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**FILED**

Date 10/20/15 By *Susan Saylor*

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

In the Matter of the Accusation Against:  
**GEORGE K. WEBB  
GEORGE WEBB TERMITE & PEST  
CONTROL  
1035 Siskiyou Ave.  
Oroville, CA 95965**  
**Operator License No. OPR 9331  
Company Registration Certificate No. PR 2644**  
Respondent.

Case No. 2016-24

**ACCUSATION**

Susan Saylor ("Complainant") alleges:

**PARTIES**

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

**Operator License**

2. On or about November 4, 1994, the Board issued Operator License Number OPR 9331 ("license") in Branch 3 to George K. Webb ("Respondent"), as the owner and Qualifying Manager of George Webb Termite & Pest Control. The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2018, unless renewed.



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 board of  
5                     jurisdiction to proceed with any investigation of or action or disciplinary proceeding  
6                     against such licensee or company, or to render a decision suspending or revoking  
7                     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 on  
11                    which a report has been issued pursuant to Section 8516 or a notice of completion has  
12                    been issued pursuant to Section 8518 by the registered company to determine  
13                    compliance with the provisions of this chapter and the rules and regulations issued  
14                    thereunder. If the board determines the property or properties are not in compliance,  
15                    a notice shall be sent to the registered company so stating. The registered company  
16                    shall have 30 days from the receipt of the notice to bring such property into  
17                    compliance, and it shall submit a new original report or completion notice or both and  
18                    an inspection fee of not more than one hundred twenty-five dollars (\$125) for each  
19                    property inspected. If a subsequent reinspection is necessary, pursuant to the board's  
20                    review of the new original report or notice or both, a commensurate reinspection fee  
21                    shall also be charged. If the board's authorized representative makes no  
22                    determination or determines the property is in compliance, no inspection fee shall be  
23                    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 of  
27                    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  
29                    of any noncompliance charged.

### STATUTORY PROVISIONS

30           8.     Code section 8505.17(c) states:

31                    Registered structural pest control companies shall prepare and submit to  
32                    the county agricultural commissioner a monthly report of all pesticides used in that  
33                    county. The report shall be on a form approved by the Director of Pesticide  
34                    Regulation and shall contain the name and registration number of each pesticide and  
35                    the amount used. The report shall be submitted to the commissioner by the 10<sup>th</sup> day of  
36                    the month following the month of application and a copy shall be maintained by the  
37                    licensee for a period of three years after the report submission date. Each pesticide  
38                    use report or combination of use reports representing a registered structural pest  
39                    control company's total county pesticide use for the month shall require a pesticide  
40                    use stamp or stamp number issued by the board in the denomination fixed by the  
41                    board in accordance with Section 8674 as the pesticide use report filing fee. The  
42                    board shall provide for the sale of these stamps and stamp numbers and for the refund  
43                    of moneys paid for stamps and stamp numbers which are returned to it unused. When  
44                    a registered structural pest control company performs no pest control during a month  
45                    in a county in which it has given notice pursuant to Section 15204 of the Food and  
46                    Agricultural Code, the registered company shall submit a use report stating this fact to  
47                    the commissioner. A pesticide use stamp or stamp number is not required on negative

1 use reports.

2 9. Code section 8516 states, in pertinent part:

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

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

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

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

26 Reports shall be made available for inspection and reproduction to the  
27 executive officer of the board or his or her duly authorized representative during  
28 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:

(6) A foundation diagram or sketch of the structure or structures or  
portions of the structure or structures inspected, indicating thereon the approximate  
location of any infested or infected 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.

(7) Information regarding the substructure, foundation walls and  
footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing  
that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling  
joists, and attic walls, or other parts subject to attack by wood destroying pests or  
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) Indication or description of any areas that are inaccessible or not  
inspected with recommendation for further inspection if practicable. If, after the  
report has been made in compliance with this section, authority is given later to open

1 inaccessible areas, a supplemental report on conditions in these areas shall be made.

