceeding against such licensee or  
5 company, or to render a decision suspending or revoking such license or registration."

#### 6 STATUTORY AND REGULATORY PROVISIONS

7 5. Code section 8507 states:

8 "(a) 'Structural pest control field representative' is any individual who is licensed by the  
9 board to secure structural pest control work, identify infestations or infections, make inspections,  
10 submit bids for or otherwise contract, in behalf of a registered company.

11 A pest control field representative shall not contract for pest control work or perform pest  
12 control work in his or her own behalf.

13 (b) As used in this chapter, 'field representative' refers to 'structural pest control field  
14 representative.'"

15 6. Code section 8550 states:

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

19 "..."

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

23 7. Code section 8552 states:

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

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1           8.    Code section 8567 states:

2            "Should a field representative or applicator change his or her employment, or should an  
3 operator enter the employ of a registered company, or being already employed by a registered  
4 company change his or her employment, or being employed by a registered company leave that  
5 employment and enter the pest control business on his or her own behalf, he or she shall notify the  
6 registrar in writing, on a form prescribed by the board and issued by the registrar in accordance  
7 with rules and regulations adopted by the board. Whereupon the registrar shall register the change  
8 in his or her records."

9           9.    Code section 8610, subdivision (a) states:

10          "Every company that engages in the practice of structural pest control, as a sole  
11 proprietorship, partnership, corporation, or other organization or any combination thereof, shall be  
12 registered with the Structural Pest Control Board. Each application for a company registration  
13 shall include the name of the company's owner if it is a sole proprietorship, the names of the  
14 partners, if it is a partnership, or the names of its officers and shareholders with 10 percent or more  
15 ownership interest, if it is a corporation, and the address of the company's principal office in this  
16 state."

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

21          11.   Code section 8641 states:

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

26          12.   Code section 8642 states:

27          "The commission of any grossly negligent or fraudulent act by the licensee as a pest control  
28 operator, field representative, or applicator or by a registered company is a ground for disciplinary

1 action."

2 13. California Code of Regulations, title 16, section 1911 states:

3 "Each operator, field representative and applicator shall file his or her address of record with  
4 the board and shall notify the board of any change in address within ten (10) days of such change.  
5 The address of record of a field representative, an operator or an applicator shall be the address of  
6 the registered company by which he or she is employed or with which he or she is associated or his  
7 or her residence address if he or she is not employed and associated.

8 Each licensee shall also file his or her address for mailing purposes with the board and shall  
9 notify the board of any change in address within ten (10) days of such change."

10 COST RECOVERY

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

15 FACTS

16 15. Respondent worked at Hi-Tech Termite Control of the Bay Area (Hi-Tech) between  
17 April 15, 2011 and October 1, 2012.

18 16. Respondent worked at Planet Orange Termite Services (Planet Orange) between  
19 October 1, 2012 and April 12, 2013.

20 17. Respondent solicited and performed work on his own behalf for Hi-Tech and Planet  
21 Orange clients when he worked for these companies.

22 FIRST CAUSE FOR DISCIPLINE

23 (Contracting and Performing Pest Control Work on Own Behalf)

24 18. Respondent's Field Representative License is subject to disciplinary action under Code  
25 sections 8620, 8641, and 8507, subdivision (a), in that he contracted for and performed pest  
26 control work on his own behalf when he worked for Hi-Tech and Planet Orange.

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SECOND CAUSE FOR DISCIPLINE

(Engaging and/or Offering to Engage in Structural Pest Control Work Without Registration)

19. Respondent's Field Representative License is subject to disciplinary action under Code sections 8620, 8641, and 8550, subdivisions (a) and (c), in that he engaged and offered to engage in the business or practice of structural pest control without being properly licensed.

THIRD CAUSE FOR DISCIPLINE

(Representing Pest Control Work Done by Registered Company)

20. Respondent's Field Representative License is subject to disciplinary action under Code sections 8620, 8641, and 8552, in that he represented that the pest control work had been performed by a registered company.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Notify Board of Employment Change)

21. Respondent's Field Representative License is subject to disciplinary action under Code sections 8620, 8641, and 8567, and California Code of Regulations, title 16, section 1911, in that he failed to notify the Board when he left Hi-Tech to work for Planet Orange.

