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**FILED**

Date 8/21/15 By *Susan Saylor*

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

11 In the Matter of the Accusation Against:

Case No. 2016-12

12 **ANACAPA TERMITE & PEST**  
13 **CONTROL, INC.; ALEXANDER J.**  
**JONASSON, President and Qualifying**  
14 **Manager**

**A C C U S A T I O N**

15 1727 State Street  
16 Santa Barbara, CA 93101

17 **Company Registration Certificate No. PR**  
18 **5444, Branches 2 and 3**

19 **ALEXANDER J. JONASSON**  
20 1727 State Street  
21 Santa Barbara, CA 93101

22 **Operator's License No. OPR 11722,**  
23 **Branches 2 and 3**

24 Respondent.

25 Complainant alleges:

26 **PARTIES**

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

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1 action and shall subject the registered company to a fine of not more than two thousand five  
2 hundred dollars (\$2,500).

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

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

12 The following shall be set forth on the report:"

13 \* \* \*

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

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

25 \* \* \*

26 "(9) Indication or description of any areas that are inaccessible or not inspected with  
27 recommendation for further inspection if practicable. If, after the report has been made in  
28

1 compliance with this section, authority is given later to open inaccessible areas, a supplemental  
2 report on conditions in these areas shall be made.”

3 11. Section 8518 of the Code states as follows:

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

9 12. Section 8622 states, in pertinent part:

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

23 13. Section 8636 states that:

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

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1 14. Section 8638 sets forth that:

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 constructions repairs or in any  
4 modification of such contract is a ground for disciplinary action."

5 15. Section 8641 provides as follows:

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

10 **REGULATORY PROVISIONS**

11 16. California Code of Regulations, title 16, section 1937.14 provides that:

12 "All work completed by licensees or registered companies shall be done within the specific  
13 requirements of any plans or specifications and shall meet accepted trade standards for good and  
14 workmanlike construction in any material respect, and shall comply with provisions of Section  
15 2516(c)(1), (2), (4) and (6) of Title 24, California Code of Regulations."

16 17. California Code of Regulations, title 16, section 1990, sets forth in pertinent part:

17 "(a) All reports shall be completed as prescribed by the board. Copies filed with the board  
18 shall be clear and legible. All reports must supply the information required by Section 8516 of  
19 the Code and the information regarding the pesticide or pesticides used as set forth in Section  
20 8538 of the Code, and shall contain or describe the following:"

21 \* \* \*

22 "(3) Infestations, infections or evidence thereof.

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

24 \* \* \*

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

27 \* \* \*

28

1           “(2) Inaccessible subareas or portions thereof and areas where there is less than 12 inches  
2 clear space between the bottom of the floor joists and the unimproved ground area.

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

5           (4) Earth-wood contacts.

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

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

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

13           \* \* \*

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

18           \* \* \*

19           \* \* \*

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

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

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

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

28           1. exposing the infested area(s) for local treatment,





1           26. In June of 2014, the owner again noticed areas of concern, which became worse, and  
2 called Respondent between August and September 2014. Respondent stopped responding to her  
3 telephone calls after Gillespie informed K.F.'s agent that the company was going out of business.  
4 K.F. requested a refund of \$4,495 for the work completed by Respondent, or to have the Property  
5 tented and all repairs performed at no additional cost to her.

6           27. On or about December 4, 2014, the Board's representative notified Respondent via a  
7 letter, of K.F.'s complaint and asked Respondent for a written response within 10 days from  
8 receipt of the letter.

9           28. On or about December 15, 2014, the Board's specialist traveled to Respondent's  
10 branch office, BR 5192, located at 6585 Beene Road, Ventura CA 93003 and met J.H., who told  
11 him that he had been employed by Respondent Anacapa, but that the company had gone out of  
12 business at the end of December 2014. Although it did appear that Anacapa had terminated its  
13 business, Anacapa's company registration PR 5444 remained active and the company was also  
14 still properly insured and bonded, as of December 15, 2014.

15           29. On or about January 7, 2015, a picture of a letter written by Respondent Jonasson,  
16 dated December 31, 2014, was received at the Board. Jonasson requested in his letter that the  
17 Board cancel his company registration because the company was bankrupt.

