

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

In the Matter of the Accusation Against:

GOLD COUNTRY TERMITE CONTROL
1781 b East Main Street
Grass Valley, California 95945
**RICHARD A. STIKES, Qualifying Manager
and Owner**

Company Registration Certificate No.
PR2671, Br.3
Operator License No. OPR 6264

Case No. 2008-80

OAH No. N-2008070681

Respondents.

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 May 20, 2009

It is so ORDERED April 20, 2009

Richard A. Stikes

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 PATRICK M. KENADY, State Bar No. 050882
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
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6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 **GOLD COUNTRY TERMITE CONTROL**
1781 b East Main Street
13 Grass Valley, California 95945
RICHARD A. STIKES, Qualifying Manager
14 **and Owner**
15 Company Registration Certificate No. PR2671,
Br.3
16 Operator License No. OPR 6264

Case No. 2008-80
OAH No. N-2008070681
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Respondents.

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19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Structural Pest Control Board of the Department of
21 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
22 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
23 disposition of the Accusation solely with respect to Respondents.

24 **PARTIES**

25 1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the
26 Structural Pest Control Board. She brought this action solely in her official capacity and is
27 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
28 by Patrick M. Kenady, Deputy Attorney General.

1 4. **Obey All Laws.** Respondents shall obey all laws and rules relating to the
2 practice of structural pest control.

3 5. **Quarterly Reports.** Respondents shall file quarterly reports with the
4 Board during the period of probation.

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

9 7. **Notice to Employers.** Respondents shall notify all present and
10 prospective employers of the Decision in Case No.2008-80 and the terms, conditions and
11 restriction imposed on Respondents by said Decision. Within thirty (30) days of the effective
12 date of this decision, and within fifteen (15) days of Respondent undertaking new employment,
13 Respondent shall cause his/her employer to report to the Board in writing acknowledging the
14 employer has read the Decision in Case No. 2008-80.

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

21 9. **Posted Notice of Suspension.** Respondents' structural pest control
22 company shall prominently post a suspension notice provided by the Board of the Board's order
23 of suspension at its principal office and each of its branch offices in a place conspicuous and
24 readable to the public. Said notice shall remain so posted during the entire period of actual
25 suspension.

26 10. **Completion of Probation.** Upon successful completion of probation,
27 Respondents license and certificate will be fully restored.

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1 11. **Violation of Probation.** Should Respondents violate probation in any
2 respect, the Board, after giving Respondents notice and an opportunity to be heard, may revoke
3 probation and carry out the disciplinary order which was stayed. If a petition to revoke
4 probation is filed against Respondents during probation, the Board shall have continuing
5 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
6 is final.


7 12. **Random Inspections.** Respondents shall reimburse the Board for one (1)
8 random inspection per quarter by Board specialists during the period of probation not to exceed
9 \$125 per inspection.

10 13. **Prohibited from Serving as Officer, Director, Associate, Partner or**
11 **Qualifying Manager.** Respondent Stikes is prohibited from serving as an officer, director,
12 associate, partner, qualifying manager or branch office manager of any registered company, other
13 than Gold Country Termite Control, during the period that discipline is imposed on Company
14 Registration No. PR 2671 and Operator's License No. OPR 6264.

15 **ACCEPTANCE**

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and
17 have fully discussed it with my attorney, DAVID M. INGRAM. I understand the stipulation and
18 the effect it will have on my Company Registration Certificate, and Operator License. I enter
19 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
20 and agree to be bound by the Decision and Order of the Structural Pest Control Board.

21 DATED: 1/21/09

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24 GOLD COUNTRY TERMITE CONTROL; RICHARD A.
25 STIKES (Respondents)
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DEPARTMENT OF JUSTICE

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I have read and fully discussed with Respondents Gold Country Termite Control; Richard A. Stikes the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: JAN 21, 2009



DAVID M INGRAM
Attorney for Respondent


ENDORSEMENT

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

DATED: Jan 21, 2009

EDMUND G. BROWN JR., Attorney General
of the State of California

ARTHUR D. TAGGART
Supervising Deputy Attorney General



PATRICK M. KENADY
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SA2008100673
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Exhibit A

Accusation No. 2008-80

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 PATRICK M. KENADY, State Bar No. 50882
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
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Telephone: (916) 324-5377
6 Facsimile: (916) 327-8643

FILED

Date 6/19/08 By Kelli Okuma

7 Attorneys for Complainant

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

12
13 In the Matter of the Accusation Against:

Case No. 2008-80

14 **GOLD COUNTRY TERMITE CONTROL**
1781 b East Main Street
15 Grass Valley, California 95945
16 **RICHARD ALLEN STIKES, Qualifying Manager**
and Owner

ACCUSATION

17 **Company Registration Certificate No. PR 2671, Br. 3**
18 **Operator License No. OPR 6264**

Respondents.

