

**BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**PINNACLE PEST CONTROL, INC.  
Jaime Lopez, President and Qualifying  
Manager  
600 Broadway, Suite E  
Sacramento, California 95818**

**Company Registration Certificate No. PR  
4379  
Operator License No. OPR 9872**

Respondents.

Case No. 2010-81

OAH Case No. 2010120772

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

This Decision shall become effective on November 13, 2011.

It is so ORDERED October 14, 2011.

  
\_\_\_\_\_  
FOR THE STRUCTURAL PEST CONTROL  
BOARD, DEPARTMENT OF PESTICIDE  
REGULATION

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 STERLING A. SMITH  
Deputy Attorney General  
4 State Bar No. 84287  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF PESTICIDE REGULATION**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 **PINNACLE PEST CONTROL, INC.**  
13 **Jaime Lopez, President and Qualifying**  
14 **Manager**  
15 **600 Broadway, Suite E**  
16 **Sacramento, California 95818**

17 **Company Registration Certificate No. PR**  
18 **4379**  
19 **Operator License No. OPR 9872**

20 Respondents.

Case No. 2010-81

O.A.H. Case No. 2010120772

21 **STIPULATED SETTLEMENT AND**  
22 **DISCIPLINARY ORDER**

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
24 entitled proceedings that the following matters are true:

25 PARTIES

26 1. William H. Douglas (Complainant) is the Interim Registrar/Executive Officer of the  
27 Structural Pest Control Board (Board) and brought a Second Amended Accusation solely in his  
28 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
State of California, by Sterling A. Smith, Deputy Attorney General. He is the successor of Kelli  
Okuma, who brought this action by Accusation and Amended Accusation solely in her official  
capacity as Executive Officer/Registrar of the Board.



1 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel  
2 the attendance of witnesses and the production of documents; the right to reconsideration and  
3 court review of an adverse decision; and all other rights accorded by the California  
4 Administrative Procedure Act and other applicable laws.

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

#### 7 CULPABILITY

8 9. Respondents understand and agree that the charges and allegations in Second  
9 Amended Accusation No. 2010-81, if proven at a hearing, constitute cause for imposing  
10 discipline upon the Registration Certificate issued to Respondent Pinnacle Pest Control, Inc. and  
11 the Operator License issued to Respondent Jaime Lopez.

12 10. For the purpose of resolving the Second Amended Accusation without the expense  
13 and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could  
14 establish a factual basis for the charges in the Second Amended Accusation, and that Respondents  
15 hereby gives up their respective rights to contest those charges.

16 11. Respondents agree that Company Registration Certificate and Operator License are  
17 subject to discipline and agrees to be bound by the Board's probationary terms as set forth in the  
18 Disciplinary Order below.

#### 19 CONTINGENCY

20 12. This stipulation shall be subject to approval by the Board. Respondent understands  
21 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
22 with the Board regarding this stipulation and settlement, without notice to or participation by  
23 Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that  
24 they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board  
25 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
26 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
27 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
28 be disqualified from further action by having considered this matter.

1 13. The parties understand and agree that facsimile copies of this Stipulated Settlement  
2 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
3 effect as the originals.

4 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
5 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
6 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
7 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
8 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
9 writing executed by an authorized representative of each of the parties.

10 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
11 the Board may, without further notice or formal proceeding, issue and enter the following  
12 Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 4379 issued to  
15 Pinnacle Pest Control, Inc. and Operator License No. OPR 9872, Branches 2 and 3, issued to  
16 Respondent Jaime Lopez are revoked. However, the revocations are stayed and Respondents are  
17 placed on probation for three (3) years on the following terms and conditions.

18 1. **Actual Suspension.** Company Registration Certificate No. PR 4379 issued to  
19 Pinnacle Pest Control, Inc. and Operator License No. PR 4379, Branches 2 and 3, issued to Jaime  
20 Lopez are each suspended for a period of twenty-four (24) consecutive days commencing on the  
21 effective date of the decision. Respondent may reduce the period of suspension by nineteen (19)  
22 days, leaving an actual suspension of five (5) consecutive days commencing on the effective date,  
23 by payment of \$5,000.00 to the Board at least ten (10) days before the effective date of the  
24 decision.

25 2. **Obey All Laws.** Respondents shall obey all laws and rules relating to the practice  
26 of structural pest control.

27 3. **Quarterly Reports.** Respondents shall file quarterly reports with the Board  
28 during the period of probation.

1           4.       **Tolling of Probation.** Should Respondent Jaime Lopez leave California to reside  
2 outside this state, then he must notify the Board in writing of the dates of departure and return.  
3 Periods of residency or practice outside the state shall not apply to reduction of the probationary  
4 period.