2 10. Code section 8518 states, in pertinent part:

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

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

12 11. Code section 8610(c) states:

13 Each registered company shall designate an individual or individuals who  
14 hold an operator's license to act as its qualifying manager or managers. The  
15 qualifying manager or managers must be licensed in each branch of pest control in  
16 which the company engages in business. The designated qualifying manager or  
17 managers shall supervise the daily business of the company and shall be available to  
18 supervise and assist all employees of the company, in accordance with regulations  
19 which the board may establish.

20 12. Code section 8611 states:

21 Each branch office shall have a branch supervisor designated by the  
22 registered company to supervise and assist the company's employees who are located  
23 at that branch. The branch supervisor shall be an individual who is licensed by the  
24 board as an operator or a field representative and his or her license shall be  
25 prominently displayed in the branch office.

26 If a branch supervisor ceases for any reason to be connected with a  
27 registered company, the company shall notify the registrar in writing within 10 days  
28 from that cessation. If this notice is given, the company's branch office registration  
shall remain in force for a reasonable length of time to be determined by rules of the  
board, during which period the company shall submit to the registrar in writing the  
name of another qualified branch supervisor.

13. Code section 8612 states:

The licenses of qualifying managers and company registrations shall be prominently displayed in the registered company's office, and no registration issued hereunder shall authorize the company to do business except from the location for which the registration was issued. Each registered company having a branch office or more than one branch office shall be required to display its branch office registration prominently in each branch office it maintains.

When a registered company opens a branch office it shall notify the registrar in writing on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The notification shall include the name of the individual designated as the branch supervisor and shall be submitted with the fee for a branch office prescribed by this chapter.

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14. Code section 8613 states:

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

15. 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.

16. Code section 8642 states:

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

17. Code section 8644 states:

Fraud or misrepresentation, after inspection, by any licensee or registered company engaged in pest control work of any infestation or infection of wood-destroying pests or organisms found in property or structures, or respecting any conditions of the structure that would ordinarily subject structures to attack by wood-destroying pests or organisms, whether or not a report was made pursuant to Sections 8516 and 8517 of this code, is a ground for disciplinary action.

18. Code section 8646 states:

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

19. Code section 8650 states:

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

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

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

20. Code section 8652 states:

Failure of a registered company to make and keep all inspection reports, contracts, documents, and records, other than financial records, for a period of not

1 less than three years after completion of any work or operation for the control of  
2 structural pests or organisms, is a ground for disciplinary action. These records shall  
3 be made available to the registrar during business hours.

### 4 REGULATORY PROVISIONS

5 21. California Code of Regulations, title 16, section 1918 states:

6 "Supervise" as used in Business and Professions Code Sections 8506.2,  
7 8610 and 8611 means the oversight, direction, control, and inspection of the daily  
8 business of the company and its employees, and the availability to observe, assist, and  
9 instruct company employees, as needed to secure full compliance with all laws and  
10 regulations governing structural pest control.

11 In cases of ownership of more than one registered company by the same  
12 sole owner, corporation or partnership where the qualifying manager or managers  
13 cannot supervise each registered company because of the location of the companies,  
14 the qualifying manager or managers may designate an individual or individuals  
15 licensed as an operator or as a field representative in the branch or branches of  
16 business being conducted to supervise the company. This designated supervisor or  
17 supervisors must be under the direct supervision of the qualifying manager or  
18 managers. Any such designation of supervisors does not relieve the qualifying  
19 manager or managers of responsibility to supervise as required in sections 8506.2 and  
20 8610.

21 22. California Code of Regulations, title 16, section 1937.14 states:

22 All work completed by licensees or registered companies shall be done  
23 within the specific requirements of any plans or specifications and shall meet  
24 accepted trade standards for good and workmanlike construction in any material  
25 respect, and shall comply with provisions of Section 2516(c)(1), (2), (4) and (6) of  
26 Title 24 of the California Code of Regulations.