18           30. On or about January 12, 2015, the Board's specialist traveled to Respondent  
19 Anacapa's branch office located at 900 McMurray Road, Suite 10, Buellton, CA 93427, which  
20 was now occupied by a construction company. A person in the office next door informed the  
21 Board's specialist that he was not certain, but believed that Anacapa may have moved out  
22 between September and October of 2014.

23           31. On or about January 12, 2015, the Board's specialist spoke in person with an  
24 employee of the Santa Barbara County Department of Building and Safety (SBDBS), who  
25 reviewed some of the repairs completed by Respondent at the Property. The employee indicated  
26 a building permit was required for the repairs completed by Respondent, but that Respondent did  
27 not obtain a building permit from the SBDBS for those repairs.

28

1           32. On or about January 13, 2015, the Board's specialist went to the Property and met  
2 with the owner, K.F. The Board's specialist determined that numerous violations existed.

3           33. On or about January 21, 2015, the Board's specialist notified Respondent of its  
4 violations at the Property, in a Report of Findings (ROF), which was sent to Respondent's  
5 address at 1727 State Street, Santa Barbara, CA 93101, as follows:

6           1. Failure to report evidence of active drywood termite infestations that extend into  
7 areas which are physically inaccessible for local chemical treatment.

8           2. Failure to exterminate drywood termite infestations through local chemical treatments  
9 that extend into areas which are physically inaccessible for those treatments.

10           3. Failure to report cellulose debris at the accessible section of the subarea and failure to  
11 report cellulose debris visible from the crawl hole access to the inaccessible section of the  
12 subarea.

13           4. Failure to complete repairs at the property in a good and workmanlike manner in  
14 accordance with acceptable trade standards in that drywood termite damage and earth-to-wood  
15 contact conditions exist at multiple areas of the Property.

16           5. Failure to obtain a building permit as required by the SBDBS with regard to repairs  
17 completed at the Property.

18           34. On or about January 26, 2015, Respondent Jonasson's letter requesting that the  
19 company's registration PR 5444 be cancelled was received by the Board, which was in an  
20 envelope which indicated that it had been sent from Fiji.

21           35. On or about February 2, 2015, the Board's specialist traveled to Respondent  
22 Anacapa's address of record at 1727 State Street, Santa Barbara, CA 93101 to hand deliver a  
23 copy of his ROF. When the Board's specialist had previously visited this same location, there  
24 had always been an "Anacapa Termite & Pest Control" sign on their office door, but the sign was  
25 now gone. The Board's specialist asked a person walking in the hallway if Anacapa was still  
26 conducting business at this office, and he indicated that he thought they went out of business and  
27 had not seen anyone going in and out of that office in months.

28



1 e. Respondents failed to complete repairs at the Property in a good and workmanlike  
2 manner that would meet acceptable trade standards in that drywood termite damage and earth to  
3 wood contact conditions exist at multiple areas of the Property.

4 **Section 8622:**

5 f. Respondents failed to comply with the ROF which the Board sent via certified mail to  
6 Respondent's address of record on January 21, 2015, within the required 30 days of receipt.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Failure to Report)**

9 38. Respondents Anacapa and Jonasson are subject to disciplinary action under sections  
10 8516, subdivisions (b)(6) and (b)(7), and 8620, and California Code of Regulations, title 16,  
11 sections 1991, subdivision (a)(8), 1992 and 1993, subdivision (d), in that Respondent failed to  
12 report items regarding the Property. The circumstances are as follows:

13 a. Respondents failed to report active drywood termite infestations at the Property, in  
14 violation of Sections 8516, subdivisions (b)(6) and (b)(9).

15 b. Respondents failed to report cellulose debris at the accessible section in the subarea  
16 and cellulose debris visible from the crawl hold access to the inaccessible section of the subarea,  
17 in violation of Section 8516, subdivisions (b)(7) and California Code of Regulations, title 16,  
18 Section 1990, subdivision (b)(3).

