

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

In the Matter of the Accusation Against:

ALL-WAYS PEST CONTROL
4800 St. Andrews Avenue
Buena Park, California 90621
STEWART LEE OLSEN, Owner
Company Registration Certificate No. PR
3496, Br. 3

STEWART LEE OLSEN
3808 E. La Palma Avenue
Anaheim, California 92807
Field Representative License No. FR 30132

Respondent.

Case No. 2009-16

OAH No. 2009010451

DECISION AND ORDER

The attached Stipulated Settlement of License and 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 21, 2009

It is so ORDERED April 21, 2009

Richard J. Miller
FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR, State Bar No. 174721
Deputy Attorney General
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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13
14 **ALL-WAYS PEST CONTROL**
4800 St. Andrews Avenue
Buena Park, California 90621
15 **STEWART LEE OLSEN, Owner**
Company Registration Certificate No. PR
16 3496, Br. 3

Case No. 2009-16
OAH No. 2009010450

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 and
18 **STEWART LEE OLSEN**
3808 E. La Palma Avenue
19 Anaheim, California 92807
20 **Field Representative License No. FR 30132**

Respondents.

21
22 In the interest of a prompt and speedy resolution of this matter, consistent with the public
23 interest and the responsibility of the Structural Pest Control Board of the Department of
24 Consumer Affairs the parties hereby agree to the following Stipulated Settlement of License and
25 Order which will be submitted to the Board for approval and adoption as the final disposition of
26 the Accusation.

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1 PARTIES

2 1. Kelli Okuma (Complainant) is the Registrar/Executive Officer of the
3 Structural Pest Control Board. She brought this action solely in her official capacity and is
4 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
5 by Diane de Kervor, Deputy Attorney General.

6 Company Registration Certificate No. PR 3496

7 2. On or about August 10, 1999, the Structural Pest Control Board issued
8 Company Registration Certificate Number PR 3496 ("registration") to All-Ways Pest Control
9 ("Respondent All-Ways") in Branch 2, with Stewart Alan Olsen as the Owner, and William
10 Walsh as the Qualifying Manager. On or about April 11, 2002, the registration was upgraded to
11 include Branch 3, and Gary Alan Meier ("Meier") became the Branch 3 Qualifying Manager. In
12 or about April 2005, Meier left employment as the the Branch 3 Qualifying Manager. On or
13 about June 30, 2005, William Walsh disassociated as the Branch 2 Qualifying Manager. On or
14 about April 11, 2007, the registration was suspended for failing to maintain general liability
15 insurance, as required by Business and Professions Code ("Code") section 8690. On or about
16 June 4, 2007, the registration was reinstated after posting general liability insurance. On or about
17 June 7, 2007, the registration was downgraded to include Branch 3 only. On or about December
18 28, 2007, the registration was canceled.

19 Operator's License No. OPR 8033

20 3. On or about November 7, 1985, Operator's License Number OA 8033 was
21 issued to Meier in Branch 3, as the Qualifying Manager for A-Superior Termite Protection. On
22 or about June 22, 1989, the license was converted to OPR 8033. On or about September 25,
23 1991, Meier disassociated as the Qualifying Manager of A-Superior Termite Protection. On or
24 about April 11, 2002, Meier became the Branch 3 Qualifying Manager of All-Ways Pest Control.
25 In or about April 2005, Meier left employment as the Branch 3 Qualifying Manager of All-Ways
26 Pest Control. On or about April 11, 2007, the license was suspended for failing to maintain

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1 general liability insurance as required by Code section 8690. On or about June 4, 2007, the
2 license was reinstated after posting general liability insurance. The license expired on or about
3 June 30, 2008, and has not been renewed.

4 Field Representative's License No. FR 30132

5 4. On or about October 9, 1998, Field Representative's License Number
6 FR 30132, was issued to Stewart Lee Olsen ("Respondent Olsen") in Branch 2, as an employee
7 of Bonnie & Clyde Exterminations. On or about January 14, 1999, the license was upgraded to
8 include Branch 3. On or about January 15, 1999, Respondent Olsen left the employment of
9 Bonnie & Clyde Exterminations, and the license was placed on inactive status. On or about
10 August 10, 1999, Respondent Olsen became employed with All-Ways Pest Control. On or about
11 December 28, 2007, Respondent Olsen left the employment of All-Ways Pest Control, and the
12 license was placed on inactive status. The license will expire on or about June 30, 2010, unless
13 renewed.