27 23. California Code of Regulations, title 16, section 1970 states, in pertinent part:

28 For the purpose of maintaining proper standards of safety and the  
establishment of responsibility in handling the dangerous gases used in fumigation  
and the pesticides used in other pest control operations, a registered company shall  
compile and retain for a period of at least three years, a log for each fumigation job  
and for each pesticide control operation in which a pesticide is used by the registered  
company or the registered company's employee.

(b) The report for each pest control operation, other than fumigation, in  
which a pesticide is used shall contain the following information:

- Date of treatment.
- Name of owner or his or her agent.
- Address of property.
- Description of area treated.
- Target pest(s).
- Pesticide and amount used.
- Identity of person or persons who applied the pesticide.

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24. California Code of Regulations, title 16, section 1983 states, in pertinent part:

(a) Each container in which any pesticide is stored, carried or transported shall be adequately labeled in accordance with the provisions of Articles 1 and 5, Chapter 2, Division 7 of the Food and Agriculture Code (relating to economic poisons) and regulations adopted by the Department of Pesticide Regulation thereunder.

(c) When any pesticide or preparation thereof is carried on a truck or other vehicle, a suitable storage space shall be provided thereon. Under no circumstances shall such storage be left either unlocked or unattended when containing any pesticide or preparation thereof.

25. 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:

(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 includes, but is 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.

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

(4) Earth-wood contacts.

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

(e) Information regarding all accessible areas of the structure including but not limited to the substructure, foundation walls and footings, porches, patios and steps, stairways, air vents, abutments, stucco walls, columns, attached structures or other parts of a structure normally subject to attack by wood-destroying pests or organisms.

26. 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:



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

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

8 (12) Repair a stall shower if it is found to leak when water tested for a  
9 minimum of fifteen (15) minutes after the shower drain has been plugged and the  
10 base filled to within one (1) inch of the top of the shower dam. Stall showers with no  
11 dam or less than two (2) inches to the top of the dam are to be water tested by running  
12 water on the unplugged shower base for a minimum of five (5) minutes./ showers  
13 over finished ceilings must be inspected but need to be water tested. If water stains  
14 are evidence on the ceiling, recommendations shall be made for further inspection  
15 and testing.

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

17 All of the following reports must be in compliance with the requirements  
18 of Section 8516 of the code. All reports must be on the form prescribed by the board  
19 and filed with the board with stamps affixed.

20 (e) A reinspection report is the report on the inspections of item(s)  
21 completed as recommended on an original report or subsequent report(s). The areas  
22 reinspected can be limited to the items requested by the person ordering the original  
23 inspection report. A licensed operator or field representative shall refer to the original  
24 report in such a manner to identify it clearly.

25 28. California Code of Regulations, title 16, section 1996, states, in pertinent part:

26 A written inspection report conforming to section 8516(b) of the code  
27 (See Form No. 43M-41 (Rev. 10/01, required use effective July 1, 2003) at the end of  
28 this section) shall be prepared and delivered to the person requesting the inspection . .  
[t]he granting of permission to make an inspection shall be deemed a request to  
make an inspection.

### 29 COST RECOVERY/RESTITUTION

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

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

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1 KNOLLWOOD PROJECT

2 31. On or about May 8, 2014, Respondent inspected the property located on Knollwood  
3 Drive, in Cameron Park, California ("Knollwood project"), for wood destroying pests and  
4 organisms and thereafter issued Complete Wood Destroying Pests and Organisms Inspection  
5 Report No. 14-476 ("Inspection Report No. 14-476"). In said report, Respondent made certain  
6 findings, including, but not limited to, the following:

7 **Section I Findings:**

8 a. Decay was found at the following areas: Decking off the master bedroom; shingle  
9 molding on the barge rafter; beam end; T-1-11 siding above and below the deck; fascia board  
10 below the back deck; entry door to the subarea; deck joists; decking boards on the deck attached  
11 to the house; beam extension; and barge rafter.

12 b. Subterranean termite damage to the garage doorjamb.

13 c. Subterranean termite infestation and damage to the wall studs and sheetrock in the  
14 garage storage room.

15 d. Earth to wood contact at the deck connected to the retaining wall and adjoining deck.

16 **Section II Findings:**

17 e. Faulty grade and earth contacts with the T-1-11 siding.

18 f. Wood products and cardboard in earth contact in subarea.

19 g. Residual water stains under the vanity sink.

20 h. Hall bath toilet was loose.

21 i. Moisture damage to the sheetrock adjacent to the hot water heater.

22 **Inaccessible areas:**

23 j. The deck was constructed over a flat roof, making the framing and area underneath  
24 inaccessible for inspection.

25 k. The garage was inaccessible for complete inspection due to storage.

26 32. Respondent made the following recommendations, including but not limited to:  
27 Chemically treating the structure to control the subterranean termite infestation,  
28 repairing/replacing the decay and termite damaged wood members with new material, removing

1 the wood products from the subarea, securing the hall bath toilet, repairing/replacing the  
2 sheetrock as necessary, lowering the soil to correct the faulty grade and earth contacts, and  
3 installing a support system to separate the deck which is attached to the house from the retaining  
4 wall and from the adjoining deck. Respondent provided an estimate of \$9,490 for the work. (The  
5 diagram shown on the inspection report does not show all of the rear deck that is attached to and  
6 part of the structure.) Respondent also noted on the report that the roman style tub shower was  
7 not water tested due to the lack of a drain stopper assembly.

8 33. On or about June 11, 2014, the property went into escrow.

9 34. On or about June 25, 2014, John Deller ("Deller") of Buy Right Home Inspections  
10 performed an inspection of the property and issued an inspection report. In said report, Deller  
11 made certain findings, including, but not limited to the following: signs of moisture damage at the  
12 wood deck and railings off of the master bedroom; wood decking in the rear yard has moisture  
13 damage in many areas; no stem wall was found at the garage walls; signs of moisture damage at  
14 the exterior T1-11 siding in several areas; signs of moisture damage at the exterior wood trim in  
15 several areas; earth to wood contact at the exterior wall on the right side of the garage; the soil  
16 slopes toward the crawl space access door; dry moisture stains at the ceiling in the hallway  
17 outside the first bedroom and in the first bedroom; signs of moisture damage at the garage door to  
18 the exterior; signs of moisture exposure and pest activity at the front garage wall in the storage  
19 room in the garage; the toilet in the hall bath and master bath were loose; the bathtub drain  
20 stoppers were disconnected in the hall and master bathrooms; and the floor was spongy between  
21 the master bathroom toilet and shower.

22 35. Respondent had his son-in-law De Garcia, Applicator License Number RA 53789,  
23 perform the termite treatment, including pressure treating the sub-soil with Termidor, and  
24 trenching and treating the soil at the stucco stone on the exterior. The seller of the property,  
25 through his realtor, hired contractor Paul Methner of Helpful Home Solutions to perform the  
26 recommended work included in Inspection Report No. 14-476, including, but not limited to the  
27 following: repairing and replacing all the decayed wood with new material at the deck off of the  
28 master bedroom, the shingle moulding barge rafters, T-1-11 siding above and below the deck,

1 fascia board deck joists, and beam extension. In addition, lowering the grade and removing the  
2 wood products from the subarea.

3 36. On or about August 4, 2014, Respondents issued a Standard Notice of Work  
4 Completed and Not Completed ("Completion Notice"), stating that recommendation 1M-1 in  
5 Inspection Report No. 14-476 had been completed by his firm. The Completion Notice noted that  
6 all other recommendations made were not completed by his firm.

7 37. On or about August 5, 2014, Respondent re-inspected the Knollwood property and  
8 issued a Re-Inspection Report for Wood Destroying Pests and Organisms No. 14-476-RI ("Re-  
9 Inspection Report No. 14-476-RI"). Respondent certified that the property was free of evidence  
10 of active infestations or infections in the visible and accessible areas. Respondent also noted that  
11 the recommended repairs itemized in Inspection Report No. 14-476, had been performed by  
12 person(s) not employed by his company.

13 38. On or about August 6, 2014, escrow closed and the new home owner moved into the  
14 property. Shortly after moving in, the homeowner found dry rot damage and leaking shower,  
15 damage to the subfloor in the master bathroom, and dry rot damage in the eaves. The homeowner  
16 contacted the Respondent regarding his findings.

17 39. On or about September 16, 2014, Respondent re-inspected the Knollwood property  
18 and issued a Supplemental/Re-Inspection Report for Wood Destroying Pests and Organisms No.  
19 14-476-S ("Supplemental Report No. 14-476-S"). Respondent made the following findings: 1)  
20 Evidence of decay to gable end rafters; and 2) Decay to the subfloor below the roman tub shower  
21 in the master bathroom. Respondent recommended repairing the eaves and damaged barge  
22 rafters, and repairing the shower pan and replacing/repairing the decayed subfloor.

23 40. On or about September 18, 2014, Respondent repaired the eaves and damaged barge  
24 rafters but failed to file a Standard Notice of Work Completed and Not Completed with the  
25 Board.

26 41. On or about October 21, 2014, the homeowners filed a complaint with the Board.

27 42. On or about November 5, 2014, the Board notified Respondent of the complaint filed  
28 by the homeowners.

1 43. On or about January 21, 2015, a Board specialist inspected the Knollwood property  
2 and found numerous violations.

3 44. On or about January 29, 2015, and on or about March 10, 2015, a Board specialist  
4 went to Respondent's office to review Respondent's records, however, Respondent was unable to  
5 provide the Board specialist with all the records requested for review.

6 45. On or about March 10, 2015, a Board specialist went to Respondent's son-in-law's  
7 residence to speak to De Garcia regarding the work he performed on the Knollwood project.  
8 When the Board specialist arrived, he found a white Toyota pick-up truck in the drive way with  
9 Respondent's name logo and telephone number on it. In the bed of the pick-up truck there were  
10 pesticide containers that were not locked or stored in a proper container. There were pesticide  
11 like materials in the service container spray tank that had an unlocked lid and no label. There  
12 were also pesticides in the cab of the truck.

13 46. On or about April 2, 2015, a Board specialist prepared and issued a Report of  
14 Findings along with a Notice ordering Respondent to bring the property into compliance by  
15 correcting the items described in the Report of Findings and to submit a Standard Notice of Work  
16 Completed and Not Completed to the Board within thirty (30) days.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with the Code - Improper Inspection)**

19 47. Respondent's registration and operator's license are subject to discipline under Code  
20 section 8641, in that, on or about May 8, 2014, concerning the Knollwood property, Respondent  
21 failed to comply with the following Code sections:

22 **Inspection Report No. 14-476 dated May 8, 2014**

23 **Section 8516(b)(6)(7) and (9):**

24 a. Respondent failed to report fungus infection and damage with evidence of leaks and  
25 water intrusion to the base of the garage wall at the left front corner and failed to make a  
26 recommendation to open the wall for further inspection, as required and defined by California  
27 Code of Regulations, title 16, section 1990(a)(3)(4), (b)(5), (e) and 1991(a)(11).

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1           b.    Respondent failed to report water intrusion at the base of the walls at the garage and  
2 storage room/closet at the right front corner of the garage and behind the area that was reported as  
3 having a faulty grade condition. Respondent failed to make a recommendation to open the walls  
4 for further inspection and report the faulty grade level as a Section I condition, which was  
5 contributing to the infestation and possible infections, as required and defined by California Code  
6 of Regulation, title 16, section 1990(a)(3)(4), (b)(5), (e), and 1991(a)(11).

7           c.    Respondent failed to report fungus infection and damage to the deck boards extending  
8 into the inaccessible area over the flat roof, and failed to list this as a Section 1 condition and  
9 failed to make a recommendation for further inspection, as required and defined by California  
10 Code of Regulation, title 16, section 1990(a)(3)(4), (b)(5), (e), and 1991(a)(11).

11           d.    Respondent failed to report the full extent of earth to wood contacts, fungus infection  
12 damage, and inaccessible areas under the decking throughout the entire rear deck. Furthermore,  
13 he failed to include the entire rear deck as part of the diagram on the inspection report, as required  
14 and defined by California Code of Regulations, title 16, section 1990(a)(3)(4), (b)(5), and (e).

15           e.    Respondent failed to report evidence of leaks and fungus infection/damage under the  
16 roman tub/shower that was visible from the subarea under the master bathroom and tub/shower  
17 floor with evidence of leaks to the tile in the shower and a weak tile bath floor. Respondent also  
18 failed to properly water test the shower pan and/or make a proper recommendation to water test  
19 the shower pan/roman tub, as required and defined by California Code of Regulations, title 16,  
20 section 1990(b)(5),(e) and 1991(b)(12).

21           f.    Respondent failed to report form wood/form stakes embedded in the foundation under  
22 the house, as defined by California Code of Regulations, title 16, section 1990(b)(3).

23           g.    Respondent failed to report earth to wood contacts at the base of the railing posts at  
24 the front porch staircase, and at the base of the subarea storage shelve posts that were embedded  
25 in the ground with tarpaper wrappings near the subarea entrance, as required and defined by  
26 California Code of Regulations, title 16, section 1990(b)(4).

27           h.    Respondent failed to make a proper recommendation to correct the earth to wood  
28 contacts and fungus damaged decking at the attached rear deck, by improperly recommending to

1 separate portions of the deck from the structure, which would not correct the conditions, as  
2 required and defined by California Code of Regulations, title 16, section 1990(a)(3)(4),(b)(4) and  
3 1991(a)(2).

4 **Re-Inspection Report No. 14-476RI dated August 5, 2014**

5 **Section 8516:**

6 i. Respondent failed to report if the inaccessible areas in the garage and below the wood  
7 deck below the roof were inspected or reinspected and if any conditions existed in those areas, as  
8 required and defined by California Code of Regulations, title 16, section 1993(e).

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Failure to Properly Treat Subterranean Termites)**

11 48. Respondent's registration and operator's license are subject to discipline pursuant to  
12 Code section 8641, in that on the Knollwood project, Respondent failed to comply with  
13 California Code of Regulations, title 16, section 1991(a)(9), by failing to perform a proper and  
14 thorough treatment of subterranean termites at the interior and exterior of the front garage wall  
15 and storage room area with "Termidor", in that according to the manufacturer's recommendations  
16 and industry standards, it calls for a continuous barrier (both sides of the foundation) at the area  
17 of infestation as a minimum. Respondent failed to treat the interior and exterior of the foundation  
18 in the garage and storage room and along the exterior soil at the areas of infestation.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Complete the Work in a Quality and Workmanlike Manner)**

21 49. Respondent's registration and operator's license are subject to discipline under Code  
22 section 8641, in that regarding the Knollwood project, Respondent failed to comply with  
23 California Code of Regulations, title 16, section 1937.14, in that he failed to properly repair or  
24 replace the barge rafter joints, and left debris of the repair on the property.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Fraud or Misrepresentation After Inspection)**

27 50. Respondent's registration and operator's license are subject to discipline pursuant to  
28 Code section 8644, in that on or about August 5, 2014, regarding the Knollwood project,

1 Respondent committed fraud or misrepresentation by issuing Re-Inspection Report No. 14-476-  
2 RI certifying that all recommended items for repair contained in Inspection Report No. 14-476  
3 were completed, when in fact, they were not. Furthermore, Respondent certified that the property  
4 was free of evidence of active infestation or infection in the visible and accessible areas when, in  
5 fact, it was not.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Failure to File a Notice of Work Completed and Not Completed with the Board)**

8 51. Respondent's registration and operator's license are subject to discipline pursuant to  
9 Code section 8518, in that regarding the Knollwood project, Respondent failed to file with the  
10 Board, a Notice of Work Completed and Not Completed within ten (10) working days after  
11 performing work (eave repairs to the right side of the structure) on September 18, 2014, and in  
12 compliance with California Code of Regulations, title 16, section 1996.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Failure to Register Address)**

15 52. Respondent's registration and operator's license are subject to discipline under Code  
16 section 8641, in that regarding the Knollwood project, Respondent failed to comply with Code  
17 sections 8612, 8613, and 8650, in that he failed to register the address/addresses for which he was  
18 operating and advertising on the inspection reports, and for the Branch office of his employee.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Record Requirements)**

21 53. Respondent's registration and operator's license are subject to discipline pursuant  
22 to Code section 8641, in that Respondent failed to comply with California Code of Regulations,  
23 title 16, section 1970(b), by failing to keep a record of pesticide use. Respondent failed to keep a  
24 record of each pest control job performed with the area where the pesticide was applied, how  
25 much pesticide was applied, and who applied the pesticide.

26 ///

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1 PRIOR DISCIPLINE

2 **Operator's License No. OPR 9331**  
3 **Company Registration Certificate No. PR 2644**

4 58. On or about March 17, 2009, the Board issued Citation No. CF 09-61, to Respondent  
5 for violating Business and Professions Code sections and California Code of Regulations, title 16,  
6 sections 8635, 8638, 8636, 8516/1996.3/1997, 8514/8516, 8619/1996.1, 8519, 8517, 1937.14, and  
7 8622. The Board assessed a fine in the amount of \$2,253. Respondent paid the fine.

8 **Operator's License No. OPR 9331**

9 59. On or about March 17, 2009, the Board issued Citation No. CF 09-62, to Respondent  
10 for violating Business and Professions Code sections and California Code of Regulations, title 16,  
11 sections 8516/1990. The Board assessed a fine in the amount of \$100. Respondent paid the fine.

12 OTHER MATTERS

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

18 61. Pursuant to Code section 8624, the causes for discipline established as to Company  
19 Registration Certificate Number PR 2644, issued to George Webb Termite & Pest Control,  
20 likewise constitute cause for discipline against Operator's License Number OPR 9331, issued to  
21 George K. Webb, who serves as the Qualifying Manager of George Webb Termite & Pest  
22 Control, regardless of whether George K. Webb had knowledge of or participated in the acts or  
23 omissions which constitute cause for discipline against George Webb Termite & Pest Control.

24 62. Pursuant to Code section 8654, if discipline is imposed on Company Registration  
25 Certificate Number PR 2644, issued to George Webb Termite & Pest Control, then George K.  
26 Webb, who serves as the Qualifying Manager of George Webb Termite & Pest Control, shall be  
27 prohibited from serving as an officer, director, associate, partner, qualifying manager, or  
28 responsible managing employee for any registered company during the time the discipline is


1 imposed, and any registered company which employs, elects, or associates him, shall be subject  
2 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 2644, issued  
7 to George Webb Termite & Pest Control;
- 8 2. Revoking or suspending Operator's License Number OPR 9331, issued to George K.  
9 Webb;
- 10 3. Revoking or suspending any other license for which George K. Webb is furnishing  
11 the qualifying experience or appearance;
- 12 4. Prohibiting George K. Webb from serving as an officer, director, associate, partner,  
13 qualifying manager or responsible managing employee of any registered company during the  
14 period that discipline is imposed on Company Registration Certificate Number PR 2644, issued to  
15 George Webb Termite & Pest Control;
- 16 5. Ordering restitution of all damages according to proof suffered by A.P. as a condition  
17 of probation in the event probation is ordered;
- 18 6. Ordering George K. Webb and George Webb Termite & Pest Control to pay the  
19 Structural Pest Control Board the reasonable costs of the investigation and enforcement of this  
20 case, pursuant to Business and Professions Code section 125.3; and,
- 21 7. Taking such other and further action as deemed necessary and proper.

22 DATED: 10/20/15

  
23 SUSAN SAYLOR  
24 Registrar/Executive Officer  
25 Structural Pest Control Board  
26 Department of Consumer Affairs  
27 State of California  
28 *Complainant*

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