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**FILED**

Date 1/10/17 By *Susan Saylor*

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

12 In the Matter of the Accusation Against:

Case No. 2017-38

13 **PINNACLE PEST CONTROL INC.**  
14 **JAIME LOPEZ, PRS./QM**  
15 **600 Broadway, Suite C**  
16 **Sacramento, California 95818**  
17 **Company Registration Certificate No. PR 4379**  
18 **Operator's License No. OPR 9872**

**ACCUSATION**

19 and

20 **KENNETH D. CROWNINSHIELD**  
21 **600 Broadway, Suite C**  
22 **Sacramento, California 95818**  
23 **Operator's License No. OPR 11881**  
24 **Field Representative License No. FR 51054**

25 Respondents.

26 Susan Saylor ("Complainant") alleges:

27 **PARTIES**

28 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.

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1 **Pinnacle Pest Control Inc.**  
2 **Company Registration Certificate No. PR 4379**

3 2. On or about August 7, 2003, the Board issued Company Registration Certificate  
4 Number PR 4379 to Pinnacle Pest Control Inc. ("Respondent Pinnacle") in Branches 2 and 3 with  
5 Jaime Lopez as the President and Qualifying Manager.

6 **Jaime Lopez**  
7 **Operator's License No. OPR 9872**

8 3. On or about May 21, 1998, the Board issued Operator's License Number OPR 9872  
9 to Jaime Lopez ("Respondent Lopez") as the Owner and Qualifying Manager of Pinnacle Pest  
10 Control in Branch 2. On or about May 12, 1999, the license was upgraded to include Branch 3.  
11 On or about August 7, 2003, the license was re-registered as a corporation and Respondent Lopez  
12 became the President and Qualifying Manager of Pinnacle Pest Control Inc. The license will  
13 expire on June 30, 2018, unless renewed.

14 **Kenneth David Crowninshield**  
15 **Operator's License No. OPR 11881**  
16 **Field Representative License No. FR 51054**

17 4. On or about July 14, 2009, the Board issued Operator's License Number OPR 11881  
18 as inactive to Kenneth David Crowninshield ("Respondent Crowninshield"), in Branch 3. On or  
19 about August 3, 2009, Respondent Crowninshield became a partner and Qualifying Manager of  
20 Accel Termite Control, at which time his license became active. On or about August 1, 2014,  
21 Respondent Crowninshield became employed by Respondent Pinnacle. The license will expire  
22 on June 30, 2018, unless renewed.

23 5. On or about January 13, 2016, the Board issued Field Representative License Number  
24 FR 51054 to Respondent Crowninshield in Branch 2, as an employee of Pinnacle Pest Control  
25 Inc. The license will expire on June 30, 2018, unless renewed.

26 **JURISDICTION**

27 6. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that  
28 the Board may suspend or revoke a license when it finds that the holder, while a licensee or

1 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu  
2 of a suspension may assess a civil penalty.

3 7. Code section 8624 states:

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

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

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

16 8. Code section 8625 states:

17 The lapsing or suspension of a license or company registration by operation of law or  
18 by order or decision of the board or a court of law, or the voluntary surrender of a license or  
19 company registration shall not deprive the board of jurisdiction to proceed with any  
20 investigation of or action or disciplinary proceeding against such licensee or company, or to  
21 render a decision suspending or revoking such license or registration.

22 9. Code section 8622 states:

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

The notice sent to the registered company shall inform the registered company that if  
it desires a hearing to contest the finding of noncompliance, the hearing shall be requested

1 by written notice to the board within 20 days of receipt of the notice of noncompliance from  
2 the board. Where a hearing is not requested pursuant to this section, payment of any  
assessment shall not constitute an admission of any noncompliance charged.

3 **STATUTORY PROVISIONS**

4 10. Code section 8516 states, in pertinent part:

5 (b) No registered company or licensee shall commence work on a contract, or sign,  
6 issue, or deliver any documents expressing an opinion or statement relating to the absence  
7 or presence of wood destroying pests or organisms until an inspection has been made by a  
8 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.