FIFTH CAUSE FOR DISCIPLINE

(Acting in Capacity of Registered Company)

22. Respondent's Field Representative License is subject to disciplinary action under Code section 8620, 8641, and 8610, subdivision (a), in that he engaged in the practice of structural pest control without being registered with the Board.

SIXTH CAUSE FOR DISCIPLINE

(Fraud)

23. Respondent's Field Representative License is subject to disciplinary action under Code sections 8620, 8641, and 8642, in that he used Planet Orange's name and company registration number without Planet Orange's knowledge or consent.

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OTHER MATTERS

24. Notice is hereby given that Code section 8620 provides, in pertinent part, that a Respondent may request that a civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made at the time of the hearing and must be noted in the proposed decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

25. Pursuant to Code section 8654, if discipline is imposed on Respondent's Field Representative License, then Respondent 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 him, shall be subject to disciplinary action.

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 Field Representative License Number FR 38616, issued to Charles Timmons Masters;

2. Ordering Charles Timmons Masters 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;

3. Prohibiting Charles Timmons Masters 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 Field Representative License No. FR 38616, issued to Charles Timmons Masters;

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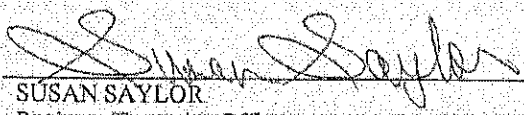
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4. Taking such other and further action as deemed necessary and proper.

DATED: 2/19/14



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

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**Exhibit B**  
**Statement of Issues No. 2014-51**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 ROSALDA PEREZ  
Deputy Attorney General  
4 State Bar No. 284646  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1618  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

**FILED**

Date 4/15/14 By 

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

12 In the Matter of the Statement of Issues  
13 Against:

Case No. 2014-51

14 **CHARLES TIMMONS MASTERS**

**STATEMENT OF ISSUES**

15 **Operator License Applicant**

Respondent.

16 Complainant alleges:

17 PARTIES

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

21 2. On or about December 24, 2013, the Structural Pest Control Board, Department of  
22 Consumer Affairs received an application for an Operator License from Charles Timmons Masters  
23 (Respondent). On or about December 20, 2013, Charles Timmons Masters certified under penalty  
24 of perjury to the truthfulness of all statements, answers, and representations in the application.  
25 The Board denied the application on February 4, 2014.

26 LICENSE HISTORY

27 3. On or about May 9, 2005, the Board issued Field Representative License Number FR  
28 38616 to Respondent. The Field Representative License was in full force and effect at all times

1 relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

2 JURISDICTION

3 4. This Statement of Issues is brought before Board under the authority of the following  
4 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
5 indicated.

6 5. Code section 8568 provides, in pertinent part, that the Board may deny a license or  
7 registration if the applicant, while unlicensed or not registered, knowingly committed or aided or  
8 abetted the commission of any act for which a license or company registration is required, or has  
9 committed any act or omissions constituting grounds for discipline under section 480 of that code.

10 STATUTORY AND REGULATORY PROVISIONS

11 6. Code section 480 provides, in pertinent part, that:

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

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

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

18 "..."

19 7. Code section 8507 states:

20 "(a) 'Structural pest control field representative' is any individual who is licensed by the  
21 board to secure structural pest control work, identify infestations or infections, make inspections,  
22 submit bids for or otherwise contract, in behalf of a registered company.

23 A pest control field representative shall not contract for pest control work or perform pest  
24 control work in his or her own behalf.

25 (b) As used in this chapter, 'field representative' refers to 'structural pest control field  
26 representative.'"

27 ///

28 ///

1 8. Code section 8550 states:

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

5 "..."

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

9 9. Code section 8552 states:

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

13 10. Code section 8567 states:

14 "Should a field representative or applicator change his or her employment, or should an  
15 operator enter the employ of a registered company, or being already employed by a registered  
16 company change his or her employment, or being employed by a registered company leave that  
17 employment and enter the pest control business on his or her own behalf, he or she shall notify the  
18 registrar in writing, on a form prescribed by the board and issued by the registrar in accordance  
19 with rules and regulations adopted by the board. Whereupon the registrar shall register the change  
20 in his or her records."