5           5.       **Notice to Employees.** Respondents shall, upon or before the effective date of this  
6 decision, post or circulate a notice to all employees involved in structural pest control operations  
7 which accurately recite the terms and conditions of probation. Respondents shall be responsible  
8 for said notice being immediately available to said employees. "Employees" as used in this  
9 provision includes all full-time, part-time, temporary and relief employees and independent  
10 contractors employed or hired at any time during probation.

11          6.       **Posted Notice of Suspension.** Respondents shall prominently post a suspension  
12 notice provided by the Board of the Board's order of suspension at its principal office and each of  
13 its branch offices in a place conspicuous and readable to the public. Said notice shall remain so  
14 posted during the entire period of actual suspension.

15          7.       **Completion of Probation.** Upon successful completion of probation,  
16 Respondents' licenses/certificates will be fully restored.

17          8.       **Violation of Probation.** Should Respondents violate probation in any respect, the  
18 Board, after giving Respondents notice and an opportunity to be heard, may revoke probation and  
19 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against  
20 Respondents during probation, the Board shall have continuing jurisdiction until the matter is  
21 final, and the period of probation shall be extended until the matter is final.

22          9.       **Restoration Bond.** Within thirty (30) days of the effective date of the decision,  
23 Respondents shall file a "restoration bond" in the amount of not less than \$4,000.00. Said  
24 restoration bond shall be in addition to any existing restoration bond posted by Respondents, and  
25 such existing restoration bond shall remain in full force and effect at all times.

26          10.       **Cost Recovery.** Respondents shall reimburse the Board for costs of investigation  
27 and prosecution in this matter in the amount of \$13,000.00, to be paid in ten (10) equal  
28 quarterly installments of \$1,300.00, and in full at least six (6) months before probation terminates.

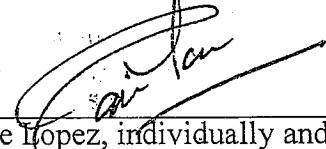
1 11. **Random Inspections.** Respondents shall reimburse the Board for random inspections  
2 by the Board during the period of probation, not to exceed one random inspection per quarter and  
3 an inspection fee of \$125.00 for each random inspection.

4 12. **Prohibited from Serving as Director, Officer, Associate, Partner or Qualifying**  
5 **Manager.** Respondent Jaime Lopez is prohibited from serving as a director, officer, associate,  
6 partner, qualifying manager or branch office manager of any other registered company during the  
7 probationary period.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
10 discussed it with my attorney, David Ingram. I understand the stipulation and the effect it will  
11 have on my Company Registration Certificate and Operator License. I enter into this Stipulated  
12 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
13 bound by the Decision and Order of the Structural Pest Control Board.

14 PINNACLE PEST CONTROL, INC.

15  
16 DATED: 7/22/11   
17 By: Jaime Lopez, individually and as President and  
18 Qualifying Manager

19 I have read and fully discussed with Respondent Pinnacle Pest Control, Inc. and Jaime  
20 Lopez the terms and conditions and other matters contained in the above Stipulated Settlement  
21 and Disciplinary Order. I approve its form and content.

22 TENNANT & INGRAM

23 DATED: 7/22/2011   
24 By: David Ingram  
25 Attorney for Respondent

26 ///  
27 ///  
28 ///

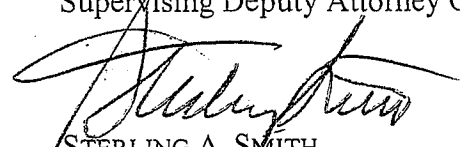
ENDORSEMENT

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

DATED: July 28, 2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General



STERLING A. SMITH  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Second Amended Accusation No. 2010-81**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 STERLING A. SMITH  
Deputy Attorney General  
4 State Bar No. 84287  
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7 *Attorneys for Complainant*

**FILED**

Date 6/27/11

By *Susan Taylor*

8  
9 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF PESTICIDE REGULATION**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-81

13 **PINNACLE PEST CONTROL INC.**  
14 **JAIME LOPEZ, President and Qualifying Manager**  
15 600 Broadway, Suite E  
Sacramento, California 95818

**SECOND AMENDED  
ACCUSATION**

16 **Company Registration License No. PR 4379, Br. 2 and 3**  
17 **Operator License No. OPR 9872**

18 Respondents.

19  
20 Complainant William H. Douglas ("Complainant") alleges:

21 **PARTIES**

22 1. On June 3, 2010, Complainant Kelli Okuma brought an Accusation, and later brought  
23 an Amended Accusation, solely in her official capacity as the Registrar of the Structural Pest  
24 Control Board ("Board"), Department of Consumer Affairs. Complainant William H. Douglas,  
25 solely in his official capacity as Interim Executive Officer and Registrar of the Board, now brings  
26 this Second Amended Accusation.

