FILED

Date 7/26/12 By William H. Douglas

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

In the Matter of the Accusation Against:

SATELLITE PEST CONTROL; CORY RICO WILSON, Owner and Qualifying Manager
P.O. Box 191246
Los Angeles, CA 90019

Company Registration Certificate No. PR 5201, Br. 2 & 3

CORY RICO WILSON
P.O. Box 191246
Los Angeles, CA 90019

Operator's License No. OPR 11142, Br. 2
Field Representative License No. FR 47359, Br. 3

RICARDO ALONSO WILSON
P.O. Box 191246
Los Angeles, CA 90019

Operator's License No. OPR 11859, Br. 3

BOBBY BURGESS
18105 Sun Downer Way #977
Canyon Country, CA 91387

Field Representative License No. FR 43885, Br. 2 & 3

Respondents.

Case No. 2013-8

ACCUSATION

Complainant alleges:

PARTIES

1. William H. Douglas (Complainant) brings this Accusation solely in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

LICENSE HISTORY

Satellite Pest Control Company Registration Certificate PR 5201

2. On or about January 2, 2007, the Structural Pest Control Board (Board) issued Company Registration Certificate Number PR 5201, Branch 2, to Satellite Pest Control (Respondent Satellite), with Cory Rico Wilson as Owner and Qualifying Manager (Respondents). The Company Registration Certificate was in full force and effect at all times relevant to the charges brought herein and will remain active, unless cancelled or revoked.

3. On or about July 1, 2009, Company Registration Certificate Number PR 5201 was upgraded to include Branches 2 and 3 with Ricardo Alonso Wilson as Branch 3 Qualifying Manager.

Ricardo Alonso Wilson, Operator's License No. OPR 11859 and Field Representative's License No. FR 30619

4. On or about May 26, 2009, the Board issued Operator License No. OPR 11859 in Branch 3 to Ricardo Alonso Wilson, employee of Orkin Exterminating Company, Inc. This license is currently in effect and renewed through June 30, 2014. On or about June 30, 2009, Operator's License No. OPR 11859 left the employ of Orkin Exterminating Company, Inc. and on July 1, 2009, became the Branch 3 Qualifying Manager of Satellite.

5. On or about March 15, 1999, Field Representative's License No. FR 30619 was issued in Branch 3 to Ricardo Alonso Wilson (R.Wilson), employee of Orkin Exterminating Company, Inc., and was cancelled on May 26, 2009, due to the issuance of an Operator's license.

Cory Rico Wilson, Operator's License No. OPR 11142 and Field Representative's License Nos. FR 47359 and 31811

6. On or about July 5, 2005, the Board issued Operator's License No. OPR 11142 in Branch 2 to Cory Wilson (C. Wilson), which will expire on June 30, 2014, unless renewed.

7. On or about January 2, 2007, Operator's License No. OPR 11142 became the Owner and Qualifying Manager of Satellite.

8. On or about December 9, 2011, the Decision in Accusation No. 2010-67 ordered Operator's License No. OPR 11142 revoked, stayed and three years' probation, to file quarterly reports, and pay the Board $900 for the unpaid fine in CF 04-155, within 30 days.

9. On or about January 27, 2000, Field Representative's License No. FR 31811 was issued in Branch 2 to Cory McQueen, employee of Terminix International Company LLP.

10. On or about April 12, 2001, Field Representative's License No. FR 31811 was upgraded to include Branches 2 and 3, and reflected a change in name to Cory Rico Wilson, and a change in employment to Orkin Exterminating Company Inc.

11. On or about September 30, 2001, Field Representative's License No. FR 31811 left the employ of Orkin Exterminating Company, Inc. and on February 14, 2002, reflected employment with Ecola Services, Inc.

12. On or about April 22, 2002, the Board received notification from Ecola Services, Inc. that Field Representative's License No. FR 31811 was no longer employed.

13. On or about April 1, 2003, Field Representative's License No. FR 31811 reflected employment with Stanley Pest Control.

14. On or about January 18, 2012, Field Representative's License No. FR 31811 paid a $900 fine levied by the Board for a violation of Section 8593 of the Business & Professions Code and California Code of Regulations, title 16, section 1950.

15. On or about June 30, 2005, Field Representative's License No. FR 31811 was cancelled from the Board's files.

16. On or about January 17, 2012, Field Representative's License No. FR 47359 was issued in Branch 3 to Cory Rico Wilson, employee of Satellite, and is currently in effect and renewed through June 30, 2014.

Bobby Burgess, Field Representative License No. FR 43885

17. On or about December 19, 2008, Field Representative's License No. FR 43885 was issued in Branch 3 to Bobby Lamont Burgess, employee of Satellite, and is currently in effect and

renewed through June 30, 2014. License No. FR 43885 is also a Branch 2 license.

JURISDICTION

18. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

19. Section 118, subdivision (b) of the Code provides that the suspension, expiration, surrender and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

20. Section 8620 of the Code authorizes the Board to suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

21. Section 8625 of the Code states:

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

STATUTORY PROVISIONS

22. Section 8516 of the Code provides as follows:

"(a) This section, and Section 8519, apply only to wood destroying pests or organisms.

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

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

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

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

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

(1) The date of the inspection and the name of the licensed field representative or operator making the inspection.

* * *

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

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

* * *

"(10) Recommendations for corrective measures."

23. Section 8518 of the Code states as follows:

"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 indicate a statement of the cost of the 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.

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

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

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

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

24. Section 8550 provides, in relevant part, that:

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

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"(c) It is unlawful for an unlicensed individual, soliciting pest control work on behalf of a registered structural pest control company pursuant to subdivision (b), to perform or offer to perform any act for which an operator, field representative, or applicator license is required, including, but not limited to, performing or offering pest control evaluations or inspections, pest identification, making any claims of pest control safety or pest control efficacy, or to offer price quotes other than what is provided and printed on the company advertising or literature, or both.

(d) It is also unlawful for any unlicensed individual to offer any opinion, or to make any recommendations, concerning the need for structural pest control work in general, or in connection with a particular structure."