14 5. Respondents Olsen and All-Ways are representing themselves in this
15 proceeding and have chosen not to exercise their right to be represented by counsel.

16 JURISDICTION

17 6. Accusation No. 2009-16 was filed before the Structural Pest Control
18 Board (Board), Department of Consumer Affairs, and is currently pending against Respondents.
19 The Accusation and all other statutorily required documents were properly served on
20 Respondents on October 14, 2008. Respondents timely filed their Notice of Defense contesting
21 the Accusation. A copy of Accusation No. 2009-16 is attached as exhibit A and incorporated
22 herein by reference.

23 ADVISEMENT AND WAIVERS

24 7. Respondents have carefully read, and understand the charges and
25 allegations in Accusation No. 2009-16. Respondents also have carefully read, and understand the
26 effects of this Stipulated Settlement and Disciplinary Order.

27 8. Respondents are fully aware of their legal rights in this matter, including
28 the right to a hearing on the charges and allegations in the Accusation; the right to be represented

1 by counsel, at their own expense; the right to confront and cross-examine the witnesses against
2 them; the right to present evidence and to testify on their own behalf; the right to the issuance of
3 subpoenas to compel the attendance of witnesses and the production of documents; the right to
4 reconsideration and court review of an adverse decision; and all other rights accorded by the
5 California Administrative Procedure Act and other applicable laws.

6 9. Respondents voluntarily, knowingly, and intelligently waive and give up
7 each and every right set forth above.

8 CULPABILITY

9 10. Respondents understand that the charges and allegations in Accusation No.
10 2009-16, if proven at a hearing, constitute cause for imposing discipline upon their Company
11 Registration and Field Representative License.

12 11. For the purpose of resolving the Accusation without the expense and
13 uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could
14 establish a factual basis for the charges in the Accusation and that those charges constitute cause
15 for discipline. Respondents hereby give up their right to contest that cause for discipline exists
16 based on those charges.

17 12. Respondents understand that by signing this stipulation they enable the
18 Board to issue an order accepting the settlement of this matter without further process:

19 CIRCUMSTANCES IN MITIGATION

20 13. Respondents All-Ways and Olsen have been very cooperative in these
21 proceedings.

22 CONTINGENCY

23 14. This stipulation shall be subject to approval by the Structural Pest Control
24 Board. Respondents understand and agree that counsel for Complainant and the staff of the
25 Structural Pest Control Board may communicate directly with the Board regarding this
26 stipulation and settlement, without notice to or participation by Respondents. By signing the
27 stipulation, Respondents understand and agree that they may not withdraw their agreement or
28 seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board

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

5 15. The parties understand and agree that facsimile copies of this Stipulated
6 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
7 force and effect as the originals.

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

11 ORDER

12 Field Representative License No. FR 30132

13 IT IS HEREBY ORDERED that Field Representative License No. FR 30132
14 issued to Respondent Stewart Lee Olsen is revoked. However, the revocation is stayed and
15 Respondent is placed on probation for three (3) years on the following terms and conditions.

16 17. **Obey All Laws.** Respondent Olsen shall obey all laws and rules relating
17 to the practice of structural pest control.

18 18. **Quarterly Reports.** Respondent Olsen shall file quarterly reports with
19 the Board during the period of probation.

20 19. **Tolling of Probation.** Should Respondent Olsen leave California to
21 reside outside this state or fail to operate within California for any period over 29 days,
22 Respondent Olsen must notify the Board in writing of same. Periods of residency or practice
23 outside the state or inactivity within state shall not apply to reduction of the probationary period.

24 20. **Notice to Employers.** Respondent Olsen shall notify all present and
25 prospective employers of the decision in Case no. 2009-16 and the terms, conditions and
26 restriction imposed on him by said decision. Within 30 days of the effective date of this

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1 decision, and within 15 days of Respondent Olsen undertaking new employment, Respondent
2 shall cause his employer to report to the Board in writing acknowledging the employer has read
3 the decision in Case No. 2009-16.

4 21. **Completion of Probation.** Upon successful completion of probation,
5 Respondent Olsen's license/certificate will be fully restored.