9 Every property inspected pursuant to subdivision (b) of Section 8516.1, or Section  
10 8518, or subdivision (b) of this section shall be assessed a filing fee pursuant to Section  
11 8674.

12 Failure of a registered company to report and file with the board the address of any  
13 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).

14 A written inspection report conforming to this section and on a form approved by the  
15 board shall be prepared and delivered to the person requesting the inspection or to the  
16 person's designated agent within 10 business days of the inspection, except that an  
17 inspection report prepared for use by an attorney for litigation purposes is not required to be  
18 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.

19 Reports shall be made available for inspection and reproduction to the executive  
20 officer of the board or his or her duly authorized representative during business hours.  
21 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:

22 (6) A foundation diagram or sketch of the structure or structures or portions of the  
23 structure or structures inspected, indicating thereon the approximate location of any infested  
24 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.

25 (7) Information regarding the substructure, foundation walls and footings, porches,  
26 patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves,  
27 rafters, fascia, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other  
28 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.

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

5 11. Code section 8519 states, in pertinent part:

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

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

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

23 This certificate shall be accompanied by a copy of the inspection report prepared  
24 pursuant to Section 8516, and by a copy of the notice of work completed prepared pursuant  
25 to Section 8518, if any notice has been prepared at the time of the certification, or the  
26 certification may be endorsed on and made a part of that inspection report or notice of work  
27 completed.

28 12. Code section 8635 states:

Departure from, or disregard of, plans or specifications in the performance of  
structural pest control work in any material respect, without consent of the owner or  
his duly authorized representative, is a ground for disciplinary action.

13. Code section 8636 states:

Disregard and violation of the buildings laws of the state, or of any of its  
political subdivisions, or of the safety laws, labor laws, health laws, or compensation  
insurance laws of the state relating to the practice of structural pest control is a  
ground for disciplinary action.

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1 14. Code section 8638 states:

2 Failure on the part of a registered company to complete any operation or construction  
3 repairs for the price stated in the contract for such operation or construction repairs or in  
4 any modification of such contract is a ground for disciplinary action.

5 15. Code section 8641 states:

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

11 16. Code section 8644 states:

12 Fraud or misrepresentation, after inspection, by any licensee or registered  
13 company engaged in pest control work of any infestation or infection of wood-  
14 destroying pests or organisms found in property or structures, or respecting any  
15 conditions of the structure that would ordinarily subject structures to attack by wood-  
16 destroying pests or organisms, whether or not a report was made pursuant to Sections  
17 8516 and 8517 of this code, is a ground for disciplinary action.

### 18 REGULATORY PROVISIONS

19 17. California Code of Regulations, title 16, section 1937.14, states:

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

25 18. California Code of Regulations, title 16, section 1990, states, in pertinent part:

26 (a) All reports shall be completed as prescribed by the board. Copies filed with  
27 the board shall be clear and legible. All reports must supply the information required  
28 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 include,  
but are not limited to:

(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

1 shall be reported.

2 (4) Earth-wood contacts.

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

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

9 (f) The following language shall appear just prior to the first  
10 finding/recommendation on each separated report:

11 "This is a separated report which is defined as Section I/Section II  
12 conditions evident on the date of the inspection. Section I contains items where there  
13 is visible evidence of active infestation, infection or conditions that have resulted in  
14 or from infestation of infection. Section II items are conditions deemed likely to lead  
15 to infestation or infection but where no visible evidence of such was found. Further  
16 inspection items are defined as recommendations to inspect area(s) which during the  
17 original inspection did not allow the inspector access to complete the inspection and  
18 cannot be defined as Section I or Section II."

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

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

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

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

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

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

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

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

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

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

- 9 1. exposing the infested area(s) for local treatment,  
10 2. removing the infested wood,

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

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

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

19 (11) Correct any excessive moisture condition that is commonly controllable. When  
20 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.