25. Section 8613 of the Code provides in relevant part that:

"A registered company which changes the location of its principal office or any branch office or which changes its qualifying manager, branch supervisor, officers, or its bond or insurance shall notify the registrar in writing of such change within 30 days thereafter. A fee for filing such changes shall be charged in accordance with Section 8674."

26. Section 8622 of the Code states, in pertinent part:

"When a complaint is accepted for investigation of a registered company, the board, through an authorized representative, may inspect any or all properties on which a report has been issued pursuant to Section 8516 or a notice of completion has been issued pursuant to Section 8518 by the registered company to determine compliance with the provisions of this chapter and the rule and regulations issued 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."

27. Section 8638 sets forth that:

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

28. Section 8650 of the Code states:

"Acting in the capacity of a licensee or registered company under any of the licenses or registrations issued hereunder except:

(a) In the name of the licensee or registered company as set forth upon the license or registration, or

(b) At the address and location or place or places of business as licensed or registered or as later changed as provided in this chapter is a ground for disciplinary action."

29. Section 8652 of the Code states:

"Failure of a registered company to make and keep all inspection reports, field notes, contracts, documents, notices of work completed, and records, other than financial records, for a period of not less than three years after completion of any work or operation for the control of structural pests or organisms, is a ground for disciplinary action. These records shall be made available to the executive officer of the board or his or her duly authorized representative during business hours."

30. Section 8641 provides as follows:

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

REGULATORY PROVISIONS

31. California Code of Regulations, Title 16, section 1990, sets forth report requirements and provides, in pertinent part:

"(a) All reports shall be completed as prescribed by the board. Copies filed with the board shall be clear and legible. All reports must supply the information required 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:"

(1) Structural pest control license number of the person making the inspection.

(2) Signature of the Branch 3 licensee who made the inspection.

(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 shall be reported."

* * *

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

* * *

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

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

* * *

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

* * *

"(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."

* * *

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

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

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

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

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

2. removing the infested wood,

3. using another method of treatment which exterminates the infestation. . .

33. California Code of Regulations, title 16, section 1992 "Secondary Recommendations" provides:

"In addition to the recommendations required in section 1991, the report may suggest secondary recommendations. When secondary recommendations are made, they shall be labeled as secondary recommendations and included as part of the inspection report with a full explanation of why they are made, with the notation that they are below standard measures. If

secondary recommendations are performed, any letter of completion, billing or other document referring to the work completed, must state specifically which recommendations were secondary and below standard and specify the name of the person or agency requesting completion of the secondary recommendations."

34. California Code of Regulations, title 16, section 1993 states, in pertinent part:

"All of the following reports must be in compliance with the requirements of Section 8516 of the code. All reports must be on the form prescribed by the board."

* * *

(d) A supplemental report is the report on the inspection performed on inaccessible areas that have been made accessible as recommended on a previous report. Such report shall indicate the absence or presence of wood-destroying pests or organisms or conditions conducive thereto. This report can also be used to correct, add, or modify information in a previous report. A licensed operator or field representative shall refer to the original report in such a manner to identify it clearly."

35. California Code of Regulations, title 16, section 1996.3, subdivision (b)(4) states:

"(b) The form shall contain the following information for each property inspected and/or upon which work was completed."

* * *

"(4) Date of Activity."

COST RECOVERY/ RESTITUTION

36. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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

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GARETAL STREET PROPERTY

38. On or about May 14, 2010, at the request of G.V., Respondent Satellite performed a WDO inspection[1] and issued a "complete" Wood Destroying Pests and Organisms Inspection Report on the property located at 11630 Garetal Street, Santa Fe Springs, CA ("the Property"), for escrow purposes. The inspection report failed to contain the required information as to who performed the WDO inspection and prepared the inspection report, which contained 8 findings and recommendations.

39. The Section I findings identified dry rot fungi (decay fungi), evidence of drywood termites and cellulose debris in the substructure; evidence of drywood termites at the back porch, attic, garage, windowsills and walls, and evidence of drywood termites and decay fungi at the rafter tails and fascia boards. The Section I recommendations stated to fumigate the structure, as a primary recommendation, for the reported evidence of drywood termites in the substructure and attic, and as a secondary recommendation, to treat the entire substructure with Timbor or Boracare, and to treat the termite galleries with Premise 2. Also, to scrape and chemically treat the decay fungi in the substructure with Timbor or Boracare, to remove or treat the cellulose debris with Timbor or Boracare, and to treat the reported evidence of drywood termites at the back porch, garage, windowsills, walls, rafter tails and fascia boards with Timbor or Boracare, and to treat the termite galleries with Premise 2.

40. In doing this inspection, Respondent Satellite was acting in the capacity of a registered company under a name that is different (Satellite Pest Management Services) than the name set forth upon the company registration (Satellite Pest Control). Also, the inspection report was not prepared on a form approved by the Board, because it contains an incorrect address for the Board on the bottom of the first page. The inspection report failed to contain the name, license number and signature of the licensee who performed the inspection.

41. Furthermore, the secondary recommendations in the inspection report failed to contain a full explanation about why they were made, and failed to indicate they are below

[1] A WDO inspection is a wood destroying organisms inspection.

standard measures. The drywood termite recommendations failed to contain a recommendation to cover or remove the accessible evidence of infestation. Although the drywood termite infestations are in the same structure, some of the drywood termite recommendations contained both primary (fumigation) and secondary recommendations (treatment) and others contained only a primary recommendation for treatment. The decay fungi findings failed to identify the excessive moisture conditions responsible for the infections, and the recommendations failed to include a recommendation to correct the excessive moisture conditions responsible for the infections. The inspection report also failed to indicate the approximate location of finding 4A.

42. On or about November 8, 2011, escrow closed on the subject property.

43. On or about July 7, 2011, at the request of the property owner, T.J., A Accredit Termite & Pest Control Co. (A Accredit), performed a WDO inspection and issued a "complete", "separated" inspection report on the Property. The Section I finding identified evidence of drywood termites in the substructure, with a recommendation to fumigate the entire structure and to remove the accessible evidence of infestation. The Section II finding identified cellulose debris in the substructure, with a recommendation to remove and dispose of all loose cellulose debris in the substructure.

44. On or about August 8, 2011, the Board received a Complaint Form from T.J. dated August 7, 2011, which alleged that Respondent Satellite failed to properly complete the necessary work prior to the close of escrow for the Property.