6 22. **Violation of Probation.** Should Respondent Olsen violate probation in
7 any respect, the Board, after giving Respondent notice and an opportunity to be heard, may
8 revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke
9 probation is filed against Respondent Olsen during probation, the Board shall have continuing
10 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
11 is final.

12 23. **Continuing Education Courses.** Respondent Olsen shall take eight (8)
13 approved hours of continuing education in rules and regulations and eight (8) approved hours of
14 technical training in Branch 3 within 120 days of the approved stipulation. These hours are in
15 addition to any hours required for re-licensure.

16 24. **License/Class Changes.** The terms of probation extend to any change in
17 license status or classification issued by the Board.

18 25. **Random Inspections.** Respondent Olsen shall reimburse the Board for
19 one (1) random inspection per quarter by Board specialists during the period of probation not to
20 exceed \$125 per inspection.

21 26. **Prohibited from Serving as Owner, Officer, Director, Associate,
22 Partner or Qualifying Manager.** Respondent Olsen is prohibited from serving as an owner,
23 officer, director, associate, partner, qualifying manager or branch office manager of any new or
24 current registered company during the period that discipline is imposed on his license.

25 27. **No Interest In Any Registered Company.** Respondent Olsen shall not
26 have any legal or beneficial interest in any company currently or hereinafter registered by the
27 Board during the period that discipline is imposed on his license.

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1 28. **Voluntary Surrender.** If Respondent Olsen offers to voluntarily
2 surrender his license, the Board has the option of accepting the surrender or taking any other
3 action it may deem appropriate.

4 **Company Registration Certificate No. PR 3496**

5 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 3496,
6 issued to Respondent All- Ways is surrendered and accepted by the Structural Pest Control
7 Board.

8 29. The settlement of Respondent All-Way's Company Registration Certificate
9 and the acceptance of the surrendered license by the Board shall constitute the imposition of
10 discipline against Respondent All-Ways. This stipulation constitutes a record of the discipline
11 and shall become a part of Respondent's license history with the Board.

12 30. Respondent All-Ways shall lose all rights and privileges to operate as a
13 pest control company in California as of the effective date of the Board's Decision and Order.

14 31. Respondent All-Ways shall cause to be delivered to the Board both its
15 wall license certificate and, if one was issued, pocket license on or before the effective date of the
16 Decision and Order.

17 32. If Respondent All-Ways ever applies for licensure or petitions for
18 reinstatement in the State of California, the Board shall treat it as a new application for licensure.
19 Respondent All Ways must comply with all the laws, regulations and procedures for licensure in
20 effect at the time the application or petition is filed, and all of the charges and allegations
21 contained in Accusation No. 2009-16 shall be deemed to be true, correct and admitted by
22 Respondent All-Ways when the Board determines whether to grant or deny the application or
23 petition.


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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 Company Registration Certificate. 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: 3/02/09
11:41 am



ALL WAYS PEST CONTROL
By Stewart Lee Olsen, Owner
Respondent

DATED: 3/02/09
11:41 am



Stewart Lee Olsen, Individually
Respondent

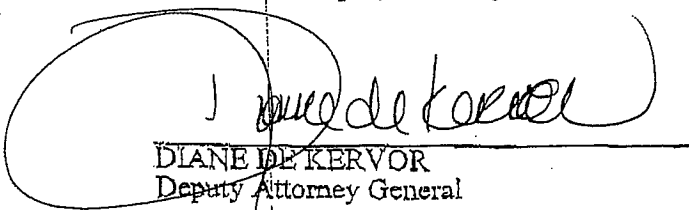
ENDORSEMENT

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

DATED: 3/2/2009

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

JAMES M. LEDAKIS
Supervising Deputy Attorney General



DIANE DEKERVOR
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 2009-16

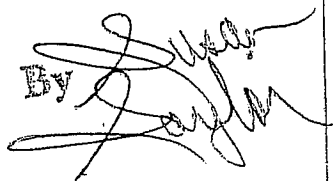
1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JAMES M. LEDAKIS
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6 San Diego, CA 92186-5266
Telephone: (619) 645-2611
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

FILED

Date 10/7/08

By 

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

12 In the Matter of the Accusation Against:
13 **ALL-WAYS PEST CONTROL**
4800 St. Andrews Avenue
14 Buena Park, California 90621
STEWART LEE OLSEN, Owner
15 **Company Registration Certificate No. PR 3496, Br. 3**
16 **STEWART LEE OLSEN**
3808 E. La Palma Avenue
17 Anaheim, California 92807
Field Representative License No. FR 30132
18
19 Respondents.

