

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

In the Matter of the Application of:

**George Webb Termite Control, Inc.
George Kenneth Webb, CEO and
Qualifying Manager**

Company Registration Certificate, Branch 3

**STIPULATION FOR A
PROBATIONARY REGISTRATION**

George Webb Termite Control, Inc., applicant for a structural pest control Company Registration Certificate Branch 3 (hereinafter Applicant), and Susan Saylor, Registrar/Executive Officer, Structural Pest Control Board (Board), hereby stipulate as follows:

1. George Kenneth Webb is currently licensed as an Operator Branch 3, Operator License No. OPR 9331, sole owner and Qualifying Manager of George Webb Termite & Pest Control, Company Registration No. PR 2644.
2. On May 25, 2016, the Stipulated Settlement and Disciplinary Order rendered in Accusation No. 2016-24, revoked Operator License No. OPR 9331 and Company Registration No. PR 2644 stayed the revocation and placed the operator license and company registration on five (5) years probation subject to terms and conditions.

ORDER

Applicant, George Webb Termite Control, Inc., is hereby granted a probationary Company Registration Certificate which will be under the same duration and under the same terms and conditions as Company Registration No. PR 2644. The following terms and conditions shall apply during the period of probation which will expire on May 25, 2021:


1. **Obey All Laws.** Applicant shall obey all Federal, State and Local laws and all laws and rules relating to the practice of structural pest control.
2. **Quarterly Reports.** Applicant shall file quarterly reports with the Board during the period of probation.
3. **Tolling of Probation.** Should, George Kenneth Webb, leave California to reside outside this state, he must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Notice to Employees.** Applicant, shall upon or before the effective date of this Order, post or circulated a notice to all employees involved in structural pest control operations which accurately recite the terms and conditions of probation. Applicant shall be responsible for said notice being immediately available to said employees. "Employees" as used in this provision includes all full-time, part-time, and temporary and relief employees and independent contractors employed or hired at any time during probation.
5. **Completion of Probation.** Upon successful completion of probation, Applicant's company registration will become fully restored.
6. **Violation of Probation.** Should Applicant violate probation in any respect, the Board, after giving Applicant notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
7. **Restoration Bond.** Pursuant to Business and Professions Code section 8697.3, as a condition to the restoration of Company Registration No. PR 2644, George Webb Termite & Pest Control filed a surety bond in the sum of \$17,000. This restoration bond shall be maintained for the duration of the probationary period.
8. **Random Inspections.** Applicant shall reimburse the Board for one random inspection per quarter by the Board specialists during the period of probation not to exceed \$125 per inspection.
9. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying Manager.** George Kenneth Webb, is prohibited from serving as an officer, director, associate, partner, qualifying manager or branch office manager of any registered company other than George Webb Termite Control, Inc., during the period that probation is imposed on Operator License No. OPR 9331.
10. **Restitution to Consumer.** Applicant shall satisfy any settlement entered into or judgment rendered against George Kenneth Webb in *Patterson v. Webb, et al.* (El Dorado County Superior Court No. PC 20150497), filed on September 17, 2015. Failure to satisfy said settlement or judgment shall be deemed a violation of probation. Within 60-days of any settlement or judgment being entered in *Patterson v. Webb*, Applicant shall submit to the Board, written proof of having satisfied the terms of the settlement or judgement, or written proof of having made arrangements acceptable to the Plaintiff in *Patterson v. Webb* for the satisfaction of the settlement or judgment. Failure to submit written proof to the Board within 60-days shall be deemed a violation of probation.
11. **Cost Recovery.** Applicant shall reimburse the Board investigative and enforcement costs in the amount of \$8,542.50. Said amount shall be paid in 51 monthly installments of \$167.50 as agreed to by George Kenneth Webb. Probation shall not be terminated until all costs are paid in full.

ACCEPTANCE

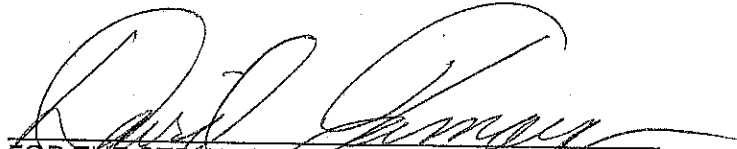
I have carefully read the Order. I understand the Order and the effect it will have on my Company Registration Certificate for George Webb Termite Control, Inc. I enter into this Order voluntarily, knowingly, and intelligently, and agree to be bound by the Order of the Board.

DATED 5-5-17



GEORGE KENNETH WEBB
CEO, 100% SHAREHOLDER, QUALIFYING MANAGER

This Stipulation for a Probationary Company Registration Certificate Branch 3 shall become effective on July 14, 2017



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Accusation Against:

Case No. 2016-24

GEORGE K. WEBB
GEORGE WEBB TERMITE & PEST
CONTROL
1035 Siskiyou Ave.
Oroville, CA 95965
Operator License No. OPR 9331
Company Registration Certificate No. PR
2644

Respondent.

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 May 25, 2016.

It is so ORDERED April 25, 2016



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STANTON W. LEE
Deputy Attorney General
4 State Bar No. 203563
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6 Telephone: (916) 445-9921
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7 E-mail: Stanton.Lee@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2016-24

12 **GEORGE K. WEBB**
13 **GEORGE WEBB TERMITE & PEST**
CONTROL
14 **1035 Siskiyou Ave.**
Oroville, CA 95965
15 **Operator License No. OPR 9331**
16 **Company Registration Certificate No. PR**
2644

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17 Respondent.

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

- 22 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural
23 Pest Control Board. She brought this action solely in her official capacity and is represented in
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Stanton W. Lee,
25 Deputy Attorney General.
- 26 2. Respondent George K. Webb, George Webb Termite & Pest Control ("Respondent")
27 is represented by attorney Jeff Kravit, whose address is: 6747 Fair Oaks Blvd., Carmichael, CA
28 95608.

1 the attendance of witnesses and the production of documents; the right to reconsideration and
2 court review of an adverse decision; and all other rights accorded by the California
3 Administrative Procedure Act and other applicable laws.

4 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
5 every right set forth above.

6 **CULPABILITY**

7 10. Respondent understands and agrees that the charges and allegations in Accusation
8 No. 2016-24, if proven at a hearing, constitute cause for imposing discipline upon his Operator
9 License.

10 11. For the purpose of resolving the Accusation without the expense and uncertainty of
11 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
12 basis for the charges in the Accusation, and that Respondent hereby give up his right to contest
13 those charges.

14 12. Respondent agrees that his Operator License is subject to discipline and he agrees to
15 be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

16 **CONTINGENCY**

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

1 Within 30 days of the effective date of this decision, and within 15 days of Respondent
2 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
3 writing acknowledging the employer has read the decision in case No. 2016-24.

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

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

15 **7. Completion of Probation.** Upon successful completion of probation, Respondent's
16 license/certificate will be fully restored.

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

22 **9. Actual Suspension.** Company Registration No. PR 2644 and Operator License No.
23 OPR 9331 are suspended for 15 consecutive days, beginning on the effective date of the decision.
24 In lieu of the 15 day suspension, Respondent has the option to pay a civil penalty in the amount of
25 \$3,000, thereby eliminating the actual suspension. The civil penalty is due prior to the effective
26 date of the decision.

27 **10. Restoration Bond.** Pursuant to Business and Professions Code section 8697.3, as a
28 condition to the restoration of Company Registration No. PR 2644, George Webb Termite & Pest

1 Control shall file a surety bond in the sum of \$17,000 due no later than the last day of suspension.

2 11. **Correspondence Course.** Within six (6) months of the effective date of this
3 decision, Respondent shall complete four (4) hours of a Board approved Rules and Regulations
4 course. These hours cannot be used towards renewal of Operator License No. OPR 9331.

5 12. **Reimbursement of Random Inspections.** Respondent shall reimburse Board for
6 one random inspection per quarter, not to exceed \$125.

7 13. **Restitution to Consumer.** Respondent shall satisfy any settlement entered into or
8 judgment rendered against him in *Patterson v. Webb, et al.* (El Dorado County Superior Court
9 No. PC 20150497), filed on September 17, 2015. Failure to satisfy said settlement or judgment
10 shall be deemed a violation of probation. Within 60-days of any any settlement or judgment
11 being entered in *Patterson v. Webb*, Respondent shall submit to the Board, written proof of
12 having satisfied the terms of the settlement or judgment, or written proof of having made
13 arrangements acceptable to the Plaintiff in *Patterson v. Webb* for the satisfaction of the settlement
14 or judgment. Failure to submit written proof to the Board within 60-days shall be deemed a
15 violation of probation.

16 14. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
17 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
18 qualifying manager, or branch office manager of any registered company other than George
19 Webb Termite & Pest Control during the period that discipline is imposed on Operator License
20 No. OPR 9331.

21 15. **Cost Recovery.** Respondent shall reimburse the Board investigative and
22 enforcement costs in the amount of \$8,542.50. Said amount may be paid in monthly installments
23 as agreed by the Board and shall be paid in full no later than three month prior to the end of
24 probation. Probation shall not be terminated until all costs are paid in full.

25 **ACCEPTANCE**

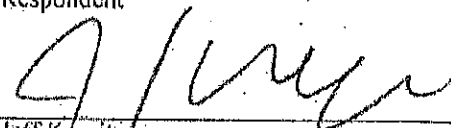
26 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
27 stipulation and the effect it will have on my Operator License, and Company Registration
28 Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,

1 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural
2 Pest Control Board.

3
4 DATED: 1-22-16


5 GEORGE K. WEBB, GEORGE WEBB TERMITE &
6 PEST CONTROL
Respondent

7
8 DATED: 1-22-16


9 Jeff Kravitz
10 Kravitz Law Office
Attorney for Respondent

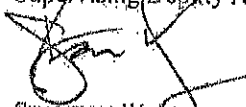
11 ENDORSEMENT

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

14 Dated: 1/25/16

Respectfully submitted,

15 KAMALA D. HARRIS
Attorney General of California
16 KENT D. HARRIS
Supervising Deputy Attorney General


17
18 STANTON W. LEE
19 Deputy Attorney General
Attorneys for Complainant

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21
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Exhibit A

Accusation No. 2016-24

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STANTON W. LEE
Deputy Attorney General
4 State Bar No. 203563
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-9921
7 Facsimile: (916) 324-5567
Attorneys for Complainant

FILED

Date 10/20/15 By *Susan Saylor*

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

11 In the Matter of the Accusation Against:

Case No. 2016-24

12 **GEORGE K. WEBB**
13 **GEORGE WEBB TERMITE & PEST**
14 **CONTROL**
1035 Siskiyou Ave.
Oroville, CA 95965

ACCUSATION

15 **Operator License No. OPR 9331**
16 **Company Registration Certificate No. PR 2644**

17 Respondent.

18
19 Susan Saylor ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
23 Consumer Affairs.

24 **Operator License**

25 2. On or about November 4, 1994, the Board issued Operator License Number OPR
26 9331 ("license") in Branch 3 to George K. Webb ("Respondent"), as the owner and Qualifying
27 Manager of George Webb Termite & Pest Control. The license was in full force and effect at all
28 times relevant to the charges brought herein and will expire on June 30, 2018, unless renewed.

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6. Code section 8625 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.

7. Code section 8622 states:

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 rules 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.

The notice sent to the registered company shall inform the registered company that if it desires a hearing to contest the finding of noncompliance, the hearing shall be requested by written notice to the board within 20 days of receipt of the notice of noncompliance from the board. Where a hearing is not requested pursuant to this section, payment of any assessment shall not constitute an admission of any noncompliance charged.

STATUTORY PROVISIONS

8. Code section 8505.17(c) states:

Registered structural pest control companies shall prepare and submit to the county agricultural commissioner a monthly report of all pesticides used in that county. The report shall be on a form approved by the Director of Pesticide Regulation and shall contain the name and registration number of each pesticide and the amount used. The report shall be submitted to the commissioner by the 10th day of the month following the month of application and a copy shall be maintained by the licensee for a period of three years after the report submission date. Each pesticide use report or combination of use reports representing a registered structural pest control company's total county pesticide use for the month shall require a pesticide use stamp or stamp number issued by the board in the denomination fixed by the board in accordance with Section 8674 as the pesticide use report filing fee. The board shall provide for the sale of these stamps and stamp numbers and for the refund of moneys paid for stamps and stamp numbers which are returned to it unused. When a registered structural pest control company performs no pest control during a month in a county in which it has given notice pursuant to Section 15204 of the Food and Agricultural Code, the registered company shall submit a use report stating this fact to the commissioner. A pesticide use stamp or stamp number is not required on negative

1 use reports.

2 9. Code section 8516 states, in pertinent part:

3 (b) No registered company or licensee shall commence work on a
4 contract, or sign, issue, or deliver any documents expressing an opinion or statement
5 relating to the absence or presence of wood destroying pests or organisms until an
6 inspection has been made by a licensed Branch 3 field representative or operator.
7 The address of each property inspected or upon which work is completed shall be
8 reported on a form prescribed by the board and shall be filed with the board no later
9 than 10 business days after the commencement of an inspection or upon completed
10 work.

11 Every property inspected pursuant to subdivision (b) of Section 8516.1,
12 or Section 8518, or subdivision (b) of this section shall be assessed a filing fee
13 pursuant to Section 8674.

14 Failure of a registered company to report and file with the board the
15 address of any property inspected or work completed pursuant to Section 8516.1,
16 Section 8518, or this section are grounds for disciplinary action and shall subject the
17 registered company to a fine of not more than two thousand five hundred dollars
18 (\$2,500).

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

26 Reports shall be made available for inspection and reproduction to the
27 executive officer of the board or his or her duly authorized representative during
28 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 in the
report:

(6) A foundation diagram or sketch of the structure or structures or
portions of the structure or 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.

(9) Indication or description of any areas that are inaccessible or not
inspected with recommendation for further inspection if practicable. If, after the
report has been made in compliance with this section, authority is given later to open

1 inaccessible areas, a supplemental report on conditions in these areas shall be made.

2 10. Code section 8518 states, in pertinent part:

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

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

12 11. Code section 8610(c) states:

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

20 12. Code section 8611 states:

21 Each branch office shall have a branch supervisor designated by the
22 registered company to supervise and assist the company's employees who are located
23 at that branch. The branch supervisor shall be an individual who is licensed by the
24 board as an operator or a field representative and his or her license shall be
25 prominently displayed in the branch office.

26 If a branch supervisor ceases for any reason to be connected with a
27 registered company, the company shall notify the registrar in writing within 10 days
28 from that cessation. If this notice is given, the company's branch office registration
shall remain in force for a reasonable length of time to be determined by rules of the
board, during which period the company shall submit to the registrar in writing the
name of another qualified branch supervisor.

13. Code section 8612 states:

The licenses of qualifying managers and company registrations shall be
prominently displayed in the registered company's office, and no registration issued
hereunder shall authorize the company to do business except from the location for
which the registration was issued. Each registered company having a branch office or
more than one branch office shall be required to display its branch office registration
prominently in each branch office it maintains.

When a registered company opens a branch office it shall notify the
registrar in writing on a form prescribed by the board and issued by the registrar in
accordance with rules and regulations adopted by the board. The notification shall
include the name of the individual designated as the branch supervisor and shall be
submitted with the fee for a branch office prescribed by this chapter.

1 14. Code section 8613 states:

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

7 15. Code section 8641 states:

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

13 16. Code section 8642 states:

14 The commission of any grossly negligent or fraudulent act by the licensee
15 as a pest control operator, field representative, or applicator or by a registered
16 company is a ground for disciplinary action.

17 17. Code section 8644 states:

18 Fraud or misrepresentation, after inspection, by any licensee or registered
19 company engaged in pest control work of any infestation or infection of wood-
20 destroying pests or organisms found in property or structures, or respecting any
21 conditions of the structure that would ordinarily subject structures to attack by wood-
22 destroying pests or organisms, whether or not a report was made pursuant to Sections
23 8516 and 8517 of this code, is a ground for disciplinary action.

24 18. Code section 8646 states:

25 Disregard and violation of pesticide use and application, structural pest
26 control device, fumigation, or extermination laws of the state or of any of its political
27 subdivisions, or regulations adopted pursuant to those laws, is a ground for
28 disciplinary action.

19. Code section 8650 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.

20. Code section 8652 states:

Failure of a registered company to make and keep all inspection reports,
contracts, documents, and records, other than financial records, for a period of not

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

4 REGULATORY PROVISIONS

5 21. California Code of Regulations, title 16, section 1918 states:

6 "Supervise" as used in Business and Professions Code Sections 8506.2,
7 8610 and 8611 means the oversight, direction, control, and inspection of the daily
8 business of the company and its employees, and the availability to observe, assist, and
9 instruct company employees, as needed to secure full compliance with all laws and
10 regulations governing structural pest control.

11 In cases of ownership of more than one registered company by the same
12 sole owner, corporation or partnership where the qualifying manager or managers
13 cannot supervise each registered company because of the location of the companies,
14 the qualifying manager or managers may designate an individual or individuals
15 licensed as an operator or as a field representative in the branch or branches of
16 business being conducted to supervise the company. This designated supervisor or
17 supervisors must be under the direct supervision of the qualifying manager or
18 managers. Any such designation of supervisors does not relieve the qualifying
19 manager or managers of responsibility to supervise as required in sections 8506.2 and
20 8610.

21 22. California Code of Regulations, title 16, section 1937.14 states:

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

27 23. California Code of Regulations, title 16, section 1970 states, in pertinent part:

28 For the purpose of maintaining proper standards of safety and the
establishment of responsibility in handling the dangerous gases used in fumigation
and the pesticides used in other pest control operations, a registered company shall
compile and retain for a period of at least three years, a log for each fumigation job
and for each pesticide control operation in which a pesticide is used by the registered
company or the registered company's employee.

(b) The report for each pest control operation, other than fumigation, in
which a pesticide is used shall contain the following information:

- Date of treatment.
- Name of owner or his or her agent.
- Address of property.
- Description of area treated.
- Target pest(s).
- Pesticide and amount used.
- Identity of person or persons who applied the pesticide.

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24. California Code of Regulations, title 16, section 1983 states, in pertinent part:

(a) Each container in which any pesticide is stored, carried or transported shall be adequately labeled in accordance with the provisions of Articles 1 and 5, Chapter 2, Division 7 of the Food and Agriculture Code (relating to economic poisons) and regulations adopted by the Department of Pesticide Regulation thereunder.

(c) When any pesticide or preparation thereof is carried on a truck or other vehicle, a suitable storage space shall be provided thereon. Under no circumstances shall such storage be left either unlocked or unattended when containing any pesticide or preparation thereof.

25. California Code of Regulations, title 16, section 1990, states, 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:

(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 includes, but is not limited to:

(1) Fault Grade Level. A faulty grade level exists when the top of any foundation is even with or below the adjacent earth. The existing earth level shall be considered grade.

(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.

(4) Earth-wood contacts.

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

(e) Information regarding all accessible areas of the structure including but not limited to the substructure, foundation walls and footings, porches, patios and steps, stairways, air vents, abutments, stucco walls, columns, attached structures or other parts of a structure normally subject to attack by wood-destroying pests or organisms.

26. 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:

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

5 (11) Correct any excessive moisture condition that is commonly
6 controllable. When there is reasonable evidence to believe a fungus infection exists
7 in a concealed wall or area, recommendations shall be made to open the wall or area.

8 (12) Repair a stall shower if it is found to leak when water tested for a
9 minimum of fifteen (15) minutes after the shower drain has been plugged and the
10 base filled to within one (1) inch of the top of the shower dam. Stall showers with no
11 dam or less than two (2) inches to the top of the dam are to be water tested by running
12 water on the unplugged shower base for a minimum of five (5) minutes./ showers
13 over finished ceilings must be inspected but need to be water tested. If water stains
14 are evidence on the ceiling, recommendations shall be made for further inspection
15 and testing.

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

17 All of the following reports must be in compliance with the requirements
18 of Section 8516 of the code. All reports must be on the form prescribed by the board
19 and filed with the board with stamps affixed.

20 (e) A reinspection report is the report on the inspections of item(s)
21 completed as recommended on an original report or subsequent report(s). The areas
22 reinspected can be limited to the items requested by the person ordering the original
23 inspection report. A licensed operator or field representative shall refer to the original
24 report in such a manner to identify it clearly.

25 28. California Code of Regulations, title 16, section 1996, states, in pertinent part:

26 A written inspection report conforming to section 8516(b) of the code
27 (See Form No. 43M-41 (Rev. 10/01, required use effective July 1, 2003) at the end of
28 this section) shall be prepared and delivered to the person requesting the inspection . .
[t]he granting of permission to make an inspection shall be deemed a request to
make an inspection.

COST RECOVERY/RESTITUTION

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

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

36 ///

1 **KNOLLWOOD PROJECT**

2 31. On or about May 8, 2014, Respondent inspected the property located on Knollwood
3 Drive, in Cameron Park, California ("Knollwood project"), for wood destroying pests and
4 organisms and thereafter issued Complete Wood Destroying Pests and Organisms Inspection
5 Report No. 14-476 ("Inspection Report No. 14-476"). In said report, Respondent made certain
6 findings, including, but not limited to, the following:

7 **Section I Findings:**

8 a. Decay was found at the following areas: Decking off the master bedroom; shingle
9 molding on the barge rafter; beam end; T-1-11 siding above and below the deck; fascia board
10 below the back deck; entry door to the subarea; deck joists; decking boards on the deck attached
11 to the house; beam extension; and barge rafter.

12 b. Subterranean termite damage to the garage doorjamb.

13 c. Subterranean termite infestation and damage to the wall studs and sheetrock in the
14 garage storage room.

15 d. Earth to wood contact at the deck connected to the retaining wall and adjoining deck.

16 **Section II Findings:**

17 e. Faulty grade and earth contacts with the T-1-11 siding.

18 f. Wood products and cardboard in earth contact in subarea.

19 g. Residual water stains under the vanity sink.

20 h. Hall bath toilet was loose.

21 i. Moisture damage to the sheetrock adjacent to the hot water heater.

22 **Inaccessible areas:**

23 j. The deck was constructed over a flat roof, making the framing and area underneath
24 inaccessible for inspection.

25 k. The garage was inaccessible for complete inspection due to storage.

26 32. Respondent made the following recommendations, including but not limited to:

27 Chemically treating the structure to control the subterranean termite infestation,

28 repairing/replacing the decay and termite damaged wood members with new material, removing

1 the wood products from the subarea, securing the hall bath toilet, repairing/replacing the
2 sheetrock as necessary, lowering the soil to correct the faulty grade and earth contacts, and
3 installing a support system to separate the deck which is attached to the house from the retaining
4 wall and from the adjoining deck. Respondent provided an estimate of \$9,490 for the work. (The
5 diagram shown on the inspection report does not show all of the rear deck that is attached to and
6 part of the structure.) Respondent also noted on the report that the roman style tub shower was
7 not water tested due to the lack of a drain stopper assembly.

8 33. On or about June 11, 2014, the property went into escrow.

9 34. On or about June 25, 2014, John Deller ("Deller") of Buy Right Home Inspections
10 performed an inspection of the property and issued an inspection report. In said report, Deller
11 made certain findings, including, but not limited to the following: signs of moisture damage at the
12 wood deck and railings off of the master bedroom; wood decking in the rear yard has moisture
13 damage in many areas; no stem wall was found at the garage walls; signs of moisture damage at
14 the exterior T1-11 siding in several areas; signs of moisture damage at the exterior wood trim in
15 several areas; earth to wood contact at the exterior wall on the right side of the garage; the soil
16 slopes toward the crawl space access door; dry moisture stains at the ceiling in the hallway
17 outside the first bedroom and in the first bedroom; signs of moisture damage at the garage door to
18 the exterior; signs of moisture exposure and pest activity at the front garage wall in the storage
19 room in the garage; the toilet in the hall bath and master bath were loose; the bathtub drain
20 stoppers were disconnected in the hall and master bathrooms; and the floor was spongy between
21 the master bathroom toilet and shower.

22 35. Respondent had his son-in-law De Garcia, Applicator License Number RA 53789,
23 perform the termite treatment, including pressure treating the sub-soil with Termidor, and
24 trenching and treating the soil at the stucco stone on the exterior. The seller of the property,
25 through his realtor, hired contractor Paul Methner of Helpful Home Solutions to perform the
26 recommended work included in Inspection Report No. 14-476, including, but not limited to the
27 following: repairing and replacing all the decayed wood with new material at the deck off of the
28 master bedroom, the shingle moulding barge rafters, T-1-11 siding above and below the deck,

1 fascia board deck joists, and beam extension. In addition, lowering the grade and removing the
2 wood products from the subarea.

3 36. On or about August 4, 2014, Respondents issued a Standard Notice of Work
4 Completed and Not Completed ("Completion Notice"), stating that recommendation 1M-1 in
5 Inspection Report No. 14-476 had been completed by his firm. The Completion Notice noted that
6 all other recommendations made were not completed by his firm.

7 37. On or about August 5, 2014, Respondent re-inspected the Knollwood property and
8 issued a Re-Inspection Report for Wood Destroying Pests and Organisms No. 14-476-RI ("Re-
9 Inspection Report No. 14-476-RI"). Respondent certified that the property was free of evidence
10 of active infestations or infections in the visible and accessible areas. Respondent also noted that
11 the recommended repairs itemized in Inspection Report No. 14-476, had been performed by
12 person(s) not employed by his company.

13 38. On or about August 6, 2014, escrow closed and the new home owner moved into the
14 property. Shortly after moving in, the homeowner found dry rot damage and leaking shower,
15 damage to the subfloor in the master bathroom, and dry rot damage in the eaves. The homeowner
16 contacted the Respondent regarding his findings.

17 39. On or about September 16, 2014, Respondent re-inspected the Knollwood property
18 and issued a Supplemental/Re-Inspection Report for Wood Destroying Pests and Organisms No.
19 14-476-S ("Supplemental Report No. 14-476-S"). Respondent made the following findings: 1)
20 Evidence of decay to gable end rafters; and 2) Decay to the subfloor below the roman tub shower
21 in the master bathroom. Respondent recommended repairing the eaves and damaged barge
22 rafters, and repairing the shower pan and replacing/repairing the decayed subfloor.

23 40. On or about September 18, 2014, Respondent repaired the eaves and damaged barge
24 rafters but failed to file a Standard Notice of Work Completed and Not Completed with the
25 Board.

26 41. On or about October 21, 2014, the homeowners filed a complaint with the Board.

27 42. On or about November 5, 2014, the Board notified Respondent of the complaint filed
28 by the homeowners.

1 b. Respondent failed to report water intrusion at the base of the walls at the garage and
2 storage room/closet at the right front corner of the garage and behind the area that was reported as
3 having a faulty grade condition. Respondent failed to make a recommendation to open the walls
4 for further inspection and report the faulty grade level as a Section I condition, which was
5 contributing to the infestation and possible infections, as required and defined by California Code
6 of Regulation, title 16, section 1990(a)(3)(4), (b)(5), (e), and 1991(a)(11).

7 c. Respondent failed to report fungus infection and damage to the deck boards extending
8 into the inaccessible area over the flat roof, and failed to list this as a Section 1 condition and
9 failed to make a recommendation for further inspection, as required and defined by California
10 Code of Regulation, title 16, section 1990(a)(3)(4), (b)(5), (e), and 1991(a)(11).

11 d. Respondent failed to report the full extent of earth to wood contacts, fungus infection
12 damage, and inaccessible areas under the decking throughout the entire rear deck. Furthermore,
13 he failed to include the entire rear deck as part of the diagram on the inspection report, as required
14 and defined by California Code of Regulations, title 16, section 1990(a)(3)(4), (b)(5), and (e).

15 e. Respondent failed to report evidence of leaks and fungus infection/damage under the
16 roman tub/shower that was visible from the subarea under the master bathroom and tub/shower
17 floor with evidence of leaks to the tile in the shower and a weak tile bath floor. Respondent also
18 failed to properly water test the shower pan and/or make a proper recommendation to water test
19 the shower pan/roman tub, as required and defined by California Code of Regulations, title 16,
20 section 1990(b)(5),(e) and 1991(b)(12).

21 f. Respondent failed to report form wood/form stakes embedded in the foundation under
22 the house, as defined by California Code of Regulations, title 16, section 1990(b)(3).

23 g. Respondent failed to report earth to wood contacts at the base of the railing posts at
24 the front porch staircase, and at the base of the subarea storage shelve posts that were embedded
25 in the ground with tarpaper wrappings near the subarea entrance, as required and defined by
26 California Code of Regulations, title 16, section 1990(b)(4).

27 h. Respondent failed to make a proper recommendation to correct the earth to wood
28 contacts and fungus damaged decking at the attached rear deck, by improperly recommending to

1 separate portions of the deck from the structure, which would not correct the conditions, as
2 required and defined by California Code of Regulations, title 16, section 1990(a)(3)(4),(b)(4) and
3 1991(a)(2).

4 **Re-Inspection Report No. 14-476RI dated August 5, 2014**

5 **Section 8516:**

6 i. Respondent failed to report if the inaccessible areas in the garage and below the wood
7 deck below the roof were inspected or reinspected and if any conditions existed in those areas, as
8 required and defined by California Code of Regulations, title 16, section 1993(e).

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Failure to Properly Treat Subterranean Termites)**

11 48. Respondent's registration and operator's license are subject to discipline pursuant to
12 Code section 8641, in that on the Knollwood project, Respondent failed to comply with
13 California Code of Regulations, title 16, section 1991(a)(9), by failing to perform a proper and
14 thorough treatment of subterranean termites at the interior and exterior of the front garage wall
15 and storage room area with "Termidor", in that according to the manufacturer's recommendations
16 and industry standards, it calls for a continuous barrier (both sides of the foundation) at the area
17 of infestation as a minimum. Respondent failed to treat the interior and exterior of the foundation
18 in the garage and storage room and along the exterior soil at the areas of infestation.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Complete the Work in a Quality and Workmanlike Manner)**

21 49. Respondent's registration and operator's license are subject to discipline under Code
22 section 8641, in that regarding the Knollwood project, Respondent failed to comply with
23 California Code of Regulations, title 16, section 1937.14, in that he failed to properly repair or
24 replace the barge rafter joints, and left debris of the repair on the property.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Fraud or Misrepresentation After Inspection)**

27 50. Respondent's registration and operator's license are subject to discipline pursuant to
28 Code section 8644, in that on or about August 5, 2014, regarding the Knollwood project,

1 Respondent committed fraud or misrepresentation by issuing Re-Inspection Report No. 14-476-
2 RI certifying that all recommended items for repair contained in Inspection Report No. 14-476
3 were completed, when in fact, they were not. Furthermore, Respondent certified that the property
4 was free of evidence of active infestation or infection in the visible and accessible areas when, in
5 fact, it was not.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Failure to File a Notice of Work Completed and Not Completed with the Board)**

8 51. Respondent's registration and operator's license are subject to discipline pursuant to
9 Code section 8518, in that regarding the Knollwood project, Respondent failed to file with the
10 Board, a Notice of Work Completed and Not Completed within ten (10) working days after
11 performing work (eave repairs to the right side of the structure) on September 18, 2014, and in
12 compliance with California Code of Regulations, title 16, section 1996.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Failure to Register Address)**

15 52. Respondent's registration and operator's license are subject to discipline under Code
16 section 8641, in that regarding the Knollwood project, Respondent failed to comply with Code
17 sections 8612, 8613, and 8650, in that he failed to register the address/addresses for which he was
18 operating and advertising on the inspection reports, and for the Branch office of his employee.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Record Requirements)**

21 53. Respondent's registration and operator's license are subject to discipline pursuant
22 to Code section 8641, in that Respondent failed to comply with California Code of Regulations,
23 title 16, section 1970(b), by failing to keep a record of pesticide use. Respondent failed to keep a
24 record of each pest control job performed with the area where the pesticide was applied, how
25 much pesticide was applied, and who applied the pesticide.

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28 ///

1 **PRIOR DISCIPLINE**

2 **Operator's License No. OPR 9331**
3 **Company Registration Certificate No. PR 2644**

4 58. On or about March 17, 2009, the Board issued Citation No. CF 09-61, to Respondent
5 for violating Business and Professions Code sections and California Code of Regulations, title 16,
6 sections 8635, 8638, 8636, 8516/1996.3/1997, 8514/8516, 8619/1996.1, 8519, 8517, 1937.14, and
7 8622. The Board assessed a fine in the amount of \$2,253. Respondent paid the fine.

8 **Operator's License No. OPR 9331**

9 59. On or about March 17, 2009, the Board issued Citation No. CF 09-62, to Respondent
10 for violating Business and Professions Code sections and California Code of Regulations, title 16,
11 sections 8516/1990. The Board assessed a fine in the amount of \$100. Respondent paid the fine.

12 **OTHER MATTERS**

13 60. Code section 8620 provides, in pertinent part, that a respondent may request that a
14 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,
15 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
16 at the time of the hearing and must be noted in the proposed decision. The proposed decision
17 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

18 61. Pursuant to Code section 8624, the causes for discipline established as to Company
19 Registration Certificate Number PR 2644, issued to George Webb Termite & Pest Control,
20 likewise constitute cause for discipline against Operator's License Number OPR 9331, issued to
21 George K. Webb, who serves as the Qualifying Manager of George Webb Termite & Pest
22 Control, regardless of whether George K. Webb had knowledge of or participated in the acts or
23 omissions which constitute cause for discipline against George Webb Termite & Pest Control.

24 62. Pursuant to Code section 8654, if discipline is imposed on Company Registration
25 Certificate Number PR 2644, issued to George Webb Termite & Pest Control, then George K.
26 Webb, who serves as the Qualifying Manager of George Webb Termite & Pest Control, shall be
27 prohibited from serving as an officer, director, associate, partner, qualifying manager, or
28 responsible managing employee for any registered company during the time the discipline is

1 imposed, and any registered company which employs, elects, or associates him, shall be subject
2 to disciplinary action.

3 PRAYER

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

6 1. Revoking or suspending Company Registration Certificate Number PR 2644, issued
7 to George Webb Termite & Pest Control;

8 2. Revoking or suspending Operator's License Number OPR 9331, issued to George K.
9 Webb;

10 3. Revoking or suspending any other license for which George K. Webb is furnishing
11 the qualifying experience or appearance;

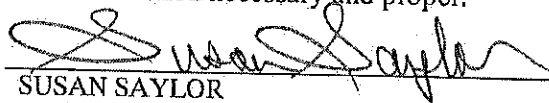
12 4. Prohibiting George K. Webb from serving as an officer, director, associate, partner,
13 qualifying manager or responsible managing employee of any registered company during the
14 period that discipline is imposed on Company Registration Certificate Number PR 2644, issued to
15 George Webb Termite & Pest Control;

16 5. Ordering restitution of all damages according to proof suffered by A.P. as a condition
17 of probation in the event probation is ordered;

18 6. Ordering George K. Webb and George Webb Termite & Pest Control to pay the
19 Structural Pest Control Board the reasonable costs of the investigation and enforcement of this
20 case, pursuant to Business and Professions Code section 125.3; and,

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

22 DATED: 10/20/15



23 SUSAN SAYLOR
24 Registrar/Executive Officer
25 Structural Pest Control Board
26 Department of Consumer Affairs
27 State of California
28 Complainant

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