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Complete Work)**

21 39. Respondents Anacapa and Jonasson are subject to disciplinary action pursuant to  
22 section 8638, in that they failed to complete work they contracted to perform at the Property as  
23 set forth in Paragraphs 23 through 36 above, which are incorporated by reference as though set  
24 forth in full here.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply with Board's ROF Notice)**

27 40. Respondents Anacapa and Jonasson are subject to disciplinary action pursuant to  
28 section 8622, in conjunction with section 8641, in that Respondents failed to comply with the

1 ROF Notice. The circumstances are that Respondents failed to bring the subject property into  
2 compliance by correcting all of the items described in the Report of Findings within thirty (30)  
3 calendar days from their receipt of the Board's notice, which was sent via certified mail to  
4 Respondent's Santa Barbara address of record on January 21, 2015. The allegations of  
5 Paragraphs 23 through 36 set forth above are incorporated by reference as though set forth in full  
6 here.

7 **COTTONWOOD STREET PROPERTY**

8 41. On or about July 18, 2014, Paul Gillespie, Field Representative's License No. FR  
9 47585, an employee of Anacapa, inspected 1710 Cottonwood Street, Solvang, CA 93463 (the  
10 Property), at the request of the owner of the Property, R.M. The inspection reported evidence of  
11 subterranean termite infestation, drywood termite infestations, drywood termite damage, decay  
12 fungi damage and water stains at the property. The complete inspection recommended to  
13 chemically treat the soil at the property to control subterranean termites, utilize local chemical  
14 treatment to exterminate drywood termites, and to replace wood damaged by termite and decay  
15 fungi.

16 42. On or about August 31, 2014, the Board received a WDO submittal which indicated  
17 that Respondent had completed work at the Property.

18 43. On or about November 17, 2014, the Board received a complaint from R.M. which  
19 alleged that Respondent had inspected the Property on July 18, 2014, but that it had failed to  
20 complete the work in a good and workmanlike manner. R.M. requested a refund for the work  
21 performed by Respondent or for them to "fix it". In addition, R.M. stated that she had been  
22 advised that the owner of Respondent Anacapa was no longer residing in the United States.

23 44. On or about November 19, 2014, the Board's representative notified Respondent via a  
24 letter sent to Respondent's address of record with the Board, of R.M.'s complaint and asked  
25 Respondent for a written response within 10 days from receipt of the letter.

26 45. As set forth above in Paragraphs 28, 30, 35 and 36, the Board's specialist investigated  
27 the status of Anacapa's business operations, and discovered that Anacapa had closed and vacated  
28

1 all three of its offices in Buellton, Santa Barbara and Ventura, and its telephone numbers had  
2 been disconnected.

3 46. As set forth above in Paragraph 29, on or about January 7, 2015, the Board received a  
4 picture of a letter from Respondent Jonasson, notifying the Board that Anacapa was bankrupt, and  
5 requesting that the Board cancel Anacapa's Company Registration PR 5444.

6 47. On or about January 12, 2015, the Board's specialist visited the Property and met  
7 with the owner, R.M. The owner advised the Board's specialist that she had not received a notice  
8 of completion of work from Respondent, for any work which Respondent had performed at the  
9 Property. The Board's specialist examined the Property and determined that they had committed  
10 various violations.

11 48. On or about January 21, 2015, the Board's specialist notified Respondent of their  
12 violations at the Property, in a ROF which was sent to Respondent's address of record at 1727  
13 State Street, Santa Barbara, CA 93101, as follows:

14 1. Failure to report evidence of active drywood termite infestations that extend into  
15 areas which are physically inaccessible for local chemical treatment.

16 2. Failure to exterminate active drywood termite infestations, through the use of local  
17 chemical treatments, that extend into areas which are physically inaccessible for those treatments.

18 3. Failure to report subterranean termite damage at a wood framing member in the attic.

19 4. Failure to exterminate active subterranean termite infestation, as contracted and paid  
20 to do so.

21 5. Failure to obtain a building permit as required by the SBDBS with regard to repairs  
22 completed at the Property.

23 6. Failure to complete repairs at the Property in a good and workmanlike manner in  
24 accordance with acceptable trade standards.