### 21 COST RECOVERY/RESTITUTION

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

25 21. Government Code section 11519(d) provides, in pertinent part, that the Board may  
26 require restitution of damages suffered as a condition of probation in the event probation is  
27 ordered.  
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**LOS GARCIAS PROPERTY**

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2       22. On or about August 31, 2015, Respondent Crowninshield inspected the property  
3 located on Los Garcias Lane, in Elverta, California ("Los Garcias property"), for wood destroying  
4 pests and organisms at the request of M.P. of Keller Williams Real Estate for escrow purposes  
5 and thereafter issued a Complete Wood Destroying Pests and Organisms Inspection Report No.  
6 26775 ("Inspection Report No. 26775"). In the report, Respondent Crowninshield made certain  
7 findings, including wood decay fungi damage at the front and rear porch, skylight paneling, wall  
8 framing, and exterior siding; water damage at the sheetrock in the living room, skylight, and  
9 master bath ceiling; and the wood pads supporting the piers under the home were not pressure  
10 treated wood and have surface fungus/wood destroying organisms. In addition, the subflooring  
11 was inaccessible for physical inspection. Respondent Crowninshield made recommendations to  
12 correct the conditions, including replacing the wood pads with pressure treated wood or other  
13 material in compliance with building codes, removing and replacing the damaged wood members,  
14 paneling, and sheetrock with new materials, and making the inaccessible area at the water heater  
15 accessible for inspection. The cost of repairs totaled \$19,500.

16       23. On or about September 18, 2015, Respondent Crowninshield issued a Corrected  
17 Wood Destroying Pests and Organisms Inspection Report No. 26942 ("Corrected Inspection  
18 Report No. 26942"), wherein the method of correction for the siding was changed from using full  
19 sheet siding to using Z metal flashing, requested by the buyers, bringing the total cost of repairs  
20 down to \$11,200. Later that same day, Respondent Crowninshield issued a Supplemental Wood  
21 Destroying Pests and Organisms Inspection Report No. 26946 ("Supplemental Inspection Report  
22 No. 26946") noting that the owners requested full sheet siding replacement in lieu of Z metal  
23 flashing, bringing the total cost of repairs back up to \$16,800. Both inspection reports/contracts  
24 were signed by the buyer, C.G. A total of \$16,800 was being held in escrow for the repairs that  
25 were being performed by Respondent Pinnacle and would be released to Respondent Pinnacle  
26 following the close of escrow.

27       24. On or about October 12, 2015, Respondent Pinnacle began performing the repairs on  
28 the Los Garcias property. On that date, Respondent Crowninshield issued Supplemental Wood

1 Destroying Pests and Organisms Inspection Report No. 27216 (“Supplemental Inspection Report  
2 No. 27216”), noting that additional wood decay fungi damage was found at the skylight (kitchen  
3 area) and at the wall framing in four locations around the structure. The cost of the repairs totaled  
4 \$1,280.

5 25. On or about October 16, 2015, Respondent Crowninshield issued a Supplemental  
6 Wood Destroying Pests and Organisms Inspection Report No. 27267 (“Supplemental Inspection  
7 Report No. 27267”), for the removal of the existing windows, totaling \$675.

8 26. On or about October 23, 2015, escrow closed. The total amount of funds being held  
9 in escrow for the repairs being performed by Respondent Pinnacle increased to \$23,000.

10 27. On or about November 18, 2015, Respondent Pinnacle issued a Standard Notice of  
11 Work Completed and Not Completed (“NOC”). The NOC stated that the recommendations set  
12 forth in Inspection Report No. 26775 dated August 31, 2015; Supplemental Inspection Report No.  
13 26946 dated September 18, 2015; Supplemental Inspection Report No. 27216 dated October 12,  
14 2015; and Supplemental Inspection Report No. 27267, dated October 16, 2015, were completed  
15 and the property was certified as being free of evidence of active infestation or infection in the  
16 visible and accessible areas. Following the NOC, the buyer, C.G., contacted Respondent Pinnacle  
17 with complaints about the poor quality of the work it performed. Respondent Pinnacle made  
18 attempts to rectify the complaints with C.G. but to no avail. As a result, C.G. refused to allow the  
19 bank to release the funds being held in escrow to Respondent Pinnacle for the work it had  
20 performed.

21 28. On or about December 24, 2015, Respondent Pinnacle filed a mechanics lien against  
22 the Los Garcias property in the amount of \$18,755.