21 11. Code section 8610, subdivision (a) states:

22 "Every company that engages in the practice of structural pest control, as a sole  
23 proprietorship, partnership, corporation, or other organization or any combination thereof, shall be  
24 registered with the Structural Pest Control Board. Each application for a company registration  
25 shall include the name of the company's owner if it is a sole proprietorship, the names of the  
26 partners, if it is a partnership, or the names of its officers and shareholders with 10 percent or  
27 more ownership interest, if it is a corporation, and the address of the company's principal office in  
28 this state."

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

5 13. Code section 8641 states:

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

10 14. Code section 8642 states:

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

14 15. California Code of Regulations, title 16, section 1911 states:

15 "Each operator, field representative and applicator shall file his or her address of record with  
16 the board and shall notify the board of any change in address within ten (10) days of such change.  
17 The address of record of a field representative, an operator or an applicator shall be the address of  
18 the registered company by which he or she is employed or with which he or she is associated or his  
19 or her residence address if he or she is not employed and associated.

20 Each licensee shall also file his or her address for mailing purposes with the board and shall  
21 notify the board of any change in address within ten (10) days of such change."

#### 22 FACTS

23 16. Respondent worked at Hi-Tech Termite Control of the Bay Area (Hi-Tech) between  
24 April 15, 2011 and October 1, 2012.

25 17. Respondent worked at Planet Orange Termite Services (Planet Orange) between  
26 October 1, 2012 and April 12, 2013.

27 18. Respondent solicited and performed work on his own behalf for Hi-Tech and Planet  
28 Orange clients when he worked for these companies.

1 FIRST CAUSE FOR DENIAL

2 (Contracting and Performing Pest Control Work on Own Behalf)

3 19. Respondent's application is subject to denial under Code section 480, subdivision  
4 (a)(3)(A) in that he violated Code sections 8620, 8641, and 8507, subdivision (a), when he  
5 contracted for and performed pest control work on his own behalf when he worked for Hi-Tech  
6 and Planet Orange.

7 SECOND CAUSE FOR DENIAL

8 (Engaging and/or Offering to Engage in Structural Pest Control Work Without Registration)

9 20. Respondent's application is subject to denial under Code section 480, subdivision  
10 (a)(3), in that he violated Code sections 8620, 8641, and 8550, subdivisions (a) and (e), when he  
11 engaged and offered to engage in the business or practice of structural pest control without being  
12 properly licensed.

13 THIRD CAUSE FOR DISCIPLINE

14 (Representing Pest Control Work Done by Registered Company)

15 21. Respondent's application is subject to denial under Code section 480, subdivision  
16 (a)(3)(A), in that he violated Code sections 8620, 8641, and 8552, when he represented that the  
17 pest control work had been performed by a registered company.

18 FOURTH CAUSE FOR DISCIPLINE

19 (Failure to Notify Board of Employment Change)

20 22. Respondent's application is subject to denial under Code section 480, subdivision  
21 (a)(3)(A), in that he violated Code sections 8620, 8641, and 8567, and California Code of  
22 Regulations, title 16, section 1911, when he failed to notify the Board when he left Hi-Tech to  
23 work for Planet Orange.

24 FIFTH CAUSE FOR DISCIPLINE

25 (Acting in Capacity of Registered Company)

26 23. Respondent's application is subject to denial under Code section 480, subdivision  
27 (a)(3)(A), in that he violated Code sections 8620, 8641, and 8610, subdivision (a), when he  
28 engaged in the practice of structural pest control without being registered with the Board.



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SIXTH CAUSE FOR DISCIPLINE

(Fraud)

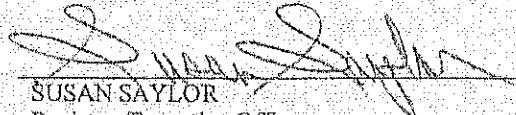
24. Respondent's application is subject to denial under Code section 480, subdivisions (a)(2) and (a)(3)(A), in that he violated sections 8620, 8641, and 8642, when he used Planet Orange's name and company registration number without Planet Orange's knowledge or consent.

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. Denying the application of Charles Timmons Masters for a Operator License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 4/15/19



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

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