25 49. As set forth above in Paragraph 34, on or about January 26, 2015, Respondent  
26 Jonasson's letter requesting that the company's registration PR 5444 be cancelled was received  
27 by the Board.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Board's ROF Notice)**

3 55. Respondents Anacapa and Jonasson are subject to disciplinary action pursuant to  
4 section 8622, in conjunction with section 8641, in that Respondents failed to comply with the  
5 ROF Notice. The circumstances are that Respondents failed to bring the subject property into  
6 compliance by correcting all of the items described in the ROF within thirty (30) calendar days  
7 from their receipt of the Board's notice, which was sent via certified mail to Respondent's Santa  
8 Barbara address of record on January 21, 2015.

9 **NINTH CAUSE FOR DISCIPLINE**

10 **(Failure to Provide Owner with a Notice of Work Completed)**

11 56. Respondents Anacapa and Jonasson are subject to disciplinary action pursuant to  
12 section 8622, in conjunction with section 8641, because they did not provide a copy of a notice of  
13 work completed and not completed to the owner of the Property, within 10 business days after  
14 completing the work, in violation of section 8518, as set forth above in Paragraph 47, which is  
15 incorporated by reference as through set forth in full here.

16 **DISCIPLINE CONSIDERATIONS**

17 57. To determine the degree of discipline, if any, to be imposed on Respondents Anacapa  
18 and Jonasson, Complainant alleges that:

19 58. On or about November 10, 2011, Company Registration Certificate No. PR 5444 and  
20 Operator's License No. OPR 11722 were issued a \$3,547.50 fine levied by the Board for  
21 violation of Sections 8516 and 8518. As a result of an informal conference on February 28, 2012,  
22 the fine was withdrawn.

23 59. On or about November 14, 2012, Company Registration Certificate No. PR 5444 and  
24 Operator's License No. OPR 11722 were issued a \$2,500.00 fine and order of abatement levied  
25 by the Board for violation of Sections 8516, subdivision (b) and 8518. As a result of an informal  
26 conference on January 23, 2013, the fine and abatement were upheld. On or about February 15,  
27 2013, the fine was paid and the order of abatement was complied with on or about June 13, 2013.

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1 OTHER MATTERS

2 60. Pursuant to section 8654, if Operator's License No. OPR 11722, issued to  
3 Respondent Jonasson, is suspended or revoked, he shall be prohibited from serving as an officer,  
4 director, associate, partner, qualifying manager, or responsible managing employee for any  
5 registered company during the time the discipline is imposed, and any registered company which  
6 employs, elects, or associates Respondent Jonasson shall be subject to disciplinary action.

7 61. Pursuant to section 8624, the causes for discipline established as to Respondent  
8 Anacapa constitute cause for discipline against Respondent Jonasson as President and Qualifying  
9 Manager regardless of whether he had knowledge of or participated in the acts or omissions  
10 which constitute cause for discipline against Respondent Anacapa.

11 PRAYER

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

14 1. Revoking or suspending Company Registration Certificate Number PR 5444,  
15 Branches 2 and 3, issued to Anacapa Termite & Pest Control, Inc.; Alexander J. Jonasson;

16 2. Revoking or suspending Operator's License No. OPR 11722, Branches 2 and 3  
17 issued to Alexander J. Jonasson;

18 3. Prohibiting Alexander J. Jonasson from serving as an officer, director, associate,  
19 partner, qualifying manager, or responsible managing employee of any registered company  
20 during the period that discipline is imposed on Operator License Number OPR 11722, issued to  
21 Alexander J. Jonasson;

22 4. Ordering restitution to homeowners K.F. and R.M. according to proof, pursuant to  
23 Government Code section 11519, subdivision (d);

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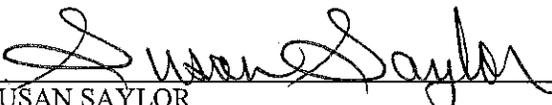
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5. Ordering Anacapa Termite & Pest Control, Inc. and Alexander J. Jonasson to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 8/21/15

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

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