23 29. On or about December 30, 2015, an inspector with the Department of Housing and  
24 Community Development inspected the Los Garcias property and issued a Notice of Violation  
25 (“Notice”). The Notice included four items of correction, as follows: 1) The 1x4 siding installed  
26 at the base of all the exterior walls were not an approved material to have contact with the  
27 concrete walkways; 2) The nailing of the siding material was either missing or over spaced; 3)  
28 The siding joint on the southern facing wall does not contain proper backing to properly secure

1 the siding at the joint; and 4) The exterior trim has not been caulked to prevent the infiltration of  
2 air and water. Respondent Pinnacle was ordered to make the corrections within 20 days from the  
3 date of the Notice.

4 30. On January 11, 2016, the homeowner C.G. filed a complaint with the Board regarding  
5 the substandard work performed by Respondent Pinnacle.

6 31. On or about April 29, 2016, a Board specialist inspected the Los Garcias property and  
7 made findings, including but not limited to the following:

- 8 a. Wood pier pads supporting the home were in earth contact.  
9 b. Excessive cellulose debris found under the home,  
10 c. Exterior water heater closet door would not seal shut, had no door handle, and no  
11 method of securing the door from blowing open.  
12 d. The pitch of the new roof coverings at the porch did not meet building codes and  
13 industry standards.  
14 e. Evidence of roof leaks and moisture conditions were present.  
15 f. Exterior siding was not installed to industry standards.  
16 g. Exterior trim was not caulked, sealed, weatherized, or painted.  
17 h. Fungus damage to the roof soffits and fascia board at the left side and rear of the  
18 structure.  
19 i. Portions of the wood framing, subfloor and floor framing under the home were  
20 inaccessible due to the vapor barrier and insulation.  
21 j. The dryer vent was installed to empty into the subarea and there were no exterior  
22 vents or pipes leading to the exterior.  
23 k. Heavy water stains to the perimeter cripple framing, underside of the floor in some  
24 areas, and the new siding from underneath.  
25 l. Fungus infection and damage was present to some of the skirting frame.  
26 m. Water stains and evidence of leakage on the old wood members and the new  
27 members due to water leaks and possible roof leaks.

28 32. On or about June 20, 2016, the Board specialist prepared and issued a Report of  
Findings and a Notice ordering Respondent Pinnacle to do the following within thirty (30)  
days: 1) Submit a Wood Destroying Pests and Organisms Inspection Report addressing the items  
described in the Report of Findings to the Board; 2) Bring the Los Garcias property into  
compliance by correcting the items described in the Report of Findings; and 3) Submit a Standard  
Notice of Work Completed and Not Completed to the Board.

33. Respondent Pinnacle failed to bring the property into compliance.

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**FIRST CAUSE FOR DISCIPLINE**

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

34. Respondent Pinnacle's company registration, Respondent Lopez's Operator's license, and Respondent Crowninshield's Operator's license are subject to discipline under Code section 8641, in that on or about August 31, 2015, September 18, 2015, October 12, 2015, and October 16, 2015, regarding the Los Garcias property, Respondents failed to comply with the following Code sections:

**Respondent Pinnacle and Respondent Lopez**

**Section 8516:**

a. Respondents failed to report excessive cellulose debris under the home, as required by California Code of Regulations, title 16, section 1990(b)(3).

b. Respondents failed to report evidence of water intrusion with fungus infection and damage to the floor and framing of the water heater closet area, which was exposed, as required by California Code of Regulations, title 16, section 1990(a)(3).

c. Respondents failed to report evidence of roof leaks and/or conditions causing the damages at the ceilings and roof eaves, as required by California Code of Regulations, title 16, section 1990(b)(5).

d. Respondents failed to make a proper recommendation to correct the roof leak/conditions causing the damage to the ceiling at the skylight area, as required by California Code of Regulations, title 16, section 1991(a)(11).

**Section 8516(b)(6)(7):**

e. Respondents failed to report earth to wood contact at the base of the pier support pad and skirting under the home in various locations, as required by California Code of Regulations, title 16, section 1990(b)(4).

f. Respondents failed to report fungus infection and damage to the skirt framing in various locations under the home, as required by California Code of Regulations, title 16, section 1990(a)(3)(4).