19
20 Kelli Okuma ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Registrar of the Structural Pest Control Board ("Board"), Department of Consumer Affairs.

24 **LICENSE HISTORY**

25 Gold Country Termite Control
26 Company Registration Certificate No. PR 2671, Br. 3

27 2. On or about January 6, 1995, the Board issued Company Registration
28 Certificate No. PR 2671 ("company registration") in Branch 3 to Gold Country Termite Control

1 ("Respondent Gold Country") with Richard Allen Stikes ("Respondent Stikes") as the Qualifying
2 Manager and Owner.

3 Operator's License No. OPR 6264

4 3. On or about September 12, 1980, the Board issued Operator's License No.
5 OB6264 ("license") to Respondent Stikes as an employee of R B Control. On or about
6 March 27, 1981, the namestyle changed to Gold Country Pest Control with Respondent Stikes as
7 the Owner and Responsible Natural Person. On or about January 28, 1987, the license number
8 was converted to Operator's License No. OPR 6264. On or about November 5, 1992,
9 Respondent Stikes became the President and Qualifying Manager of Gold Country Structural
10 Pest Control, Inc. On or about January 6, 1995, Respondent Stikes became the Branch 3 Owner
11 and Qualifying Manager for Gold Country Termite Control. The license will expire on or about
12 June 30, 2009, unless renewed.

13 JURISDICTION

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

18 5. Code section 8624 states:

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

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

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

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1 6. Code section 8625 states:

2 The lapsing or suspension of a license or company registration by
3 operation of law or by order or decision of the board or a court of law, or the
4 voluntary surrender of a license or company registration shall not deprive the
5 board of jurisdiction to proceed with any investigation of or action or disciplinary
6 proceeding against such licensee or company, or to render a decision suspending
7 or revoking such license or registration.

8 7. Code section 8622 states:

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

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

STATUTORY PROVISIONS

 8. Code section 8516 states, in pertinent part:

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

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

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

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

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

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

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

9. Code section 8641 states:

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

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1990, states, in pertinent
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 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:

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(3) Infestations, infections or evidence thereof.

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

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

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

(4) Earth-wood contacts.

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

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

(a) Recommendations for corrective measures for the conditions found shall be made as required by paragraph 10 of subdivision (b) of Section 8516 of the code and shall also 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:

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

COST RECOVERY/RESTITUTION

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

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

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BRONSON PROJECT

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2 14. On or about June 14, 2004, Respondent Stikes inspected the property
3 located at 20486 John Born Road, located in Penn Valley, California ("Bronson project"), for
4 wood destroying pests and organisms and thereafter issued a Complete Wood Destroying Pests
5 and Organisms Inspection Report No. 06040581 ("Inspection Report No. 06040581").

6 15. Respondent Stikes made certain findings, including, but not limited to,
7 evidence of subterranean termites at cardboard debris and other forms of cellulose debris found
8 on the soil, dryrot damage at the siding, door casings, trim boards surrounding the windows, door
9 frames, and trellis supports.

10 16. Respondent Stikes recommended removing the cellulose products and to
11 apply a local treatment for control of the termites, and removing and replacing dryrot areas with
12 new material.

13 17. On or about July 20, 2004, Respondents issued a Standard Notice of Work
14 Completed and Not Completed ("Completion Notice"), certifying that all recommendations made
15 in Inspection Report No. 06040581, had been completed.

16 18. On or about July 27, 2004, Respondent Stikes re-inspected the Bronson
17 property and issued a Re-Inspection Report for Wood Destroying Pests and Organisms No.
18 07040768 ("Re-Inspection Report No. 07040768"). Respondent Stikes made certain findings,
19 including, but not limited to, dryrot damage at the rafter at the trellis, dryrot damage at the siding
20 at the left rear of the structure, dryrot damage to the internal framing components around the
21 french doors, and dryrot damage behind the metal flashing at the entry.

22 19. Respondent Stikes recommended removing and replacing dryrot areas with
23 new material, chemically treating framing members prior to installing a new water tight surface at
24 the internal framing components, and to further inspect the underside of the deck.

25 20. On or about August 18, 2004, Respondent Stikes re-inspected the Bronson
26 property and issued a Re-Inspection Report for Wood Destroying Pests and Organisms No.
27 08040862 ("Re-Inspection Report No. 08040862"). Respondent Stikes made certain findings,
28 including, but not limited to, surface fungus to the deck joist, ground water seeping beneath the

1 deck surfaces, dryrot at the top section of deck joist, dryrot damage at the siding beneath the deck
2 line, water pools beneath the deck from the ground irrigation, dryrot damage at the siding
3 (previously reported in Re-Inspection Report No. 07040768), and dryrot damage at the trellis
4 block.