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1                   **Company Registration Certificate No. PR 4379**

2           2.    On or about August 7, 2003, the Board issued Company Registration Certificate No.  
3 PR 4379 ("registration") to Pinnacle Pest Control Inc. ("Respondent Pinnacle"), in Branches 2  
4 and 3 with Jaime Lopez ("Respondent Lopez") as the President and Qualifying Manager. On or  
5 about May 16, 2006, the registration was suspended pursuant to Business and Professions Code  
6 ("Code") section 8690 (failure to maintain general liability insurance). On or about May 18,  
7 2006, the registration was reinstated.

8                   **Operator's License No. OPR 9872**

9           3.    On or about May 21, 1998, the Board issued Operator's License No. OPR 9872  
10 ("license") in Branch 2 to Jaime Lopez as the owner and Qualifying Manager of Pinnacle Pest  
11 Control. On or about May 12, 1999, the license was upgraded to include Branch 3. On or about  
12 August 7, 2003, Jaime Lopez became the President and Qualifying Manager of Pinnacle Pest  
13 Control Inc. On or about May 16, 2006, the license was suspended pursuant to Code section  
14 8690 (failure to maintain general liability insurance). On or about May 18, 2006, the license was  
15 reinstated. The license will expire on June 30, 2012, unless renewed.

16                                       **JURISDICTION**

17           4.    Business and Professions Code ("Code") section 8620 provides, in pertinent part, that  
18 the Board may suspend or revoke a license when it finds that the holder, while a licensee or  
19 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu  
20 of a suspension may assess a civil penalty.

21           5.    Code section 8624 states:

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

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

28                         The performance by any partnership, corporation, firm, association, or registered  
company of any act or omission constituting a cause for disciplinary action, likewise  
constitutes a cause for disciplinary action against any licensee who, at the time the act or

1 omission occurred, was the qualifying manager, a partner, responsible officer, or owner of  
2 the partnership, corporation, firm, association, or registered company whether or not he or  
3 she had knowledge of, or participated in, the prohibited act or omission.

4 6. Code section 8625 states:

5 The lapsing or suspension of a license or company registration by operation of law or  
6 by order or decision of the board or a court of law, or the voluntary surrender of a license or  
7 company registration shall not deprive the board of jurisdiction to proceed with any  
8 investigation of or action or disciplinary proceeding against such licensee or company, or to  
9 render a decision suspending or revoking such license or registration.

10 7. Code section 8622 states:

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

25 The notice sent to the registered company shall inform the registered company that if  
26 it desires a hearing to contest the finding of noncompliance, the hearing shall be requested  
27 by written notice to the board within 20 days of receipt of the notice of noncompliance from  
28 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.

### STATUTORY PROVISIONS

8. Code section 8518 states, in pertinent part:

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

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

1 9. Code section 8519 states, in pertinent part:

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

9 (b) When the inspection report prepared pursuant to Section 8516 discloses infestation or  
10 infection and the notice of work completed prepared pursuant to Section 8518 indicates that  
11 all recommendations to remove that infestation or infection and to repair damaged caused  
12 by that infestation or infection have been completed: "This is to certify that the property  
13 described herein is now free of evidence of active infestation or infection in the visible and  
14 accessible areas."

15 10. Code section 8610(c) states:

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

22 11. Code section 8641 states:

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

28 12. Code section 8644 states:

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

13. 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

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

3 **REGULATORY PROVISIONS**

4 14. California Code of Regulations, title 16, section 1991, states, in pertinent  
5 part:

6 (c) If in the opinion of the inspector a building permit is required, it must be noted on  
7 the wood destroying pests and organisms inspection report.

7 **COST RECOVERY/RESTITUTION**

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

12 16. Government Code section 11519(d) provides, in pertinent part, that the Board may  
13 require restitution of damages suffered as a condition of probation in the event probation is  
14 ordered.

15 **27th STREET PROPERTY**

16 17. On or about May 26, 2009, Mark Sanders ("Sanders"), a field representative  
17 representing Respondent Pinnacle, inspected the property located at 2813 27th Street,  
18 Sacramento, California ("27th Street property"), for wood destroying pests and organisms.  
19 Sanders issued a Complete Wood Destroying Pests and Organisms Inspection Report No. 6544  
20 ("Inspection Report No. 6544"). Sanders' findings involved wood decay fungi damage and  
21 subterranean termite damage to the structure, including wood decay fungi damage and termite  
22 damage under the front porch, beneath the concrete cap. Sanders recommended replacing the  
23 damaged wood members under the front porch with new materials and re-supporting the concrete  
24 cap as needed. Sanders included a Work Authorization Contract totaling \$8,853 to perform the  
25 recommended repairs.

