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

In the Matter of the Citation Against:

**WAIDE'S TERMITE CONTROL;  
FRANK WAIDE, OWNER  
364-1/2 North J Street  
Dinuba, California 93618**

**Operator License No. OPR 10853  
Company Registration Certificate No. PR  
6917**

Respondent.

Case No. CF 14-120  
OAH No. 2014090760  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 25, 2014, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Citation No. CF 14-120 against Waide's Termite Control; Frank Waide, Owner (Respondent) before the Structural Pest Control Board. (Citation attached as Exhibit A.)
2. On or about March 12, 2004, the Structural Pest Control Board (Board) issued Operator License No. OPR 10853 to Respondent Frank Waide, inactive in Branch 3. On or about June 7, 2004, Operator's License No. OPR 10853 became Owner and Branch 3 Qualifying

1 Manager of Respondent Waide's Termite Control. On or about August 30, 2007, Operator's  
2 License No. OPR 10853 was upgraded to include Branches 2 and 3, and the Operator's License  
3 became the Branch 2 Qualifying Manager of Respondent Waide's Termite Control. On or about  
4 April 1, 2011, Operator's License No. OPR 10853 dissociated as Qualifying Manager of  
5 Respondent Waide's Termite Control due to cancellation of the company registration. On or  
6 about November 25, 2013, Operator's License No. OPR 10853 reflected dual employment and  
7 became the Owner and Qualifying Manager of Respondent Waide's Termite Control. The  
8 Operator License was in full force and effect at all times relevant to the charges brought in  
9 Citation No. CF 14-120 and will expire on June 30, 2015, unless renewed.

10 3. On or about November 25, 2013, the Structural Pest Control Board issued Company  
11 Registration Certificate No. PR 6917 to Respondent Waide's Termite Control, with Respondent  
12 Frank Waide as Owner and Qualifying Manager. On or about September 26, 2014, Company  
13 Registration No. PR 6917 was suspended for failure to maintain a surety bond in the amount of  
14 \$12,500.00, as required by section 8697 of the Business and Professions Code.

15 4. On or about April 25, 2014, Respondent was served by Certified Mail a copy of  
16 Citation No. CF 14-120 at Respondent's address of record which, pursuant to Business and  
17 Professions Code section 136, is required to be reported and maintained with the Board.  
18 Respondent's address of record was and is:

19 364-1/2 North J Street  
20 Dinuba, California 93618.

21 5. Service of the Citation was effective as a matter of law under the provisions of  
22 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
23 124.

24 6. On or about May 7, 19, and 30, 2014, Respondent signed and returned several letters  
25 which, after requesting clarification from Respondent and not receiving any, the Board  
26 interpreted as a request for a hearing in this matter. A Notice of Hearing was served by mail at  
27 Respondent's address of record and it informed him that an administrative hearing in this matter  
28 was scheduled for March 26, 2015. Respondent failed to appear at that hearing.

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7. California Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits, and statements contained therein on file at the Board's offices regarding the allegations contained in Citation No. CF 14-120, finds that the charges and allegations in Citation No. CF 14-120 are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Waide's Termite Control; Frank Waide, Owner has subjected his Operator License No. OPR 10853 and Company Registration Certificate No. PR 6917 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Structural Pest Control Board is authorized to discipline Respondent's Operator License and Company Registration Certificate based upon the following violations alleged in the Citation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. Respondent violated Business and Professions Code sections 8516 and 8518, in that from November 25, 2013, through January 16, 2014, Respondent failed to file Wood Destroying Organisms Activities (inspections and/or completions) with the Board no later than ten business days after the commencement of an inspection or completed work.

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ORDER

IT IS SO ORDERED that Citation No. CF 14-120, issued to Respondent Waide's Termite Control; Frank Waide, Owner, is affirmed. Respondent must pay a fine of \$2,500.00 to the Board within thirty days of the effective date of the decision. Respondent shall also file all unreported Wood Destroying Organisms Activities (inspections and/or completions) completed since the company was registered on November 25, 2013 to current, within thirty days of the effective date of the decision.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 30, 2015.