5 21. Respondent Stikes recommended removing the fungus and chemically
6 treating the fungus infected wood at the deck, removing the damaged deck joist and replacing it
7 with pressure treated wood, cutting out the damaged section of the siding and sealing it with paint
8 products, removing the trellis block and replacing it with new material, and periodically
9 inspecting the underside of deck for any signs of adverse conditions.

10 22. On or about June 21, 2005, Respondent Stikes re-inspected the Bronson
11 property and issued a Complete Inspection Report for Wood Destroying Pests and Organisms No.
12 06050609 ("Inspection Report No. 06050609"). Respondent Stikes made certain findings,
13 including, but not limited to, cardboard and other forms of building scraps (wood) left on the soil;
14 a form board left against the foundation wall; moisture entering the substructure from the ground
15 water seepage; subfloor framing is inaccessible due to the insulation; garage interior is
16 inaccessible due to it being used as storage; subterranean termite shelter tubes attached to the
17 pressure treated wood posts; fungus spores are attached to the joist and girder; the chimney board
18 above the roof line is rot damaged; soil is built up against the siding; the large trellis beam is rot
19 damaged; and there is fungus damage to the lower siding.

20 23. Respondent Stikes recommended removing and disposing of the cardboard
21 and other forms of building scraps left on the soil; applying fungicide at the foundation wall;
22 further inspections recommended at the subfloor framing and garage interior; removing the
23 termite tubes from the posts and locally treating for control of the termites; removing fungus
24 spores from the joist and chemically treating them; removing and replacing rot damaged chimney
25 boards, trellis beam, and lower siding; grading the soil away from the siding to break the areas of
26 earth-to-wood contact.

27 24. On or about August 3, 2005, Respondents issued a Completion Notice,
28 certifying that all recommendations made in Inspection Report No. 06050609, had been

1 completed, with the exception of Section II items.

2 25. On or about August 13, 2005, escrow closed.

3 26. In or about November 2005, the homeowners found evidence of leaks at
4 the ceiling around the fireplace on the right side of the structure, and at the french doors at the
5 front and rear of the structure.

6 27. On or about March 14, 2006, Ken Morgan ("Morgan") of Tracken
7 Construction inspected the Bronson property and found significant damage and leaks to the
8 structure. On that same day, Morgan issued an estimate for repairs in the amount of \$76,418.

9 28. On or about April 18, 2006, Respondent Stikes re-inspected the Bronson
10 property in response to Morgan's findings, and issued a Supplemental Inspection Report for
11 Wood Destroying Pests and Organisms No. 04060254 ("Supplemental Report No. 04060254").
12 Respondent Stikes made certain findings, including, but not limited to, rot damage at the chimney
13 trim boards, fungus spores emanating out from the column and window trim and expanding into
14 the siding, windows leaking at various locations, and patch used at the base of the door jambs
15 failed to adhere.

16 29. Respondent Stikes recommended removing and replacing damaged wood
17 trim, removing wood components to allow for further inspection and to determine the source of
18 moisture penetration, removing portions of the siding to allow for further inspection, and to
19 chisel out the decayed portion of the door jamb base and fill it with a durable product.

20 30. On or about June 20, 2007, the homeowners filed a complaint with the
21 Board.

22 31. On or about August 13, 2007, the Board notified Respondents of the
23 complaint filed by the homeowners.

24 32. On or about August 20, 2007, Respondents responded to the Board's
25 Notice dated August 13, 2007, wherein Respondents stated that the work on the Bronson
26 property had been completed by other contractors, and the problems identified on April 18, 2006,
27 by Morgan were newly discovered infestations that were not previously visible.

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1 contributes to the fungus infection and damage in these area, as defined by California Code of
2 Regulations, title 16, section 1990(b)(5).

3 c. Respondents failed to report fungus infection and damage to the base of
4 the garage breeze way cover support posts at the right side of the structure, as defined by
5 California Code of Regulations, title 16, section 1990(a)(3)(4).

6 d. Respondents failed to report fungus infection and damage with earth to
7 wood contacts to the support posts on the right side of the arbor/trellis at the front of the
8 structure, as defined by California Code of Regulations, title 16, section 1990(a)(3)(4) and (b)(4).

9 e. Respondents failed to report fungus infection and damage to the siding
10 trim boards at the lower left front corner of the entryway porch adjacent to the repairs performed
11 from prior inspections, as defined by California Code of Regulations, title 16, section
12 1990(a)(3)(4).