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1 18. On or about June 9, 2009, the homeowner signed the Work Authorization Contract,  
2 authorizing Respondent Pinnacle to perform the recommended repairs set forth in Inspection  
3 Report No. 6544.

4 19. On or about June 12, 2009, Respondent Pinnacle began the work and assigned  
5 Russell James Osterhoudt ("Osterhoudt") as the lead worker.

6 20. On or about June 15, 2009, Sanders re-inspected the 27th Street property and issued a  
7 Supplemental Wood Destroying Pests and Organisms Inspection Report No. 6721  
8 ("Supplemental Inspection Report No. 6721"). Sanders' findings involved fungus and dryrot.  
9 Sanders provided a Work Authorization Contract totaling \$3,515.00 to perform the recommended  
10 repairs. On that same day, Osterhoudt was underneath the porch cutting out the fungus and  
11 termite-damaged wood framing from under the concrete cap when the porch collapsed on top of  
12 him, crushing him to death. Following the accident, the City of Sacramento Building Department  
13 and the State of California, Division of Occupational Safety and Health (Cal/OSHA), were  
14 notified of the accident. Cal/OSHA performed an investigation and issued Respondent Pinnacle a  
15 citation for violating the following<sup>1</sup>:

16 a. California Code of Regulations, title 8, section 1509 (failure to establish,  
17 implement, and maintain an effective Injury and Illness Prevention Program in accordance  
with section 3203 of the General Industry Safety Orders).

18 b. California Code of Regulations, title 8, section 1734(b)(2) (failure to have a  
19 written survey on the job site that described the condition of the framing and floors and the  
possibility of an unplanned collapse of any portion of the structure).

20 c. California Code of Regulations, title 8, section 1735(d)(1) (prior to the starting the  
21 demolition operations, the structural and hazardous deficiencies were not shored, braced or  
otherwise corrected).

22 d. California Building Code (2007), section 105.1 (failure to obtain a permit).

23 21. On or about June 16, 2009, the City of Sacramento, Code Enforcement, Housing and  
24 Dangerous Building Division (H&DBD), issued a "Stop Work Notice" (red tag) on the 27th  
25 Street property for performing structural repairs without the required permits (violation of the  
26 California Building Law and the City of Sacramento's regulations), and posted the structure as a

27 <sup>1</sup> Respondent Pinnacle appealed the Citation and a hearing is currently scheduled in  
28 October 2010.

1 dangerous building which was unsafe to occupy. In addition, the electrical and gas meters were  
2 pulled, and the structure was boarded up in many areas.

3 22. On or about June 18, 2009, the homeowner signed the Work Authorization Contract,  
4 authorizing Respondent Pinnacle to perform the recommended repairs set forth in Supplemental  
5 Inspection Report No. 6721.

6 23. On or about June 29, 2009, Sanders re-inspected the 27th Street property and issued  
7 Supplemental Wood Destroying Pests and Organisms Inspection Report No. 6821  
8 ("Supplemental Inspection Report No. 6821"). Sanders' findings involved a faulty grade at the  
9 side of the structure at the curb wall, and additional support at the concrete cap. Sanders  
10 recommended removing the existing curb wall and installing a new stem wall, and framing the  
11 concrete cap. Sanders included a Work Authorization Contract totaling \$1,835 to perform the  
12 recommended repairs.

13 24. On or about July 2, 2009, the homeowner signed the Work Authorization Contract,  
14 authorizing Respondent Pinnacle to perform the recommended repairs set forth in Supplemental  
15 Inspection Report No. 6821.

16 25. On or about July 13, 2009, a Standard Notice of Work Completed and Not Completed  
17 ("Completion Notice") was issued, certifying that all of the work recommended in Inspection  
18 Report No. 6544, and Supplemental Inspection Report Nos. 6721 and 6821, had been completed  
19 in accordance with the Board's rules and regulations, and that no visible evidence of active  
20 infestation or infection was found.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Inspection Report Violations)**

23 26. Respondent Pinnacle's registration and Respondent Lopez' operator's license are  
24 subject to discipline pursuant to Code section 8641, in that concerning the 27th Street property,  
25 Respondents failed to use the proper certification statement on the Completion Notice, as required  
26 under Code section 8519(b).

