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

In the Matter of the Accusation Against:
ROBERT ALLAN LEE
834 Loquat Court
El Cajon, CA 92020
Field Representative License No. FR 23872

Respondent.

Case No. 2015-31
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On December 4, 2014, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2015-31 against Robert Allan Lee (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On September 14, 1994, the Structural Pest Control Board (Board) issued Field Representative License No. FR 23872 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-31 and will expire on June 30, 2015, unless renewed.
3. On December 9, 2014, Respondent was served by Certified and First Class Mail copies of Accusation No. 2015-31, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)

1 at Respondent's address of record which, pursuant to Business and Professions Code (Code)
2 section 136, is required to be reported and maintained with the Board. Respondent's address of
3 record was and is 834 Loquat Court, El Cajon, CA 92020.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and Code section 124.

6 5. On December 22, 2014, the aforementioned documents were returned by the U. S.
7 Postal Service marked "Addressee Unknown." The address on the documents was the same as
8 the address on file with the Board. Respondent failed to maintain an updated address with the
9 Board and the Board has made attempts to serve the Respondent at the address on file.
10 Respondent has not made himself available for service and therefore, has not availed himself of
11 his right to file a notice of defense and appear at hearing.

12 6. Government Code section 11506 states, in pertinent part:

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon
18 him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
19 No. 2015-31.

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

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 2015-31, finds

1 that the charges and allegations in Accusation No. 2015-31, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Code section 125.3,
4 it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,085.00
5 as of December 31, 2014.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Robert Allan Lee has
8 subjected his Field Representative License No. FR 23872 to discipline.

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

10 3. The Structural Pest Control Board is authorized to revoke Respondent's Field
11 Representative License based upon the following violations alleged in the Accusation which are
12 supported by the evidence contained in the Default Decision Evidence Packet in this case.

13 a. Respondent's Field Representative License is subject to disciplinary action
14 under Code section 8641, for failure to comply with Code section 8593 and California Code of
15 Regulations section 1950, subdivision (a), in that Respondent failed to provide the Board with
16 verifiable documentation to demonstrate that he completed the continuing education requirements
17 as a condition of renewal of his Field Representative License.

18 b. Respondent's Field Representative License is subject to disciplinary action
19 under Code section 8637, in that Respondent misrepresented that he had completed 16 hours of
20 continuing education coursework in his license renewal application, when in fact he had failed to
21 fulfill the Board's continuing education requirements as a condition of renewal of his license.

22 **ORDER**

23 IT IS SO ORDERED that Field Representative License No. FR 23872, heretofore issued
24 to Respondent Robert Allan Lee, is revoked.

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

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This Decision shall become effective on April 9, 2015.

It is so ORDERED March 10, 2015



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

71002988.DOC
DOJ Matter ID:SD2014708076

Attachment:
Exhibit A: Accusation