./././

1 g. Respondents failed to report the dryer venting into the subarea and the missing vapor  
2 barrier as excessive moisture or conducive conditions in the subarea, as required by California  
3 Code of Regulations, title 16, section 1990(b)(5).

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

5 h. Respondents failed to report evidence of fungus infection and/or water damage to the  
6 roof eave soffits at the left side of the structure, as required by California Code of Regulations,  
7 title 16, section 1990(a)(3) and (b)(5). Furthermore, Respondents failed to make  
8 recommendations to open the concealed areas at the roof eave soffits for further inspection, as  
9 required by California Code of Regulations, title 16, section 1990(e) and 1991(a)(11).

10 i. Respondents failed to report and identify the portions of the subarea/subfloor that  
11 were inaccessible for inspection due to the vapor barrier and/or insulation under the home or  
12 where those conditions did not exist to the underside of the home and were accessible for  
13 inspection, as required by California Code of Regulations, title 16, section 1990(f) and (e).

14 **Respondent Crowninshield**

15 **8516:**

16 j. Respondent failed to issue a supplemental inspection report and report evidence of  
17 water intrusion with fungus infection and damage to the floor and framing at the water heater  
18 closet area, which was exposed, as required by California Code of Regulations, title 16, section  
19 1990 and 1991.

20 **8516(b)(6) and (7):**

21 k. Respondent failed to report earth to wood contacts at the pier support pads and  
22 skirting under the home in various locations, as required by California Code of Regulations, title  
23 16, section 1990(b)(4).

24 l. Respondent failed to report fungus infection and damage to the skirt/framing in  
25 various locations of the subarea, as required by California Code of Regulations, title 16, section  
26 1990(a)(3)(4).

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28 ///

1 m. Respondent failed to report the dryer venting into the subarea and the missing vapor  
2 barrier as excessive moisture or conducive conditions in the subarea, as required by California  
3 Code of Regulations, title 16, section 1990(b)(5).

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

5 n. Respondent failed to report and identify the portions of the subarea/subfloor that were  
6 inaccessible for inspection due to the vapor barrier and/or insulation under the home or where  
7 those conditions did not exist to the underside of the home and were accessible for inspection, as  
8 required by California Code of Regulations, title 16, section 1990(f) and (e).

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Workmanship)**

11 35. Respondent Pinnacle's company registration and Respondent Lopez's Operator's  
12 license are subject to discipline under Code section 8641, in that on the Los Garcias property,  
13 Respondents failed to complete all work to meet accepted trade standards for good and  
14 workmanlike construction in any material respect, as defined by California Code of Regulations,  
15 title 16, section 1937.14, in the following respects:

16 a. Respondents failed to replace all of the damaged pier pads; failed to comply with  
17 Building Codes (improper pads); and failed to ensure the home was level.

18 b. Respondents failed to replace/repair the skirt framing.

19 c. Respondents failed to remove cellulose debris (scrap lumber) from under the  
20 home.

21 d. Respondents failed to properly repair the water heater closet door, in that the door  
22 is not sealed from the weather, allowing water to penetrate the interior; the door will not fully  
23 open; and it is not secured (cannot be locked).

24 e. Respondents failed to use the proper roofing or install the roofing to the proper  
25 specifications at the front and rear porches.

26 f. Respondents failed to correct the roof leaks and/or conditions that caused the water  
27 damage at the front and rear porches.

28

1 g. Respondents failed to correct the conditions at the ceiling of the skylight framing  
2 that caused a roof leak, and to meet building codes.

3 h. Respondents failed to install the siding at the proper height above the exterior  
4 concrete grade.

5 i. Respondents failed to properly secure and seal the siding according to  
6 specifications and buildings codes.

7 j. Respondents failed to install the exterior wood trim in accordance with industry  
8 standards and failed to caulk the joints and perimeters.

9 k. Respondents failed to replace all fungus damaged fascia.