13 f. Respondents failed to report evidence of fungus infection or damage with
14 excessive moisture conditions to the cracked and exposed ends of the large outrigger beams over
15 the entryway porch at the front of the structure, as defined by California Code of Regulations,
16 title 16, section 1990(a)(3)(4) and (b)(5).

17 g. Respondents failed to report fungus infection and damage and conditions
18 (interior baseboard material) likely to lead to infestation or infection at the base of the rear patio
19 cover support posts trim boards, as defined by California Code of Regulations, title 16, section
20 1990(a)(3)(4) and (b)(5).

21 h. Respondents failed to report fungus infection and damage at the base of
22 the siding corner trim board at the right rear corner of the large center living area, as defined by
23 California Code of Regulations, title 16, section 1990(a)(3)(4).

24 i. Respondents failed to report earth to wood contacts with subterranean
25 termite and fungus damage at the base of the rear deck skirting and steps, as defined by
26 California Code of Regulations, title 16, section 1990(a)(3)(4) and (b)(4).

27 j. Respondents failed to report fungus infection and damage to the base of
28 the door trim, jambs, and casing at the french doors at the left rear of the large center living area,

1 with evidence of excessive moisture conditions (leaks) and fungus damage to the floor below, as
2 defined by California Code of Regulations, title 16, section 1990(a)(3)(4) and (b)(5).

3 k. Respondents failed to report fungus infection and damage with evidence of
4 excessive moisture conditions (leaks) to the base of the door casing, threshold, and subfloor
5 below at the french doors leading to the kitchen at the front of structure, as defined by California
6 Code of Regulations, title 16, section 1990(a)(3)(4) and (b)(5).

7 l. Respondents failed to report a faulty grade level at the right rear corner of
8 the main structure, as defined by California Code of Regulations, title 16, section 1990(b)(1).

9 m. Respondents failed to report evidence of fungus infection or damage to the
10 siding trim atop the rear chimney chase at the rear center of the structure, as defined by California
11 Code of Regulations, title 16, section 1990(a)(3)(4).

12 n. Respondents failed to report the full extent of fungus infection and damage
13 to the framing and beams of the front arbor/trellis, as defined by California Code of Regulations,
14 title 16, section 1990(a)(3)(4).

15 o. Respondents failed to make proper recommendations for further inspection
16 of the areas where fungus damage leads into inaccessible areas or where there is reasonable
17 evidence to believe that a fungus condition exists in an inaccessible area such as the faulty
18 grade/earth wood contact, the hollow front porch columns, and wall framings around the exterior
19 with fungus damage leading into the walls, chimney case, the leaking door casings, and areas
20 where the irrigation was directed at the structure, as defined by California Code of Regulations,
21 title 16, section 1991(a)(11).

22 SECOND CAUSE FOR DISCIPLINE

23 (Failed to Comply with Report of Findings)

24 38. Respondent Gold Country's registration and Stikes operator's license are
25 subject to discipline under Code section 8641, in that, Respondents failed to comply with Code
26 section 8622, by failing to correct the items described in the Report of Findings within thirty (30)
27 calendar days of receipt of the Notice, bringing the Bronson project into compliance with the
28 Board's Notice and Report of Findings, dated August 15, 2007.

1 THIRD CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 39. Respondent Gold Country's registration and Stikes operator's license are
4 subject to discipline under section 8641 and section 8642, in that, Respondents committed
5 grossly negligent acts as set forth in paragraph 37 above.

6 PRIOR DISCIPLINE

7 Operator's License No. OPR 6264
8 Company Registration Certificate No. PR 0123

9 40. On or about July 10, 1990, in Accusation No. 91-01, attached hereto as
10 **Exhibit A**, entitled *In the Matter of the Accusation Against Gold Country Pest Control*, was
11 filed, alleging that Respondent Stikes violated Code sections 8641/8516 (reporting requirements),
12 8641/8622 (failed to bring property into compliance); 8641 and California Code of Regulations
13 section 1996.1(b) (failed to properly post completion tag).

14 41. Effective July 30, 1992, in the Stipulation Decision and Order, attached
15 hereto as **Exhibit B**, in Accusation 91-01, Company Registration Certificate No. PR 0123, and
16 Operator's License No. OPR 6264, were suspended for 60 days. However, the suspension was
17 stayed and Respondent Stikes was placed on probation for three (3) years with terms and
18 conditions.