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Inspection Report Violations)**

3 30. Respondent Pinnacle's registration and Respondent Lopez' operator's license are  
4 subject to discipline pursuant to Code section 8641 in that concerning the property located at  
5 1112-1114 V Street, Sacramento, California, Respondents failed to use the proper certification  
6 statement on the Completion Notice, as required under Code section 8519(b).

7 **OTHER PROPERTY VIOLATIONS**

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Inspection Report Violations)**

10 31. Respondent Pinnacle's registration and Respondent Lopez' operator's license are  
11 subject to discipline pursuant to Code section 8641, in that between November 13, 2007, and  
12 June 5, 2009, Respondents failed to comply with California Code of Regulations, title 16, section  
13 1991(c), in that they failed to include in the wood destroying pests and organisms inspection  
14 reports that a building permit was required, including, but not limited to, the following properties:

- 15 a. 1225 42<sup>nd</sup> Street, Sacramento, California;  
16 b. 1112-1114 V Street, Sacramento, California; and  
17 c. 2443-2445 36<sup>th</sup> Street, Sacramento, California.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Failure to File Addresses of Completed Work with the Board)**

20 32. Respondent Pinnacle's registration and Respondent Lopez' operator's license are  
21 subject to discipline pursuant to Code section 8518, in that Respondents failed to file with the  
22 Board, the address of each property inspected or upon which work was completed within ten (10)  
23 working days after completing the work, including, but not limited to, the following addresses:

- 24 a. 2443-2445 36th Street, Sacramento, California;  
25 b. 1201 46th Street, Sacramento, California; and  
26 c. 1557 Santa Ynez Way, Sacramento, California.

27 ///

28

**EIGHTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Laws Adopted by the Board -  
No Supervision by Qualifying Manager)**

33. Complainant incorporates the allegations of Paragraphs 17 through 32, inclusive. Respondent Pinnacle's registration and Respondent Lopez' operator's license are subject to discipline pursuant to Code section 8641, in that Jamie Lopez, who was serving as the Qualifying Manager of Pinnacle Pest Control Inc., failed to comply with Code section 8610(c), by failing to supervise the daily operations, business, and employees in the respects alleged, including but not limited to supervision of Respondent Pinnacle's employees working at the 27th Street property.

**PRIOR DISCIPLINE**

**Company Registration No. PR 4379**

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

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

36. On or about November 3, 2008, the company registration paid a fine in the amount of \$750 levied by the Board for violating Code sections 8648 and 8651.

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

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

**Operator License No. OPR 9872**

39. On or about November 3, 2008, Respondent paid a fine in the amount of \$750 levied by the Board for violating Code sections 8648 and 8651.

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OTHER MATTERS

20. 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.

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

42. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 4379, issued to Pinnacle Pest Control Inc., then Jaime Lopez, who serves as the President and Qualifying Manager of Pinnacle Pest Control Inc., shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any registered company during the time the discipline is imposed, and any registered company which employs, elects, or associates him, shall be subject to disciplinary action.

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PRAYER

**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:

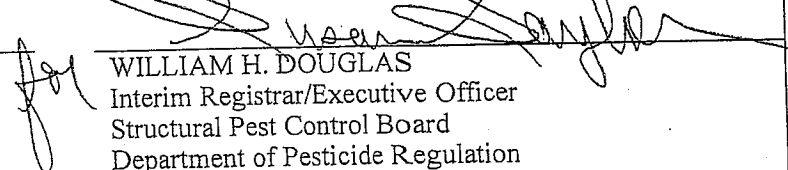
1. Revoking or suspending Company Registration Certificate No. PR 4379, issued to Pinnacle Pest Control Inc.;
2. Revoking or suspending Operator's License No. OPR 9872, issued to Jaime Lopez;
3. Revoking or suspending any other license for which Jaime Lopez is furnishing the qualifying experience or appearance;

1 4. Ordering restitution of all damages according to proof suffered as a condition of  
2 probation in the event probation is ordered;

3 5. Prohibiting Jaime Lopez from serving as an officer, director, associate, partner,  
4 qualifying manager or responsible managing employee of any registered company during the  
5 period that discipline is imposed on Company Registration Certificate Number PR 4379, issued to  
6 Pinnacle Pest Control Inc.;

7 6. Ordering Jaime Lopez and Pinnacle Pest Control Inc. to pay the Structural Pest  
8 Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to  
9 Business and Professions Code section 125.3; and,

10 7. Taking such other and further action as deemed necessary and proper.

11 DATED: 6/27/11   
12 WILLIAM H. DOUGLAS  
13 Interim Registrar/Executive Officer  
14 Structural Pest Control Board  
15 Department of Pesticide Regulation  
16 State of California  
17 Complainant

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