Case No. 2009-16
ACCUSATION

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 **Company Registration Certificate No. PR 3496**

25 2. On or about August 10, 1999, the Structural Pest Control Board issued
26 Company Registration Certificate Number PR 3496 ("registration") to All-Ways Pest Control
27 ("Respondent All-Ways") in Branch 2, with Stewart Alan Olsen as the Owner, and William
28 Walsh as the Qualifying Manager. On or about April 11, 2002, the registration was upgraded to

1 include Branch 3, and Gary Alan Meier ("Meier") became the Branch 3 Qualifying Manager. In
2 or about April 2005, Meier left employment as the the Branch 3 Qualifying Manager. On or
3 about June 30, 2005, William Walsh disassociated as the Branch 2 Qualifying Manager. On or
4 about April 11, 2007, the registration was suspended for failing to maintain general liability
5 insurance, as required by Business and Professions Code ("Code") section 8690. On or about
6 June 4, 2007, the registration was reinstated after posting general liability insurance. On or about
7 June 7, 2007, the registration was downgraded to include Branch 3 only. On or about December
8 28, 2007, the registration was cancelled.

9 Operator's License No. OPR 8033

10 3. On or about November 7, 1985, Operator's License Number OA 8033 was
11 issued to Meier in Branch 3, as the Qualifying Manager for A-Superior Termite Protection. On
12 or about June 22, 1989, the license was converted to OPR 8033. On or about September 25,
13 1991, Meier disassociated as the Qualifying Manager of A-Superior Termite Protection. On or
14 about April 11, 2002, Meier became the Branch 3 Qualifying Manager of All-Ways Pest Control.
15 In or about April 2005, Meier left employment as the Branch 3 Qualifying Manager of All-Ways
16 Pest Control. On or about April 11, 2007, the license was suspended for failing to maintain
17 general liability insurance as required by Code section 8690. On or about June 4, 2007, the
18 license was reinstated after posting general liability insurance. The license expired on or about
19 June 30, 2008, and has not been renewed.

20 Field Representative's License No. FR 30132

21 4. On or about October 9, 1998, Field Representative's License Number
22 FR 30132, was issued to Stewart Lee Olsen ("Respondent Olsen") in Branch 2, as an employee
23 of Bonnie & Clyde Exterminations. On or about January 14, 1999, the license was upgraded to
24 include Branch 3. On or about January 15, 1999, Respondent Olsen left the employment of
25 Bonnie & Clyde Exterminations, and the license was placed on inactive status. On or about
26 August 10, 1999, Respondent Olsen became employed with All-Ways Pest Control. On or about

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1 December 28, 2007, Respondent Olsen left the employment of All-Ways Pest Control, and the
2 license was placed on inactive status. The license will expire on or about June 30, 2010, unless
3 renewed.

4 STATUTORY PROVISIONS

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

9 6. Code section 8624 states:

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

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

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

23 7. Code section 8625 states:

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

8. Code section 8654 states:

Any individual who has been denied a license for any of the reasons
specified in Section 8568, or who has had his or her license revoked, or whose
license is under suspension, or who has failed to renew his or her license while it
was under suspension, or who has been a member, officer, director, associate,
qualifying manager, or responsible managing employee of any partnership,
corporation, firm, or association whose application for a company registration has
been denied for any of the reasons specified in Section 8568, or whose company
registration has been revoked as a result of disciplinary action, or whose company
registration is under suspension, and while acting as such member, officer,
director, associate, qualifying manager, or responsible managing employee had

1 knowledge of or participated in any of the prohibited acts for which the license or
2 registration was denied, suspended or revoked, shall be prohibited from serving as
3 an officer, director, associate, partner, qualifying manager, or responsible
4 managing employee of a registered company, and the employment, election or
5 association of such person by a registered company is a ground for disciplinary
6 action.