19 Operator's License No. OPR 6264
20 Company Registration Certificate No. PR 2341

21 42. On or about April 4, 1994, a First Amended Accusation and Petition to
22 Revoke Probation in Case No. 94-31, attached hereto as **Exhibit C**, entitled *In the Matter of the*
23 *Accusation Against Gold Country Pest Control*, was filed, alleging that Respondent Stikes
24 violated Code sections 8641/8516 (reporting requirements), 8644 (misrepresentation after
25 inspection), 8641/1937.14 (workmanship), and Condition No. 3 of probation by failing to submit
26 written proof of successful completion of a correspondence course in Branch 3 (Wood
27 Destroying Pests and Organisms, Repairs and Corrections), or its equivalent, offered by the

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1 University of California Extension, Berkeley, within 18 months of the effective date of the
2 decision.

3 43. Effective August 2, 1997, in a Stipulation and Order, attached hereto as
4 **Exhibit D**, in Accusation 94-31, Company Registration Certificate No. PR 2341, and Operator's
5 License No. OPR 6264, were revoked. However, the revocation was stayed and Respondent
6 Stikes was placed on probation for three (3) years with terms and conditions.

7 **GOLD COUNTRY TERMITE CONTROL**
8 **Company Registration Certificate No. PR 2671, Br. 3**

9 44. On or about August 27, 2002, Respondent Gold Country paid a fine in the
10 amount of \$50 levied by the Placer County Agricultural commissioner for violating Food and
11 Agriculture Code section 15204.

12 45. On or about February 4, 2005, Respondent Gold Country paid a fine in the
13 amount of \$250 levied by the Board for violating Code section 8636.

14 46. On or about February 1, 2007, Respondent Gold Country paid a fine in the
15 amount of \$150 levied by the Board for violating Code section 8638.

16 **RICHARD ALLEN STIKES**
17 **Operator's License No. OPR 6264**

18 47. On or about February 1, 2007, Respondent Stikes paid a fine in the amount
19 of \$150 levied by the Board for violating Code section 8638, and California Code of Regulations,
20 title 16, sections 1990 and 1991(a)(3).

21 48. On or about March 13, 2007, Respondent Stikes paid a fine in the amount
22 of \$250 levied by the Board for violating Code sections 8516(b)(6) and (7), and California Code
23 of Regulations, title 16, sections 1990 and 1991(a)(3).

24 **OTHER MATTERS**

25 49. Code section 8620 provides, in pertinent part, that a respondent may
26 request that a civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of
27 1 to 19 days, or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request

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1 must be made at the time of the hearing and must be noted in the proposed decision. The
2 proposed decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

3 50. Pursuant to Code section 8624, if Operator's License Number
4 OPR 6264 issued to Respondent Stikes is suspended or revoked, then the Board may suspend or
5 revoke the registration of any branch office registered under the name of Richard Allen Stikes,
6 Qualifying Manager for Gold Country Pest Control.

7 51. Pursuant to Code section 8624, if Operator License Number
8 OPR 6264 issued to Respondent Stikes is suspended or revoked, then the Board may suspend or
9 revoke Company Registration Certificate Number PR 2671, issued to Gold Country Termite
10 Control.

11 52. Respondent Stikes, who serves as the Qualifying Manager for Gold
12 Country Termite Control, had knowledge of, and participated in, the acts or omissions which
13 constitute causes for discipline against Gold Country Termite Control.

14 53. Pursuant to Code section 8654, if discipline is imposed on Company
15 Registration Certificate Number PR 2671, issued to Gold Country Termite Control, then Richard
16 Allen Stikes shall be prohibited from serving as an officer, director, associate, partner, qualifying
17 manager, or responsible managing employee for any registered company during the time the
18 discipline is imposed, and any registered company which employs, elects, or associates Richard
19 Allen Stikes shall be subject to disciplinary action.

20 54. Code section 8622 provides, in pertinent part, that respondent shall submit
21 an inspection fee of not more than \$125. If a reinspection is necessary, a commensurate
22 reinspection fee shall be charged.

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

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PRAYER

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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 2671, issued to Gold Country Termite Control;
2. Revoking or suspending Operator's License Number OPR 6264, issued to Richard Allen Stikes;
3. Revoking or suspending any other license for which Richard Allen Stikes is furnishing the qualifying experience or appearance;
4. Prohibiting Richard Allen Stikes 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 2671, issued to Gold Country Termite Control;
5. Ordering restitution of all damages according to proof suffered by Peter and Carolyn Bronson as a condition of probation in the event probation is ordered;
6. Ordering Gold Country Termite Control and Richard Allen Stikes 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,
7. Taking such other and further action as deemed necessary and proper.

DATED: 6/19/08


KELLI OKUMA
Registrar
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant