

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

In the Matter of the Accusation Against:

GRESSETT TERMITE CONTROL, INC.
RUBEN L. GRESSETT, JR.,
PRESIDENT/QUALIFYING MANAGER
CESAR ANCHANTE MARTINETTI,
VICE PRESIDENT
1331 Haley Court
Tracy, California 95377

Company Registration Certificate No. PR 3389

and

RUBEN L. GRESSETT, JR.
1331 Haley Court
Tracy, California 95377

Operator's License No. OPR 8274

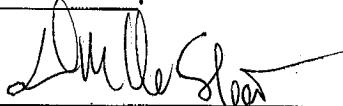
Respondents.

DECISION AND ORDER

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

This Decision shall become effective on July 14, 2018

It is so ORDERED June 14, 2018


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Accusation Against:

Case No. 2018-35

GRESSETT TERMITIC CONTROL, INC.
RUBEN L. GRESSETT, JR.,
PRESIDENT/QUALIFYING MANAGER
CESAR ANCHANTE MARTINETTI,
VICE PRESIDENT
1331 Haley Court
Tracy, California 95377

OAH No. 2018020624

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Company Registration Certificate No. PR 3389

and

RUBEN L. GRESSETT, JR.
1331 Haley Court
Tracy, California 95377

Operator's License No. OPR 8274

Respondents.

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

PARTIES

1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural Pest Control Board ("Board"). She brought this action solely in her official capacity and is

1 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
2 Malissa N. Siemantel, Deputy Attorney General.

3 2. Gressett Termite Control, Inc. ("Respondent Gressett Termite Control" or "GTC"),
4 with Ruben L. Gressett, Jr. ("Respondent Ruben L. Gressett, Jr.") as president and qualifying
5 manager and Cesar Anchante Martinetti as vice president, is representing itself in this proceeding
6 and has chosen not to exercise its right to be represented by counsel.

7 3. On or about December 22, 1998, the Board issued Company Registration Certificate
8 Number PR 3389 ("company registration") in Branch 3 (termite) to Respondent GTC, with
9 Respondent Ruben L. Gressett, Jr. as president and qualifying manager and Cesar Anchante
10 Martinetti as vice president. On December 9, 1999, the company registration was suspended for
11 failing to maintain general liability insurance as required by Business and Professions Code
12 ("Code") section 8690. On December 15, 1999, the company registration was reinstated after
13 posting the general liability insurance. On December 4, 2000, the company registration was
14 issued a \$50 fine levied by the Alameda County Agricultural Commissioner for violation of
15 section 11791, subdivision (d), of the Food and Agricultural Code. The fine was paid on
16 December 18, 2002. On December 20, 2000, the company registration was suspended for failing
17 to maintain general liability insurance as required by Code section 8690. On December 22, 2000,
18 the company registration was reinstated after posting the general liability insurance. On May 6,
19 2003, the company registration was issued a \$100 fine levied by the Alameda County
20 Agricultural Commissioner for violation of section 11791, subdivision (d), of the Food and
21 Agricultural Code. The fine was paid on June 30, 2003. On January 16, 2004, the company
22 registration was suspended for failing to maintain general liability insurance as required by Code
23 section 8690. On July 20, 2004, the company registration was issued a \$50 fine levied by the
24 Alameda County Agricultural Commissioner for violation of section 11791, subdivision (d), of
25 the Food and Agricultural Code. The fine was paid on July 28, 2004. On August 6, 2004, the
26 company registration was reinstated after posting the general liability insurance. On April 21,
27 2008, the company registration was suspended for failing to maintain a surety bond in the amount
28 of \$4,000 as required by Code section 8697. On May 2, 2008, the company registration was

1 reinstated after posting a surety bond in the amount of \$4,000. On April 6, 2009, the company
2 registration was suspended for failing to maintain a surety bond in the amount of \$4,000 as
3 required by Code section 8697. On April 8, 2009, the company registration was reinstated after
4 posting a surety bond in the amount of \$4,000. On March 15, 2010, the company registration was
5 suspended for failing to maintain a surety bond in the amount of \$4,000 as required by Code
6 section 8697. On March 23, 2010, the company registration was reinstated after posting a surety
7 bond in the amount of \$4,000.

8 4. Respondent Ruben L. Gressett, Jr., is representing himself in this proceeding and has
9 chosen not to exercise his right to be represented by counsel.

10 5. On or about December 2, 1988, the Board issued Operator's License Number OPR
11 8274 in Branch 3 to Respondent Ruben L. Gressett, Jr. as Branch 3 qualifying manager of B Plus
12 Construction Co doing business as Big B Termite Control Co. ("B Plus Construction Co"). On
13 January 16, 1991, Respondent disassociated as qualifying manager of B Plus Construction Co.
14 On January 18, 1991, Respondent became employed by E A Hansen, Inc. Respondent left the
15 employ of E A Hansen, Inc. on April 5, 1991. On April 9, 1991, Respondent became the Branch
16 3 qualifying manager of B Plus Construction Co. On January 25, 1993, Respondent disassociated
17 as Branch 3 qualifying manager of B Plus Construction Co. On January 26, 1993, Respondent
18 became employed by Montclair Termite Control. On October 6, 1993, Respondent left the
19 employ of Montclair Termite Control. On October 7, 1993, Respondent became employed by
20 Sequoia Termite Control Co. On May 5, 1994, Respondent became the branch office supervisor
21 of Sequoia Termite Control Co. On March 6, 1995, Respondent disassociated as branch office
22 supervisor and became the qualifying manager of Sequoia Termite Control Co. On December 22,
23 1998, Respondent disassociated as qualifying manager of Sequoia Termite Control Co. On
24 December 22, 1998, Respondent became the president and qualifying manager of Respondent
25 Gressett Termite Control. On December 9, 1999, Respondent's operator's license was suspended
26 for failing to maintain general liability insurance as required by Code section 8690. On
27 December 15, 1999, Respondent's license was reinstated after posting the general liability
28 insurance. On December 20, 2000, Respondent's license was suspended for failing to maintain

1 general liability insurance as required by Code section 8690. On December 22, 2000,
2 Respondent's license was reinstated after posting the general liability insurance. On January 16,
3 2004, Respondent's license was suspended for failing to maintain general liability insurance as
4 required by Code section 8690. On August 6, 2004, Respondent's license was reinstated after
5 posting the general liability insurance. Respondent's license will expire on June 30, 2018, unless
6 renewed.

7 **JURISDICTION**

8 6. Accusation No. 2018-35 was filed before the Board, and is currently pending against
9 Respondents. The Accusation and all other statutorily required documents were properly served
10 on Respondents on January 17, 2018. Respondents timely filed their Notice of Defense
11 contesting the Accusation.

12 7. A copy of Accusation No. 2018-35 is attached as exhibit A and incorporated herein
13 by reference.

14 **ADVISEMENT AND WAIVERS**

15 8. Respondents have carefully read, and understand the charges and allegations in
16 Accusation No. 2018-35. Respondents have also carefully read, and understand the effects of this
17 Stipulated Settlement and Disciplinary Order.

18 9. Respondents are fully aware of their legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
20 their own expense; the right to confront and cross-examine the witnesses against them; the right
21 to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to
22 compel the attendance of witnesses and the production of documents; the right to reconsideration
23 and court review of an adverse decision; and all other rights accorded by the California
24 Administrative Procedure Act and other applicable laws.

25 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and
26 every right set forth above.

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CULPABILITY

11. Respondents admit the truth of each and every charge and allegation in Accusation No. 2018-35.

12. Respondent GTC agrees that its Company Registration Certificate is subject to discipline and it agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

13. Respondent Ruben L. Gressett, Jr. agrees that his Operator's License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11 14. This stipulation shall be subject to approval by the Structural Pest Control Board.
12 Respondents understand and agree that counsel for Complainant and the staff of the Structural
13 Pest Control Board may communicate directly with the Board regarding this stipulation and
14 settlement, without notice to or participation by Respondents. By signing the stipulation,
15 Respondents understand and agree that they may not withdraw their agreement or seek to rescind
16 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
17 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
18 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
19 between the parties, and the Board shall not be disqualified from further action by having
20 considered this matter.

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

24 16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

3 17. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

DISCIPLINARY ORDER

7 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 3389 issued to
8 Respondent Gressett Termite Control, Inc.; with Respondent Ruben L. Gressett, Jr. as president
9 and qualifying manager and Cesar Anchante Martinetti as vice president, and Operator's License
10 No. OPR 8274 issued to Respondent Ruben L. Gressett, Jr. are each suspended for thirty
11 consecutive (30) days beginning the effective date of this decision. However, the suspensions are
12 stayed and Respondents are placed on probation for three (3) years on the following terms and
13 conditions.

14 1. **Obey All Laws.** Respondents shall obey all federal, state and local laws, and all laws
15 and rules relating to the practice of structural pest control.

16 Respondent Ruben L. Gressett, Jr. shall submit a completed California Department of
17 Justice and federal Livescan fingerprint form, unless previously submitted as part of the licensure
18 application process. Fingerprint forms shall be submitted within thirty (30) calendar days of the
19 effective date of the Decision and Order.

20 2. **Quarterly Reports.** Respondents shall file quarterly reports with the Board during
21 the period of probation, no later than ten (10) days after the end of the quarter.

22 3. **Tolling of Probation.** In the event Respondents should leave California to reside or
23 practice outside the state, prior to departing, Respondents must provide written notification to the
24 Board of the dates of departure and anticipated return to the state. Respondents' probation is
25 tolled if and when it or he ceases practicing in California. Periods of practice outside of
26 California will not apply to the reduction of the probationary period. For purposes of this
27 condition, non-practice due to Board ordered suspension, or in compliance with any other Board
28 ordered condition of probation, shall not be considered a period of non-practice.

1 4. **Notice to Employers.** Respondent Ruben L. Gressett, Jr. shall notify all present and
2 prospective employers of the decision in case No. 2018-35 and the terms, conditions and
3 restriction imposed on respondent by said decision. Within thirty (30) days of the effective date
4 of this decision, and within fifteen (15) days of Respondent Ruben L. Gressett, Jr. undertaking
5 new employment, Respondent Ruben L. Gressett, Jr. shall cause his employer, owner and
6 qualifying manager to report to the Board in writing acknowledging he/she has read the decision
7 in case No. 2018-35.

8 5. **Notice to Employees.** Respondent GTC shall, upon or before the effective date of
9 this decision, post and circulate a notice to all employees involved in structural pest control
10 operations which accurately recite the terms and conditions of probation. Respondent GTC shall
11 be responsible for said notice being immediately available to said employees. "Employees" as
12 used in this provision includes all full-time, part-time, temporary and relief employees and
13 independent contractors employed or hired at any time during probation. The notice shall be
14 posted in a conspicuous place where employees can see it and shall remain posted the entire term
15 of probation.

16 6. **Violation of Probation.** Should Respondent(s) violate probation in any respect, the
17 Board, after giving Respondent(s) notice and an opportunity to be heard, may revoke probation
18 and carry out the disciplinary order which was stayed. If an accusation or petition to revoke
19 probation is filed against Respondent(s) during probation, the Board shall have continuing
20 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
21 has been acted upon by the Board.

22 7. **Interview / Records: Board Or Its Designees.** Respondents shall be available in
23 person upon reasonable request for interviews and the review of records either at Respondents'
24 place of business, residence, or other agreed upon location throughout the term of probation.

25 8. **License Surrender.** Following the effective date of this decision, if either
26 Respondent ceases practicing in the pest control industry due to retirement, health reasons, or is
27 otherwise unable to satisfy the terms and conditions of probation, Respondent(s) may request the
28 voluntary surrender of Respondent(s)'s license/registration to the Board. The Board reserves the

1 right to evaluate the Respondent(s)'s request and to exercise its discretion whether to grant the
2 request or to take any other action deemed appropriate and reasonable under the circumstances.
3 Upon the Board's acceptance of the surrender, Respondent(s) shall within fifteen (15) days
4 deliver to the Board's offices its/his wall and pocket license and company registration wall
5 certificate. Respondent(s) will no longer be subject to the terms and conditions of probation and
6 the surrender of Respondent(s)'s license/registration shall be deemed a disciplinary action.
7 However, if Respondent(s) re-applies for a license or registration, the application shall be treated
8 as a petition for reinstatement of a revoked license/registration.

9 **9. Completion of Probation.** Upon successful completion of probation, Respondents'
10 license/certificate will be fully restored.

11 **10. Cost Recovery.** Respondents shall, jointly and severally, reimburse the Board
12 investigation and enforcement costs in the amount of \$4,474.90. Respondents shall pay these
13 costs within ninety (90) days of the effective date of the decision or though a payment plan
14 approved by the Board. Failure to make a timely payment, and/or failure to complete payment of
15 cost recovery, shall constitute a violation of probation.

16 Periods of non-practice by Respondents shall not relieve Respondents of their obligation to
17 reimburse the Board for its investigative and enforcement costs. Probation shall not be
18 terminated until all costs are paid-in-full.

19 **11. Random Inspections.** Respondents shall reimburse the Board for one (1) random
20 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
21 inspection.

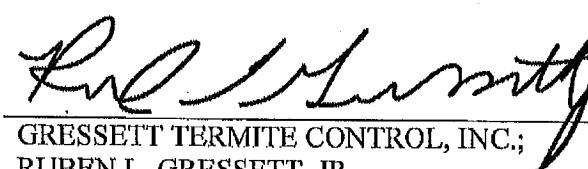
22 **12. Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying
23 Manager.** Respondent Ruben L. Gressett, Jr. is prohibited from serving as an officer, director,
24 associate, partner, qualifying manager or branch office manager of any registered company other
25 than Gressett Termite Control, Inc. during the period of probation.

26 **13. WDO Reports.** Respondents shall file with the Board all records of unreported
27 Wood Destroying Organisms (WDO) activities, including, but not limited to, inspection reports,
28 limited reports, corrected reports, and work completed reports, prior to the effective date of the

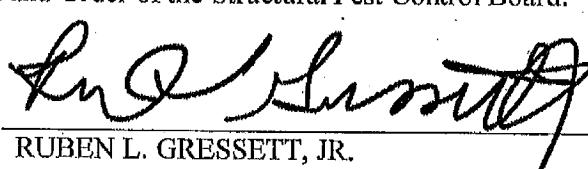
1 decision. Failure to provide any or all records shall be considered a violation of
2 probation and will constitute grounds for revocation.

3 **ACCEPTANCE**

4 I, Ruben L. Gressett, Jr., as president of Gressett Termite Control, Inc., have carefully read
5 the Stipulated Settlement and Disciplinary Order. I, on behalf of Gressett Termite Control, Inc.,
6 understand the stipulation and the effect it will have on the Company Registration Certificate. I
7 am authorized to enter into this Stipulated Settlement and Disciplinary Order on behalf of
8 Gressett Termite Control, Inc. Gressett Termite Control, Inc. enters into this Stipulated
9 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agrees to be
10 bound by the Decision and Order of the Structural Pest Control Board.

11 DATED: 4/20/18 
12 GRESSETT TERMITE CONTROL, INC.;
13 RUBEN L. GRESSETT, JR.,
14 PRESIDENT/QUALIFYING MANAGER
15 *Respondent*

16 I, Ruben L. Gressett, Jr., have carefully read the Stipulated Settlement and Disciplinary
17 Order. I understand the stipulation and the effect it will have on my Operator's License. I enter
18 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
19 and agree to be bound by the Decision and Order of the Structural Pest Control Board.

20 DATED: 4/20/18 
21 RUBEN L. GRESSETT, JR.
22 *Respondent*
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ENDORSEMENT

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

Dated: 4/20/18

Respectfully submitted,

XAVIER BECERRA

Attorney General of California

DAVID E. BRICE

Supervising Deputy Attorney General

~~MALISSA N. SIEMANTEL
Deputy Attorney General
Attorneys for Complainant~~

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