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9 9. Code section 8641 states:

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

15
16 10. Code section 8516 states, in pertinent part:

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

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

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

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

Reports shall be made available for inspection and reproduction to the
executive officer of the board or his or her duly authorized representative during
business hours. Original inspection reports or copies thereof shall be submitted to
the board upon request within two business days.

11. 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
less than three years after completion of any work or operation for the control of

1 structural pests or organisms, is a ground for disciplinary action. These records
2 shall be made available to the registrar during business hours.

3 12. Code section 8550(a) states:

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

7 13. Code section 8642 states:

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

11 14. Code section 8518 states:

12 When a registered company completes work under a contract, it shall
13 prepare, on a form prescribed by the board, a notice of work completed and not
14 completed, and shall furnish that notice to the owner of the property or the owner's
15 agent within 10 working days after completing the work. The notice shall include
16 a statement of the cost of the completed work and estimated cost of work not
17 completed.

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

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

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

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

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

15. 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.

1 When a registered company opens a branch office it shall notify the
2 registrar in writing on a form prescribed by the board and issued by the registrar in
3 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.

4 16. Code section 8643 states:

5 "The negligent handling or use of any poisonous exterminating agent is a ground
6 for disciplinary action."

7 17. Code section 8571 states:

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

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

19 REGULATORY PROVISIONS

20 18. California Code of Regulations, title 16, section 1983, states, in
21 pertinent part:

22
23 (c) When any pesticide or preparation thereof is carried on a truck or other
24 vehicle, a suitable storage space shall be provided thereon. Under no
circumstances shall such storage be left either unlocked or unattended when
25 containing any pesticide or preparation thereof.

26 (d) Where there is danger of food or drug contamination, all food or drug
27 commodities and all utensils or equipment used in the preparation of food or
drugs shall be adequately covered to insure against contamination by pesticidal
28 materials, unless the contamination will be dissipated or otherwise removed prior
to the time the food or drugs are consumed or the utensils or equipment used.

1 COST RECOVERY

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

6 BACKGROUND INFORMATION/RECORDS INSPECTION

7 20. On or about November 15, 2007, Charles Alsky ("Alsky"), a Board
8 specialist, went to Respondent Olsen's place of business to conduct a Compliance Inspection
9 ("inspection"). When Alsky arrived, he was informed that Respondent Olsen was not there.
10 Alsky contacted Respondent Olsen by telephone. Respondent Olsen stated that he was unable to
11 return to the office that day. Alsky rescheduled the inspection for November 16, 2007.

12 21. In the afternoon of November 15, 2007, Respondent Olsen telephoned Alsky
13 and stated that he would not be available on November 16, 2007, and requested to reschedule the
14 inspection for November 19, 2007. On November 18, 2007, Respondent Olsen left a voice mail
15 for Alsky canceling the inspection scheduled for November 19, 2007. Later that same day, Alsky
16 telephoned Respondent Olsen to reschedule the inspection. Respondent Olsen stated that he was
17 closing his business for one week due to the Thanksgiving holiday, and wanted to reschedule the
18 inspection for November 26, 2007. On November 26, 2007, Alsky arrived at Respondent
19 Olsen's office to conduct the inspection, but was informed by a family member that
20 Respondent Olsen was not there because he believed that the inspection was scheduled for
21 November 27, 2007. On November 27, 2007, Alsky returned to Respondent Olsen's office and
22 conducted the inspection. Alsky found that Respondent Olsen was in violation of the Board's
23 rules and regulations.

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FIRST CAUSE FOR DISCIPLINE

(Failure to Notify the Board of Disassociation of Qualifying Manager)

22. Respondent All-Ways' company registration is subject to discipline under Code section 8641, in that in or about April 2005, Respondent All-Ways failed to notify the Board within ten (10) days of the disassociation of the Qualifying Manager, Meier, as required by Code section 8571.

SECOND CAUSE FOR DISCIPLINE

(Unlicenced Activity)

23. Respondent All-Ways' company registration and Respondent Olsen's field representative's license are subject to discipline under Code section 8641, in that between April 2005 and November 27, 2007, Respondents engaged in or offered to engage in the business or practice of structural pest control without a qualifying manager and proper registration, in violation of Code section 8550.