45. On or about August 23, 2011, the Board's representative notified Respondent, via a letter, of the complaint and asked it for a written response within 10 days from receipt of the letter.

46. On or about September 2, 2011, the Board received a written response for Respondent from C. Wilson, dated August 29, 2011, which stated that the initial inspection was done for G.V., around May 10, 2010, and the property was treated on May 14, 2010. Six months later, G.V. called and explained she was selling the Property and needed a Standard Notice of Work Completed and Not Completed (completion notice). Respondent Satellite performed a WDO inspection at the Property, at which time no evidence of infestation was found. Then, in

July of 2011, T.J. filed a complaint after a friend of his, whom C. Wilson questions is even licensed, found drywood termite droppings in the substructure and stated the Property needed to be fumigated.

47. Further, C. Wilson stated in his letter that, on August 29, 2011, he inspected the Property and found no live activity, only old evidence of drywood termites in the same area previously treated by Respondent Satellite. He stated there were no subterranean termites, no alates, no wings and no cellulose debris, because Respondent Satellite previously removed it. Respondent Satellite offered to re-treat the Property at no cost, and will issue a new inspection report to the owner.

48. On or about May 14, 2010, Respondent Satellite performed a WDO inspection, but not the work. C. Wilson is not licensed to perform a WDO inspection at the Property. Although C. Wilson is Respondent's "Branch Manager", the Board's records indicate Respondent has only one location.

49. On or about September 8, 2011, T.J. spoke to the Board's representative by telephone, and stated he was dissatisfied with Respondent Satellite's response because he felt that the Property needed to be fumigated and it was not.

50. On or about October 27, 2011, the Board's inspector attempted to visit Respondent Satellite at its Vine Street address, the address of record with the Board, to review its file regarding the Property, and was told by a security guard at the complex that Respondent Satellite had moved out of this location two to three weeks ago. When he called Respondent Satellite's telephone number of record, he was directed to a new telephone number, and called and left a message. The Board's inspector spoke by telephone with C. Wilson, who confirmed that Satellite had relocated, and stated that this was because the new owners wanted to rearrange the offices. C. Wilson stated he did not know how long it would be before Satellite could move back in, and that the company's records were in storage. The Board's inspector advised C. Wilson that the case regarding the Property had not been closed, and he requested copies of all inspection reports and completion notices issued by Satellite for the Property. C. Wilson stated the Board already had these documents, and the Board's inspector replied that he does not work in Sacramento, and

requested that C. Wilson send the documents by facsimile to his office.

51. On or about August 30, 2011, the Board's inspector received a facsimile from Respondent Satellite of the August 30, 2011 "complete" inspection report for the Property, which WDO inspection was performed by R. Wilson and contained six findings and four recommendations. The findings identified inactive evidence of drywood termites in the substructure, no evidence of drywood termites in the attic, inactive evidence of drywood termites in the garage, no evidence of drywood termites at the patio, no evidence of active infestation in the partially accessible interior, and no evidence of infestation at the exterior.

52. The recommendations in the August 30, 2011 "complete" inspection report for the Property stated that the entire substructure was treated with borates for the eradication and prevention against wood-destroying organisms, that preventative treatment was previously performed in the attic, that the garage was partially inaccessible due to storage, and that the garage was previously treated with Timbor or Boracare for the eradication and prevention against wood-destroying organisms and that yearly inspection is recommended for the patio. There is no recommendation for the interior and exterior findings.

53. The recommendations failed to include a recommendation to cover or remove the accessible, inactive evidence of infestation in the substructure and garage. Also, there is no recommendation for further inspection and the issuance of a "supplemental" inspection report regarding the reported inaccessible portion of the garage due to storage.

54. The August 30, 2011 inspection report was not prepared on a form approved by the Board, and the Board's address on the bottom of the first page is incorrect. Furthermore, Satellite is acting in the capacity of a registered company under a name that is different from the name set forth upon the company's registration. The inspection report and fax cover sheet state the company's name as "Satellite Pest Management Services", whereas the company is registered as "Satellite Pest Control".

55. In his written response to the Board dated August 29, 2011, C. Wilson states that he inspected the Property on that date, but the inspection report dated August 29, 2011 indicates that R. Wilson performed the WDO inspection.

56. On or about October 31, 2011, the Board's inspector went to the Property, and found and photographed the following conditions, which he set forth on his Field Work Sheet:

1. Cellulose debris in the substructure.
2. Evidence of drywood termites in the substructure.
3. Drywood termite damage in the substructure.
4. Evidence of an excessive moisture condition (water stains) in the substructure.
5. Evidence of an excessive moisture condition (corroded pipes) in the substructure.
6. A chemical treatment tag posted in the substructure, dated 12/28/67.
7. Drywood termite damage in the attic.
8. A fumigation tag in the attic, dated 04/21/90.
9. Evidence of drywood termites in the garage.
10. Drywood termite damage in the garage.
11. Drywood termite damage in the rafter tail on the garage.
12. An A Accredit inspection tag posted in the garage, dated 07/07/11.
13. Drywood termite damage at the patio.
14. Decay fungi damage at the patio.
15. Evidence of an excessive moisture condition (water stains) at the patio.
16. Decay fungi damage at the kitchen window.
17. Evidence of drywood termites (live) in the house eaves.
18. Drywood termite damage in the house eaves.
19. Decay fungi damage in the house eaves.

57. The Board's inspector contacted C. Wilson, and requested a meeting with him, to discuss the numerous problems he found during his inspection of the Property. C. Wilson stated the company had offered to re-treat the Property when it returned to the Property in August of 2011, but the owner had refused this offer. C. Wilson stated the owner had "crawled" into the attic with him, and he did not find any problems. In addition, C. Wilson explained to the Board's inspector that the company was only hired to treat the Property during escrow. The company performed the job, the owner fixed some damage, and escrow on the Property closed.

58. On or about November 1, 2011, the Board's inspector received a letter from Respondent Satellite dated 10/24/11, which was prepared by C. Wilson, and informs the Board that the company is no longer at its physical address of record with the Board, does not have a current physical address, but its mailing address remains the same.

59. The Board's inspector performed several WDO Activity Searches on Respondent, to ascertain if Respondent had been filing WDO activities reports with the Board and, if so, if C. Wilson had performed any of the WDO inspections. The search revealed that, during 2011, Respondent Satellite filed four WDO activities with the Board, which were performed by C. Wilson, under C. Wilson's Branch 2 Operator License OPR 11142. The search also disclosed that Respondent Satellite's 05/14/10 WDO inspection at the Property states it was performed by Field Representative Bobby Burgess, FR No. 43885. Satellite's 08/30/11 WDO inspection at the Property was filed with the Board as having been performed on 08/28/11, by R. Wilson, not C.Wilson, as C. Wilson had stated in his 08/29/11 response to the Board and in his telephone conversation with the Board's representative on 11/01/11. Although the report number on Respondent Satellite's 05/14/10 "complete" inspection report is 10035, and the report number on its 08/30/11 "complete" inspection report is 10179, there is a difference of 144 between the two report numbers. Respondent Satellite, however, only filed 35 WDO inspections with the Board between 05/14/10 and 08/30/11.

60. Respondent Satellite's completion notice for the Property, which would have been issued before escrow closed, and any additional WDO inspections it performed at the Property, were not filed with the Board. Although the Board's inspector requested that C. Wilson meet with him and bring a copy of Respondent's completion notice, issued before the close of escrow, and any other inspection reports it issued for the Property, when the inspector met with C. Wilson and R. Wilson, they did not bring the documents he had requested. When the Board's representative again asked them for Satellite's completion notice and reports, R. Wilson stated he doubted he would be able to find these documents.

61. On or about November 9, 2011, the Board's inspector prepared a Report of Findings (ROF) to Respondent Satellite that contained 19 violations. Since Satellite failed to provide the

Board's inspector with any of the documents he had requested on 11/01/11, he could not reference them in the ROF.

62. On 11/11/11, the Board's inspector received a letter from C. Wilson, requesting that he send him his findings, including photographs taken at the Property, and Satellite will comply with everything he needs.

63. On 11/12/11, the inspector received a processed copy of the ROF to Satellite.

64. On 11/22/11, the inspector had not heard back from Satellite, and left a message to contact him with questions about the ROF.

65. On 12/01/11, he received return receipts from the Board for the certified mailings of the ROF to Satellite and Burgess. The return receipts indicated that the ROF was received by Satellite on or about 11/17/11, and the ROF was received by Burgess on or about 11/12/11.

66. On or about 12/02/11, the Board's inspector received an e-mail from R. Wilson, informing him that copies of Satellite's inspection report will be sent to the Board, the owner and the inspector, and that the company's intention is to fully comply. Further, the e-mail stated that Satellite's system is currently down due to a recent windstorm.

67. On or about 12/09/11, the Board's inspector received from the Board a copy of Satellite's "complete" inspection report for the Property, dated 11/21/11, prepared in response to the ROF. R. Wilson performed the WDO inspection and prepared the inspection report containing eight findings and six recommendations.

68. On 12/02/11, Respondent Satellite faxed the inspection report to the Board. The findings identified cellulose debris in the substructure, cardboard and a one-foot piece of lumber that was treated with borates, Timbor and Boracare; evidence of drywood termite damage (cosmetic) at one exterior rafter on the patio, evidence of excessive moisture on the patio ceiling framing and sheathing, along with some decay fungi noted due to excessive moisture; evidence of damage (cosmetic) at one attic rafter, with no evidence of activity, which was noted on a previous inspection report; and evidence of drywood termites in the garage, on the work bench. Moreover, it was noted that the interior was inspected, but is partially inaccessible due to furniture and appliances, the rear section of the home, the den, was newly reconstructed by the new

homeowner; there is evidence of excessive moisture and decay fungi damage at the exterior side beam and fascia and evidence of drywood termite damage at an exterior garage rafter tail, at a previously reported inaccessible area due to plants.

69. The recommendations stated to remove or treat the cellulose debris with a registered material, Timbor or Boracare, for the eradication and protection against all wood-destroying organisms, and that no activity of any WDO (wood-destroying organisms) was noted at the time of inspection. Regarding the evidence of drywood termite damage at the patio rafter, to treat with a registered material, Timbor or Boracare, for the eradication and protection against wood-destroying organisms, and drill and foam treat into galleries with a registered material, Premise, even though no live activity was found. Regarding the evidence of excessive moisture and decay fungi at the patio, the owner should hire a contractor or handyman to fix the moisture problem, and should check the roof and gutters. There was no recommendation for the reported drywood termite damage in the attic. It was recommended to treat the workbench in the garage with a registered material, Timbor or Boracare, for the eradication and protection against all wood-destroying organisms, and to drill and foam treat into all noted galleries with a registered material, Premise 2, for the eradication of any active infestation. Furthermore, it was recommended that the owner should hire a handyman or contractor to fix the moisture problem noted at the exterior side beam and fascia and to fix the damaged rafter tail at the garage.

70. Respondent Satellite's inspection report is not in compliance because it was acting in the capacity of a registered company under a name that is different than the name set forth upon the company registration. The inspection report and fax cover sheet states Respondent's name is "Satellite Pest Management Services", when it is and was actually registered as "Satellite Pest Control"

71. On 12/12/11, the Board's inspector prepared a Report of Findings Compliance Instruction Letter #1 (Compliance Instruction Letter), which listed the non-compliant issues he found with the subject company's 11/21/11 "complete" inspection report, and consisted of the following 22 violations:

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1. It fails to contain a proper recommendation for the reported cellulose debris in the substructure. Cellulose debris in contact with the soil is required to be removed from the substructure.

2. It fails to report the evidence of drywood termites in the substructure.

3. It fails to report the drywood termite damage in the substructure.

4. It fails to report the evidence of an excessive moisture condition (water stains) in the substructure.

5. It fails to report the evidence of an excessive moisture condition (corroded pipes) in the substructure.

6. It fails to report the evidence of drywood termites in the attic.

7. It fails to report the full extent of the drywood termite damage in the attic.

8. It fails to contain a proper recommendation for the reported drywood termite damage in the attic.

9. It fails to report the full extent of the evidence of drywood termites in the garage.

10. It fails to contain a proper recommendation for the reported evidence of drywood termites in the garage. Evidence present in the garage indicates the infestations extend into inaccessible areas.