10 l. Respondents failed to install a metal drip edge and/or correct the condition(s) causing  
11 the damage at the roof areas where the roof was deteriorated.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Departure from or Disregard from Plans and Specifications)**

14 36. Respondent Pinnacle's company registration and Respondent Lopez's Operator's  
15 license are subject to discipline under Code section 8635, in that on the Los Garcias property,  
16 Respondents departed from or disregarded the plans and specifications in a material respect by  
17 failing to install the proper roofing material for the pitch of the roof at the front and rear porches.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violation of Building Laws)**

20 37. Respondent Pinnacle's company registration and Respondent Lopez's Operator's  
21 license are subject to discipline under Code section 8636, in that on the Los Garcias property, it  
22 disregarded or violated the buildings laws relating to the practice of structural pest control by  
23 failing to do the following:

24 a. Respondents failed to install the proper 1x4 siding at the base of all exterior walls, in  
25 that the siding installed was not an approved material to have contact with the concrete walkways,  
26 in violation of Title 24, California of Federal Regulations section 3280.307.

27 b. Respondents failed to properly nail the siding material, in that it is either missing or  
28 over spaced, in violation of T24 CFR 3280.307.

1 c. Respondents failed to install proper backing to secure the siding at the joint, in  
2 violation of T24 CFR 3280.307.

3 d. Respondents failed to caulk the exterior trim to prevent the infiltration of air and  
4 water, in violation of T24 CFR 3280.307.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Failure to Complete the Contract for the Price Stated in the Contract)**

7 38. Respondent Pinnacle's company registration and Respondent Lopez's Operator's  
8 license are subject to discipline under Code section 8638, in that on the Los Garcias property, it  
9 failed to complete the operation or construction repairs for the price stated in the contract for such  
10 operation or construction repairs, as more particularly set forth above in paragraph 35.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Failed to Comply with Report of Findings)**

13 39. Respondent Pinnacle's company registration and Respondent Lopez's Operator's  
14 license are subject to discipline under Code section 8641, in that it failed to comply with Code  
15 section 8622, by failing to correct the items described in the Report of Findings within thirty (30)  
16 calendar days of receipt of the Notice to bring the Los Garcias property into compliance with the  
17 Board's Notice and Report of Findings, dated June 20, 2016.

18 **SEVENTH CAUSE FOR DISCIPLINE**

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

20 40. Respondent Pinnacle's company registration, Respondent Lopez's Operator's license  
21 and Respondent Crowninshield's Operator's license are subject to discipline under Code section  
22 8644, in that, concerning the Los Garcias property, Respondent committed fraud or  
23 misrepresentation in the Standard Notice of Work Completed and Not Completed, dated  
24 November 18, 2015, by certifying that all recommended items for repair contained in Inspection  
25 Report No. 26775 dated August 31, 2015; Supplemental Inspection Report No. 26946 dated  
26 September 18, 2015; Supplemental Inspection Report No. 27216 dated October 12, 2015; and  
27 Supplemental Inspection Report No. 27267, dated October 16, 2015, were completed and the  
28



1 property was certified as being free of evidence of active infestation or infection in the visible and  
2 accessible areas when, in fact, it was not.

3 **PRIOR DISCIPLINE**

4 **Operator's License No. OPR 9872 – Jaime Lopez**  
5 **Company Registration Certificate No. PR 4379 – Pinnacle Pest Control Inc.**

6 41. On or about June 3, 2010, Accusation No. 2010-81 was filed against Respondent  
7 Lopez's operator's license and company registration. On or about July 1, 2010, the Board filed a  
8 First Amended Accusation. On or about June 27, 2011, the Board filed a Second Amended  
9 Accusation against Respondent Lopez, titled *In the Matter of the Second Amended Accusation*  
10 *Against Pinnacle Pest Control Inc., Jaime Lopez, President and Qualifying Manager*, alleging  
11 that Respondent Pinnacle and Respondent Lopez violated Code sections 8641/8519 (inspection  
12 report violations – failed to use proper certification); 8652 (failure to make inspection records  
13 available); 8641 in conjunction with California Code of Regulations section 1991(c) (inspection  
14 report violations – permit required); 8644 (fraud or misrepresentation after inspection); 8518  
15 (failed to file addresses of completed work with the Board); and 8641/8610(c) (no supervision by  
16 a qualifying manager). Effective November 13, 2011, in a Stipulated Settlement and Disciplinary  
17 Order, Company Registration Certificate No. PR 4379 and Operator's License No. OPR 9872,  
18 were revoked. However, the revocations were stayed and Respondents were placed on probation  
19 for three (3) years with terms and conditions. In addition, Company Registration Certificate No.  
20 PR 4379 and Operator License No. OPR 9872 were each suspended for a period of twenty-four  
21 (24) consecutive days. However, the suspension was reduced to five (5) days following the  
22 payment of a \$5,000 civil penalty by Respondent on November 3, 2011.