THIRD CAUSE FOR DISCIPLINE

(Failure to File Work Activity Reports with the Board)

24. Respondent All-Ways' registration is subject to discipline under Code section 8641, in that between February 1, 2006, and January 28, 2007, Respondent failed to comply with Code sections 8516(b) and 8518, in that Respondent failed to file 222' Wood Destroying Pests and Organism Reports with the Board within ten (10) business days of the inspection activities.

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1. Respondent filed 196 late reports on November 19, 2007, and 26 late reports on November 20, 2007, after becoming aware of the pending records inspection and after advising Alsky that he was unavailable for the records inspection on those dates due to the Thanksgiving holiday, as more particularly set forth above in paragraph 21.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Fraudulent Act)

3 25. Respondent All-Ways' registration is subject to discipline under Code
4 section 8642, in that Respondent committed the following fraudulent acts:

5 a. Between April 2005 and November 2007, Respondent engaged in pest control
6 operations without a qualifying manager and without being properly registered.

7 b. On or about November 19, 2007, Respondent filed 196 Wood Destroying Pests
8 and Organisms Reports with the Board without possessing the underlying inspection reports or
9 knowing their whereabouts.

10 c. On or about November 20, 2007, Respondent filed 26 Wood Destroying Pests
11 and Organisms Reports with the Board, without possessing the underlying inspection reports or
12 knowing their whereabouts.

13 FIFTH CAUSE FOR DISCIPLINE

14 (Failure to Make Inspection Records Available)

15 26. Respondent All-Ways' registration is subject to discipline under Code
16 section 8652, in that between November 15, 2007, and November 27, 2007, Respondent failed to
17 make and keep all inspection reports, contracts, documents, and records for a period of not less
18 than three years after completion of any work or operation for the control of structural pests or
19 organisms. Furthermore, Respondent failed to make such records available to the Registrar
20 during business hours.

21 SIXTH CAUSE FOR DISCIPLINE

22 (Negligent Handling and Storage of Pesticides)

23 27. Respondent All-Ways' registration and Respondent Olsen's field
24 representative field license are subject to discipline under Code section 8643, in that on or about
25 November 27, 2007, Respondents failed to comply with California Code of Regulations, title 16,
26 sections 1983(c) and 1983(d), in that Respondents failed to provide suitable storage space for
27 pesticides in their vehicles (two vans), and had stored pesticides next to cooking utensils.

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SEVENTH CAUSE FOR DISCIPLINE

(Failure to Display Operator's License and Company Registration)

28. Respondent All-Ways' registration is subject to discipline under Code section 8641, in that on or about November 27, 2007, Respondent failed to prominently display the licenses of the operators and company registrations in the registered company's office, as required by Code section 8612.

PRIOR DISCIPLINE

Company Registration Certificate No. PR 3496

29. On or about August 1, 2002, Respondent All-Ways paid a fine of \$50 levied by the Los Angeles County Agricultural Commissioner for violating Food and Agricultural Code section 15204.

30. On or about July 29, 2004, Respondent All-Ways paid a fine of \$50 levied by the Board for violating Code section 8691.

Field Representative's License No. FR 30132

31. On or about September 25, 2007, Respondent Olsen paid a fine of \$2,372.50 levied by the Board for violating Code section 8593 and California Code of Regulations, title 16, section 1950.

OTHER MATTERS

32. Notice is hereby given that section 8620 of the Code 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.

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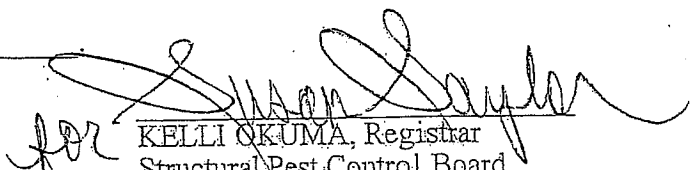
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WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Company Registration Certificate Number PR 3496, issued to All-Ways Pest Control;
2. Revoking or suspending Field Representative License No. FR 30132, issued to Stewart Lee Olsen;
3. Prohibiting Stewart Lee Olsen 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 3496, issued to All-Ways Pest Control;
4. Ordering All-Ways Pest Control and Stewart Lee Olsen 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,
5. Taking such other and further action as deemed necessary and proper.

DATED: 10/7/08

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

SD2008801106