It is so ORDERED April 30, 2015

  
\_\_\_\_\_  
FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

11820026.DOC  
SA2014117943

Attachment:  
Exhibit A: Citation

# Exhibit A

Citation



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.  
**STRUCTURAL PEST CONTROL BOARD - ADMINISTRATION UNIT**  
 2005 Evergreen Street, Ste. 1500, Sacramento, CA 95815  
 P 916-561-8700 | F 916-263-2469 | www.pestboard.ca.gov



Frank L. Walde  
 Waldes Termite Control  
 364 1/2 North J Street  
 Dinuba, CA 93618

**CITATION NO.:** CF 14-120  
**License No.:** PR 6917  
 OPR 10853

**CITATION**

Review of Structural Pest Control Board records has revealed actions that violate the law regulating the practice of structural pest control.

**CAUSE FOR CITATION**

1. Failure to report Inspections and Notices of Work Completed

Violation:	8516	Business and Professions Code
	8518	Business and Professions Code
Fine:	\$2500	

**ORDER**

You are ordered to pay a fine of \$2500 to the Structural Pest Control Board within 30 days after receipt of this citation.

**ORDER OF ABATEMENT**

Waldes Termite Control shall file all unreported Wood Destroying Organisms (WDO) Activities (Inspections and/or completions) completed since the company was registered on November 25, 2013 to current, within 30 days of the receipt of this order.



You are hereby served with a Citation issued by the Registrar of the Structural Pest Control Board. This citation is issued in accordance with Business and Professions Code section 125.9 and section 1920 of Title 16 of the California Code of Regulations.

If you do not contest the citation, please remit the assessed fine amount stated on the citation within thirty (30) days from the date of the citation. You may contest the citation in one or both of the following ways:

Contest of Citation – Request for Informal Conference

You may, within 10 days after receipt of the citation, make a written request to the Registrar or Deputy Registrar of the Board for an informal conference. An informal conference will be held within 60 days from the receipt of the request at the Board office. The informal conference provides you with an opportunity to explain the following: 1) Your actions and the circumstances that led to the issuance of the citation; 2) Any steps you may have taken to mitigate any damage caused by the violation; and 3) Any actions you have taken to prevent any violation(s) from reoccurring.

At the conclusion of the conference, the Registrar or Deputy Registrar may affirm, modify, or dismiss the citation. The decision of the Registrar or Deputy Registrar will be mailed to you within 10 days from the date of the informal conference. A request for an

informal conference after which the citation is affirmed does not waive your request for an administrative hearing to contest the citation.

Contest of Citation – Request for Administrative Hearing

In addition to the informal conference, you may request an administrative hearing to contest the finding of a violation(s). A written request for an administrative hearing must be sent to the Board within 30 days of receipt of the citation. Once the Board receives the request, a hearing will be scheduled and you will be notified of the date, time and location of the hearing. The hearing will be held before an administrative law judge.

The administrative hearing and related procedures will be conducted in accordance with the provisions of the Administrative Procedures Act (commencing with section 11500) of the Government Code. After the hearing, the administrative law judge will prepare a proposed decision. The proposed decision will then be presented to the Board for its consideration.

CERTIFIED COPY  
  
Susan Saylor  
Registrar/Executive Officer

CF 14-120  
Page 3

Requests for informal conferences or administrative hearings must be mailed or faxed to the following address:

Structural Pest Control Board  
2005 Evergreen Street, Suite 1500  
Sacramento, CA 95815-3831  
Fax - 916/263-2469

Date: April 25, 2014

  
\_\_\_\_\_  
SUSAN SAYLOR  
Registrar/Executive Officer

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

[www.pestboard.ca.gov](http://www.pestboard.ca.gov)

CERTIFIED COPY



Susan Saylor  
Registrar/Executive Officer

AGO - 003



4524 9175 1000 0090 E102

**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$	CF 14-120	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total: Frank L. Waide  
 Waides Termite Control  
 364 1/2 North J Street  
 Dinuba, CA 93618

PS Form 3811, February 2004 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee  <i>Frank Waide - Send Rec</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery  <i>Frank Waide</i> <i>8/2/04</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No        If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Frank L. Waide          Waides Termite Control          364 1/2 North J Street          Dinuba, CA 93618</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>7013 0600 0001 5176 4254</p>
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

CERTIFIED COPY



Susan Saylor  
 Registrar/Executive Officer