23 **Company Registration No. PR 4379 – Pinnacle Pest Control Inc.**

24 42. On or about February 4, 2004, the company registration paid a fine in the amount  
25 of \$50 levied by the Placer County Agricultural Commissioner for violating Food and  
26 Agricultural Code section 15204.

27 ///

1           43.     On or about November 6, 2007, the company registration paid a fine in the amount  
2 of \$300 levied by the Sacramento County Agricultural Commissioner for violating Code section  
3 8505.17.

4           44.     On or about October 21, 2008, the company registration paid a fine in the amount  
5 of \$750 levied by the Board for violating Code sections 8648 and 8651.

6           45.     On or about January 6, 2009, the company registration paid a fine in the amount of  
7 \$300 levied by the Sacramento County Agricultural Commissioner for violating Code section  
8 8505.17.

9           46.     On or about March 11, 2010, the company registration paid a fine in the amount of  
10 \$250 levied by the Sacramento County Agricultural Commissioner for violating Code section  
11 8538.

12           47.     On or about December 22, 2015, the company registration paid a fine in the  
13 amount of \$50 levied by the Santa Clara County Agricultural Commissioner for violating Food  
14 and Agricultural Code section 15204(a).

15 **Operator License No. OPR 9872 – Jaime Lopez**

16           48.     On or about February 4, 2004, Respondent paid a fine in the amount of \$50 levied  
17 by the Placer County Agricultural Commissioner for violating Food and Agricultural Code  
18 section 15204.

19           49.     On or about November 6, 2007, Respondent paid a fine in the amount of \$300  
20 levied by the Sacramento County Agricultural Commissioner for violating Code section  
21 8505.17(c) and Food and Agricultural Code section 15204.

22           50.     On or about October 21, 2008, Respondent paid a fine in the amount of \$750  
23 levied by the Board for violating Code sections 8648 and 8651.

24           51.     On or about January 6, 2009, Respondent paid a fine in the amount of \$300 levied  
25 by the Sacramento County Agricultural Commissioner for violating Code section 8505.17.

26           52.     On or about March 11, 2010, Respondent paid a fine in the amount of  
27 \$250 levied by the Sacramento County Agricultural Commissioner for violating Code section  
28 8538.

1           53.     On or about December 22, 2015, the Respondent registration paid a fine in the  
2 amount of \$50 levied by the Santa Clara County Agricultural Commissioner for violating Food  
3 and Agricultural Code section 15204(a).

4           54.     On or about March 4, 2016, Respondent paid a fine in the amount of \$250 levied  
5 by the Santa Clara County Agricultural Commissioner for violating California Code of  
6 Regulations, title 16, section 1970.6(b)(2).

7     **Operator's License No. OPR 11881 – Kenneth D. Crowninshield**

8           55.     On or about October 23, 2013, Respondent was issued a fine in the amount of  
9 \$3,150 levied by the Board for violating Code sections 8516, 8518, 8538, 8613, 8638, 8641,  
10 8644, 8650, and 8652 and California Code of Regulations, title 16, sections 1970, 1970.4, 1990,  
11 and 1991 and was issued an order of abatement to refund homeowner, M.A. \$750. On or about  
12 September 28, 2015, Respondent paid the fine and complied with the order of abatement.