11. It fails to report the drywood termite damage in the garage.

12. It fails to report the full extent of the evidence of drywood termites at the patio.

13. It fails to report the full extent of the drywood termite damage at the patio.

14. It fails to report the full extent of the decay fungi damage at the patio.

15. It fails to contain a proper recommendation for the reported evidence of an excessive moisture condition at the patio. The evidence of the condition, as well as correcting the source of the condition, are both Respondent Satellite's responsibility.

16. It fails to report the decay fungi damage at the kitchen window.

17. It fails to make a proper recommendation for the reported excessive moisture condition and fungi damage at the side beam and fascia. The evidence of the condition and fungi damage, as well as correcting the source of the condition and fungi damage, are both Respondent

Satellite's responsibility.

18. It fails to report the evidence of drywood termites at the garage rafter tail.

19. It fails to contain a proper recommendation for the reported drywood termite damage at the garage rafter tail. Repairing the damage at the rafter tail is Respondent Satellite's responsibility.

20. It fails to report the evidence of drywood termites in the house eaves.

21. It fails to report the drywood termite damage in the house eaves.

22. It fails to report the decay fungi damage in the house eaves.

72. The Board's inspector left a message for C. Wilson, explaining there are issues with the 11/21/11 "complete" inspection report, to contact him once he receives the Compliance Instruction Letter, and not to commence with the work until the inspection report is in compliance. Respondent failed to request a hearing within 20 days of receipt of the ROF, on or about 3:58 p.m. on 11/17/11 by Respondent.

73. The Board's inspector checked the Board's records for Respondent Satellite, which still listed its physical address of record as the Vine Street address, but he had discovered that the company was no longer at this address 47 days ago, on 10/27/11.

74. On 12/28/11 and 1/03/12, the Board's inspector left telephone messages for C. Wilson about the Compliance Instruction Letter, and explained that he would return the file to the Board's office for disciplinary action, if he did not hear back from him a day or two afterwards. Since C. Wilson left a message for the Board's inspector, stating that he would not do anything with respect to the ROF unless he spoke with other persons at the Board, the file was returned to the Board for disciplinary action due to non-compliance with the ROF.

75. On 1/4/12, the Board's inspector performed a WDO Activity Search on the subject company, from 11/17/11, the date the ROF was received, to 1/04/12, to ascertain how many WDO activities it filed with the Board after receipt of the ROF, and to ascertain whether it had filed its 11/21/11 "complete" inspection report on the incident address with the Board. The results of the WDO Activity Search disclosed the subject company had filed six WDO activities with the Board, which included the 11/21/11 "complete" inspection report. This WDO Activity

Search, like the ones he had previously printed, failed to show that Respondent Satellite was filing any completion notices with the Board.

76. Besides disclosing that no completion notices were being filed with the Board, the WDO Activity Search also disclosed that another licensee, FR 46562, issued to, Justin J. Francis (Francis), a Branch 2 licensee, associated with a company in Central California, was performing WDO inspections for the subject company. The Board's inspector concluded that it was likely that, when filing WDO activities with the Board, Respondent had transposed the last three numbers of a licensee associated with the subject company, Ricardo Alonso Wilson III (Wilson III), who has License number, FR 46265.

77. The Board's inspector expanded the WDO Activity Search on Respondent Satellite, checking on the WDO activities it filed with the Board from 1/01/10. The results of the WDO Activity Search disclosed the subject company filed 68 WDO activities with the Board during this period. Of the 68 WDO activities filed with the Board, none were completion notices. The Board's inspector found only one address listed twice, which involved a "reinspection" inspection report. Respondent company's 8/30/11 (8/28/11) "reinspection" inspection report was filed with the Board twice. It would not be practical to think that a company could successfully operate a termite division, without completing a single termite job in two years.

78. The WDO Activity Search disclosed that Respondent Satellite filed three WDO activities with the Board involving the incident address. The WDO activities are the, 5/14/10 "complete" inspection report, which is subject company report No. 10035; the 8/30/11 "reinspection" inspection report, which is subject company report No. 10179, which was incorrectly filed with the Board as being done, on 8/28/11; and the 11/21/11 "complete" inspection report, which is subject company report No. 10202. According to the report numbers, there is a difference of 144 report numbers between the 5/14/10 and 8/30/11 inspection reports, yet, there are only 35 WDO activities filed with the Board during this period. Furthermore, there is a difference of 23 report numbers between the 8/30/11 and 11/21/11 inspection reports, yet, there are only 17 WDO activities filed with the Board during this period. There are only 52 of 167 report numbers accounted for on the WDO Activity Search, and with the WDO Activity

Search not showing any completion notices being filed with the Board, the Board's inspector is convinced the subject company is not filing all of its WDO activities with the Board.

79. Four of the WDO activities the subject company filed with the Board were filed as having been done by License number, OPR 11142, which is issued to C. Wilson, in Branch 2 (general pest control) only. Therefore, this license cannot be used to perform WDO inspections. At one time, C. Wilson was licensed in Branch 3 (wood-destroying pests), FR 31811, but the license expired and was subsequently cancelled, on 6/30/05.

80. Complainant, depending on what is found during the course of the repair work, has been left with at least $10,000 worth of work to do, for which Respondent should be held accountable.

81. On 1/10/12, the Board's inspector contacted the complainant for an update, who indicated that Respondent Satellite had not returned to the incident address after the Board's inspector issued the Compliance Instruction Letter. The complainant confirmed that C. Wilson performed the 8/30/11 WDO inspection, and that both C. Wilson and R. Wilson performed the 11/21/11 WDO inspection.

FIRST CAUSE FOR DISCIPLINE

(Failure to Comply with Code Regulations)

82. Respondent Satellite's registration and Respondent R. Wilson's Operator's license are subject to discipline under Section 8641, in that, concerning the Property, Respondents failed to comply with the following Sections:

Section 8650(a):

a. Acting in the capacity of a registered company under a name that is different than the name set forth upon the company registration. The subject company's 5/14/10 "complete" inspection report, 8/29/11 letter to the Board, 8/30/11 "complete" inspection report, 10/28/11 and 11/11/11 fax cover sheets, the 11/21/11 "complete" inspection report and the 12/2/11 fax cover sheet, all identify Respondent company as Satellite Pest Management Services, even though the company is registered as Satellite Pest Control.

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Section 8516(b) and California Code of Regulations, title 16, Section 1993:

b. Respondents failed to issue an inspection report on a form approved by the Board, and the Board's address, which was changed in March of 2008, was listed incorrectly at the bottom of the first page for the 5/14/10, 8/30/11 and 11/21/11 "complete" inspection reports.

Section 8516(b)(1) and California Code of Regulations, title 16, Section 1990(a)(1) and (a)(2):

c. Respondents failed to issue an inspection report that contained the name, license number and signature of the Branch 3 licensee performing the inspection. The 5/14/10 "complete" inspection report contains the name and signature of an individual who is not a licensee of the Board, and what appears to be a date for the license number. The WDO Activity Searches disclosed that the WDO inspection was performed by Field Representative Bobby Burgess, FR 43885.

Section 8638 and California Code of Regulations, title 16, Section 1991(a)(2):

d. Respondents failed to complete the work, regarding the removal of the cellulose debris in the substructure, reported on the 5/14/10 "complete" inspection report. Cellulose debris remains throughout the substructure.

Section 8638 and California Code of Regulations, title 16, Section 1991(a)(5):

e. Respondents failed to complete the work, regarding the treatment of the decay fungi at the patio, reported on the 5/14/10 "complete" inspection report. Decay fungi damage remains at the reported areas.

Section 8638:

f. Respondents failed to exterminate the evidence of drywood termites, reported on the 5/14/10 "complete" the inspection report, through the use of a secondary chemical treatment. Active drywood termite infestations remain at the reported areas in the house and garage. Fumigation, or another all-encompassing method of treatment, is required to eliminate the infestations.

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Section 8613:

g. Respondents failed to notify the Board in writing of a change in the location of its principal office within 30 days of the change. Respondent Satellite has not been at its physical address of record with the Board, on Vine Street, since approximately October of 2011. As of January of 2012, Board records indicate it is still on Vine Street. The Board has no idea where the subject company is located.

Section 8652:

h. Respondents failed to make records available, as set forth in Paragraphs 48 and 58 above. Furthermore, Respondent Satellite does not currently have a physical location, as set forth in Paragraph 56, above.

Section 8622:

i. Respondents failed to comply with the ROF within the required 30 days. The ROF was received at the subject company on 11/17/11, and as of 1/9/12, the subject company has not commenced with the work, or prepared and delivered an inspection report that is in compliance.

Section 8516(b)(6) and California Code of Regulations, title 16, Section 1996.3(b)(4):

j. Respondents failed to accurately file WDO activities with the Board. The 8/30/11 "complete" inspection report was filed with the Board as being performed on 8/28/11, and represented it was performed by R. Wilson, when C. Wilson actually performed the WDO inspection. Also, WDO activities performed by Wilson III, FR 46265, were mistakenly filed with the Board as being done by Francis, FR 46562.

Sections 8550(a), 8550(c) and 8550(d):

k. Performing Branch 3 WDO inspections without being properly licensed. Respondent Satellite has filed four WDO inspections with the Board as having been done by C. Wilson, using his Branch 2 Operator's license, OPR 11142. C. Wilson was previously a Branch 3 licensee, but his license, FR 31811, expired on 6/30/05, and was subsequently cancelled.

Sections 8550(a), 8550(c) and 8550(d):

l. Performing Branch 3 WDO inspections without being properly licensed. In his 8/29/11 letter to a Board employee, C. Wilson states that he inspected the incident address, on

8/29/11 (actually 8/30/11), which was confirmed by the complainant. C. Wilson is currently a Branch 2 licensee only. C. Wilson was previously a Branch 3 licensee, but his license, FR 31811, expired on 6/30/05, and was subsequently cancelled.

Violation of Statement of Issues Case No. 2011-8:

m. Violation of the Statement of Issues, dated 9/2/10. The Statement of Issues, under No. 7, Other Matters, states, if C. Wilson's license application is denied, which it was, he shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is grounds for disciplinary action. Board records indicate C. Wilson is the subject company owner and Branch 2 Qualifying Manager.

SECOND CAUSE FOR DISCIPLINE

(Failure to Report)

83. Respondent R. Wilson, as an inspector, is subject to disciplinary action under Code sections 8516, subdivisions (b)(6) and (b)(7), and 8620, in that Respondent failed to report items in separate inspection reports regarding the Property. The circumstances are as follows:

a. Failure to report the cellulose debris in the substructure, on the 8/30/11 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(3) of the California Code of Regulations, title 16.

b. Failure to report the full extent of the evidence of drywood termites in the substructure, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(3) of the California Code of Regulations, title 16.

c. Failure to report the drywood termite damage in the substructure, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

d. Failure to report the evidence of an excessive moisture condition (water stains) in the substructure, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

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e. Failure to report the evidence of an excessive moisture condition (corroded pipes) in the substructure, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

f. Failure to report the evidence of drywood termites and drywood termite damage in the attic, on the 8/30/11 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

g. Failure to report the evidence of drywood termites and the full extent of the drywood termite damage in the attic, on the 11/21/11 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

h. Failure to make a recommendation for the reported drywood termite damage in the attic, on the 11/21/11 "complete" inspection report, in violation of Section 8516(b)(10) and Section 1991(a)(5) of the California Code of Regulations, title 16.

i. Failure to report the full extent of the evidence of drywood termites in the garage, on the 8/30/11 and 11/21/11 "complete" inspection reports in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(3) of the California Code of Regulations, title 16.

j. Failure to report the drywood termite damage, inside and outside of the garage, on the 8/30/11 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

k. Failure to report the drywood termite damage, inside the garage, on the 11/21/11 "complete" inspection report, in violation of Section 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

l. Failure to report the evidence of drywood termites and drywood termite damage at the patio, on the 8/30/11 "complete" inspection report in violation of Sections 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

m. Failure to report the full extent of the evidence of drywood termites and drywood termite damage at the patio, on the 11/21/11 "complete" inspection report, in violation of Sections

8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

n. Failure to report the dry rot (decay fungi damage) at the patio, on the 8/30/11 "complete" inspection report., in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

o. Failure to report the full extent of the decay fungi damage at the patio, on the 11/21/11 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

p. Failure to report the evidence of an excessive moisture condition (water stains) at the patio framing, on the 8/30/11 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

q. Failure to report the decay fungi damage at the kitchen window, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

r. Failure to report the evidence of drywood termites and drywood termite damage in the house eaves, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

s. Failure to report the decay fungi damage in the house eaves, on the 8/30/11 and 11/21/11 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

t. Failure to make a proper recommendation, regarding the reported evidence of drywood termites, on the 8/30/11 and 11/21/11 "complete" inspection reports. The recommendations failed to include a recommendation to cover or remove the accessible evidence of infestation, in violation of Section 8516(b)(10) and Section 1991(a)(8) of the California Code of Regulations, title 16.

u. Failure to make a proper recommendation, regarding the reported evidence of drywood termites in the garage, on the 11/21/11 "complete" inspection report. Evidence present

in the garage indicates the infestations extend into inaccessible areas, which would require an all-encompassing method of treatment, not a localized chemical treatment, in violation of Section 8516(b)(10) and Section 1991(a)(8) of the California Code of Regulations, title 16.

v. Failure to make a recommendation for further inspection and the issuance of a "supplemental" inspection report, regarding the inaccessible portion of the garage due to storage, on the 8/30/11 "complete" inspection report, in violation of Sections 8516 and 8516(b)(10) and Section 1993(d) of the California Code of Regulations, title 16.

w. Failure to make a proper recommendation, regarding the reported cellulose debris in the substructure, on the 11/21/11 "complete" inspection report. Cellulose debris in contact with the soil, is required to be removed from the substructure; not treated, in violation of Section: 8516(b)(10) and Section 1991(a)(2) of the California Code of Regulations, title 16.

x. Failure to make a proper recommendation for the reported evidence of an excessive moisture condition at the patio, on the 11/21/11 "complete" inspection report, in violation of Section 8516(b)(10).

y. Failure to make a proper recommendation for the reported excessive moisture condition and fungi damage at the side beam and fascia, on the 11/21/11 "complete" inspection report, in violation of Section 8516(b)(10).

z. Failure to make a proper recommendation for the reported drywood termite damage at the garage rafter tail, on the 11/21/11 "complete" inspection report, in violation of Section: 8516(b)(10).

THIRD CAUSE FOR DISCIPLINE

(Failure to Report)

84. Respondent Bobby Burgess, FR 43885, is subject to disciplinary action under Code sections 8516, subdivisions (b)(6) and (b)(7), and 8620, in that Respondent failed to report items in separate inspection reports regarding the Property. The circumstances are as follows:

a. Failure to report the full extent of the evidence of drywood termites in the substructure, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section: 1990(a)(3) of the California Code of Regulations, title 16.

b. Failure to report the drywood termite damage in the substructure, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

c. Failure to report the evidence of an excessive moisture condition (water stains) in the substructure, on the 5/14/10 "complete" inspection reports, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

d. Failure to report the evidence of an excessive moisture condition (corroded pipes) in the substructure, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations title 16.

e. Failure to report the evidence of drywood termites and drywood termite damage in the attic, on the 5/14/10 "complete" inspection report in violation of Sections 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

f. Failure to report the full extent of the evidence of drywood termites in the garage, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(3) of the California Code of Regulations, title 16.

g. Failure to report the drywood termite damage, inside and outside of the garage, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

h. Failure to report the evidence of drywood termites and drywood termite damage at the patio, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

i. Failure to report the evidence of an excessive moisture condition (water stains) at the patio framing, on the 5/14/10 "complete" inspection report in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(b)(5) of the California Code of Regulations, title 16.

j. Failure to report the decay fungi damage at the kitchen window, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

k. Failure to report the evidence of drywood termites and drywood termite damage in the house eaves, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Sections 1990(a)(3) and 1990(a)(4) of the California Code of Regulations, title 16.

l. Failure to report the decay fungi damage in the house eaves, on the 5/14/10 "complete" inspection report, in violation of Sections 8516(b)(6) and 8516(b)(7) and Section 1990(a)(4) of the California Code of Regulations, title 16.

m. Failure to make a proper recommendation, regarding the reported cellulose debris in contact in the soil in the substructure, which is required to be removed, on the 5/14/10 "complete" inspection report, in violation of Section 8516(b)(10) and Section 1991(a)(2) of the California Code of Regulations, title 16.

n. Failure to make a proper recommendation, regarding the reported evidence of drywood termites, on the 5/14/10 "complete" inspection report. The recommendations failed to include a recommendation to cover or remove the accessible evidence of infestation, in violation: of Section 8516(b)(10) and Section 1991(a)(8) of the California Code of Regulations, title 16.

o. Failure to make a proper finding and recommendation, regarding the reported decay fungi, on the 5/14/10 " complete" inspection report. The findings failed to identify the excessive moisture conditions responsible for the infections, and the recommendations failed to include a recommendation to correct the excessive moisture conditions responsible for the infections, in violation of Section: 8516(b)(10) and Section 1991(a)(5) of the California Code of Regulations, title 16.

p. Failure to make a proper recommendation, regarding the reported evidence of drywood termites, on the 5/14/10 " complete" inspection report. Even though all of the drywood termite infestations are in the same structure, some of the drywood termite recommendations contained both primary (fumigation) and secondary recommendations (treatment) and others contained only a primary recommendation for treatment, in violation of Section: 8516(b)(10) and Sections 1991(a)(8) and 1992 of the California Code of Regulations, title 16.

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q. Failure to make proper secondary recommendations on the 5/14/10 " complete" inspection report, which fails to contain a full explanation as to why they were made and failed to indicate they are below standard measures, in violation of Section 8516(b)(10) and Section 1992 of the California Code of Regulations, title 16.

r. Failure to indicate on the 5/14/10 " complete" inspection report diagram, the approximate location of finding, 4A, in violation of Section 8516(b)(6) and Section 1990 of the California Code of Regulations, title 16.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Complete Work)

85. Respondents Satellite and R. Wilson are subject to disciplinary action pursuant to Code section 8638 in that they failed to complete work they contracted to perform at the Property as set forth in Paragraphs 38-82 above, which are incorporated by reference as though set forth in full here.

FIFTH CAUSE FOR DISCIPLINE

(Acting in Capacity of Registered Company Under Name Not Appearing on Registration)

86. Respondents Satellite and R. Wilson are subject to disciplinary action under Code sections 8620 and 8650, subdivision (a) in that Respondents acted in the capacity of a registered company, Satellite Pest Control, under a name that does not appear on the company registration with the Board, Satellite Pest Management Services. The circumstances are set forth in the preceding Paragraphs 40, 54, 70 and 82a, which are incorporated by reference herein as though set forth in full.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Board's Notice)

87. Respondents Satellite and R. Wilson are subject to disciplinary action pursuant to Code section 8622, in conjunction with section 8641, in that Respondents failed to comply with the ROF Notice. The circumstances are that Respondents failed to bring the subject property into compliance by correcting all of the items described in the Report of Findings within thirty (30) calendar days from their receipt of the Board's notice on 11/17/11.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to File and/or Timely File WDO Activities)

88. Respondents Satellite and R. Wilson are subject to disciplinary action under Section 8516, subdivision (b) and subdivision (a) of Section 1996.3 of title 16 of the California Code of Regulations, in that Respondents failed to file WDO activities reports with the Board, within 10 business days after commencement of inspection or upon completed work, as set forth in Paragraphs 50-60 above, which are incorporated by reference as though set forth in full here.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Make Proper Findings and Recommendations)

89. Respondents Satellite and R. Wilson are subject to disciplinary action under Section 8516, subdivision (b)(10), and subdivision (a)(5) of Section 1991 of title 16 of the California Code of Regulations, in that Respondents failed to make proper findings and recommendations, including but not limited to a recommendation for the reported drywood termite damage in the attic, in the 11/21/11 "complete" inspection report, as set forth in Paragraphs 38-39, 51-53, 56, 67-68 and 70, which allegations are incorporated by reference as though set forth fully here.

NINTH CAUSE FOR DISCIPLINE

(Failure to Notify Board of Change of Address Within 30 Days)

90. Respondent is subject to disciplinary action under Section 8613, in that Respondents failed to notify the Board of the change of its principal office address, within 30 days of the change. The circumstances are set forth in the preceding Paragraphs 50, 58 and 73, which are incorporated by reference herein as though set forth in full.

DISCIPLINE CONSIDERATIONS

91. To determine the degree of discipline, if any, to be imposed on Respondents Satellite, Cory Rico Wilson, Ricardo Alonso Wilson and Bobby Burgess, Complainant alleges that:

92. C. Wilson's application for a Branch 3 Field Representative license in 2009 was denied, because C. Wilson failed to provide proof to the Board of completing the required continuing education requirements, and to pay the subsequent fine, for the renewal of his Branch 3 Field Representative license, FR 31811, in 2004. C. Wilson had certified on his renewal, under

the penalty of perjury, that he had completed the required continuing education requirements. In the Statement of Issues, under No. 7, "Other Matters", it states if C. Wilson's application is denied, which it was, C. Wilson shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is grounds for disciplinary action. Board records indicate C. Wilson is Respondent Satellite's owner and Branch 2 Qualifying Manager.

93. On or about December 9, 2011, the Decision in Accusation No. 2010-67 ordered Operator's License No. OPR 11142, issued to C. Wilson, revoked, stayed and three years' probation, to file quarterly reports, and pay the Board $900 for the unpaid fine in CF 04-155, within 30 days.

94. On or about January 9, 2012, the Field Representative's License 31811, issued to C. Wilson, paid a $900 fine levied to the Board for violation of Section 8593 and California Code of Regulations, title 16, Section 1950.

OTHER MATTERS

95. Pursuant to Section 8654 of the Code, if Operator's License No. OPR 11142, issued to Respondent Cory RicoWilson, is suspended or revoked, he 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 Respondent Cory Rico Wilson shall be subject to disciplinary action.

96. Pursuant to Section 8654 of the Code, if Operator's License No. OPR 11859, issued to Respondent Ricardo Alonso Wilson, is suspended or revoked, he 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 Respondent Ricardo Alonso Wilson shall be subject to disciplinary action.

97. Pursuant to Section 8654 of the Code, if Field Representative License No. FR 43885, issued to Respondent Bobby Burgess, is suspended or revoked, he 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 Respondent Bobby Burgess shall be subject to disciplinary action.

98. Pursuant to Section 8624 of the Code, the causes for discipline established as to Respondent Satellite constitute cause for discipline against Respondent Cory R. Wilson as Owner and Qualifying Manager regardless of whether he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent Satellite.

99. Pursuant to Section 8624 of the Code, the causes for discipline established as to Respondent Satellite constitute cause for discipline against Respondent Ricardo Wilson as Qualifying Manager regardless of whether he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent Satellite.

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 Number PR 5201, issued to Satellite Pest Control and Cory Wilson;

2. Revoking or suspending Operator's License No. OPR 11859 issued to Ricardo Alonso Wilson;

3. Revoking or suspending Operator's License No. OPR 11142 and Field Representative's License No. FR 47359 issued to Cory Rico Wilson;

4. Revoking or suspending Field Representative's License No. FR 43885 issued to Bobby Burgess;

5. Prohibiting Ricardo Alonso Wilson from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Company Registration Certificate Number PR 5201,

issued to Satellite Pest Control, Operator's License No. OPR 11859, or Field Representative's License No. FR 43885;

6. Prohibiting Cory Rico Wilson from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Company Registration Certificate Number PR 5201, issued to Satellite Pest Control, Operator's License No. OPR 11859, or Field Representative's License No. FR 43885;

7. Prohibiting Bobby Burgess from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Company Registration Certificate Number PR 5201, issued to Satellite Pest Control;

8. Ordering Satellite Pest Control, Ricardo Alonso Wilson, Cory Rico Wilson and Bobby Burgess 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;

9. Ordering restitution of all damages according to proof suffered by T.J. as a condition of probation in the event probation is ordered; and

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

DATED: 7/26/12

William H. Douglas

WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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