13   **OTHER MATTERS**

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

20           57.     Pursuant to Code section 8624, the causes for discipline established as to Company  
21 Registration Certificate Number PR 4379, issued to Pinnacle Pest Control Inc., likewise constitute  
22 cause for discipline against Operator's License Number OPR 9872, issued to Jaime Lopez, who  
23 serves as the Qualifying Manager of Pinnacle Pest Control Inc., regardless of whether Jaime  
24 Lopez had knowledge of or participated in the acts or omissions which constitute cause for  
25 discipline against Pinnacle Pest Control Inc.

26           58.     Pursuant to Code section 8654, if discipline is imposed on Company Registration  
27 Certificate Number PR 4379, issued to Pinnacle Pest Control Inc., then Jaime Lopez, who serves  
28 as the Qualifying Manager of Pinnacle Pest Control Inc., shall be prohibited from serving as an

1 officer, director, associate, partner, qualifying manager, or responsible managing employee for  
2 any registered company during the time the discipline is imposed, and any registered company  
3 which employs, elects, or associates him, shall be subject to disciplinary action.

4 59. Pursuant to Code section 8624, the causes for discipline established as to Company  
5 Registration Certificate Number PR 4379, issued to Pinnacle Pest Control Inc., likewise constitute  
6 cause for discipline against Operator's License Number OPR 11881, issued to Kenneth D.  
7 Crowninshield, regardless of whether Kenneth D. Crowninshield had knowledge of or  
8 participated in the acts or omissions which constitute cause for discipline against Pinnacle Pest  
9 Control Inc.

10 60. Pursuant to Code section 8654, if discipline is imposed on Company Registration  
11 Certificate Number PR 4379, issued to Pinnacle Pest Control Inc., then Kenneth D.  
12 Crowninshield shall be prohibited from serving as an officer, director, associate, partner,  
13 qualifying manager, or responsible managing employee for any registered company during the  
14 time the discipline is imposed, and any registered company which employs, elects, or associates  
15 him, shall be subject to disciplinary action.

16 61. Pursuant to Code section 8624, if Operator's License Number OPR11881, issued to  
17 Kenneth D. Crowninshield is suspended or revoked, the Board may suspend or revoke Field  
18 Representative's License No. FR 51054, issued to Kenneth D Crowninshield.

19 **PRAYER**

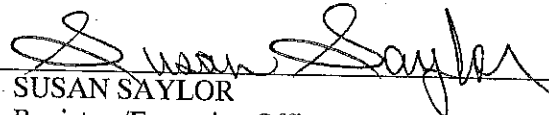
20 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
21 and that following the hearing, the Structural Pest Control Board issue a decision:

- 22 1. Revoking or suspending Company Registration Certificate Number PR 4379, issued  
23 to Pinnacle Pest Control Inc.;
- 24 2. Revoking or suspending Operator's License Number OPR 9872, issued to Jaime  
25 Lopez;
- 26 3. Revoking or suspending any other license for which Jaime Lopez is furnishing the  
27 qualifying experience or appearance;

- 1           4.    Revoking or suspending Operator's License Number OPR 11881, issued to Kenneth  
2 D. Crowninshield;
- 3           5.    Revoking or suspending Field Representative License Number FR 51054, issued to  
4 Kenneth D. Crowninshield;
- 5           6.    Revoking or suspending any other license for which Kenneth D. Crowninshield is  
6 furnishing the qualifying experience or appearance;
- 7           7.    Ordering restitution of all damages according to proof suffered by C.G. as a condition  
8 of probation in the event probation is ordered;
- 9           8.    Prohibiting Jaime Lopez and Kenneth D. Crowninshield from serving as an officer,  
10 director, associate, partner, qualifying manager or responsible managing employee of any  
11 registered company during the period that discipline is imposed on Company Registration  
12 Certificate Number PR 4379, issued to Pinnacle Pest Control Inc.;
- 13           9.    Ordering Pinnacle Pest Control Inc., Jaime Lopez and Kenneth D. Crowninshield to  
14 pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of  
15 this case, pursuant to Business and Professions Code section 125.3; and,
- 16           10.   Taking such other and further action as deemed necessary and proper.

17  
18 DATED: \_\_\_\_\_

1/10/17



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

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