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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 2011-35

**STEWART LEE OLSEN
4800 St. Andrews Avenue
Buena Park, CA 90621**

DEFAULT DECISION AND ORDER

Field Representative License No. FR 30132

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 15, 2011, Complainant William H. Douglas, in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Petition to Revoke Probation No. 2011-35 against Stewart Lee Olsen (Respondent) before the Structural Pest Control Board. (Petition to Revoke Probation attached as Exhibit A.)

2. On or about October 9, 1998, the Structural Pest Control Board (Board) issued Field Representative License No. FR 30132 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

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1 3. On or about March 4, 2011, Respondent was served by Certified Mail copies of the
2 Petition to Revoke Probation No. 2011-35, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 136, is required to be reported and maintained with the Board, which was and is:

6 4800 St. Andrews Avenue
7 Buena Park, CA 90621.

8 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
9 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
10 Code section 124.

11 5. Government Code section 11506 states, in pertinent part:

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

17 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
18 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
19 Petition to Revoke Probation No. 2011-35.

20 7. 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 the
22 hearing, the agency may take action based upon the respondent's express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
24 respondent.

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on
29 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation
30 No. 2011-35, finds that the charges and allegations in Petition to Revoke Probation No. 2011-35,
31 are separately and severally, found to be true and correct by clear and convincing evidence.

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1 9. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$935 as of May 9, 2011.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Stewart Lee Olsen has subjected
6 his Field Representative License No. FR 30132 to discipline.

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

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

12 a. Violation of Business and Professions Code section 8641, by failing to comply with
13 terms of probation 18 (failure to submit quarterly reports), 23 (failure to take continuing
14 education courses), and 25 (failure to cooperate with the Board in having a random quarterly
15 inspection).

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ORDER

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2 IT IS SO ORDERED that Field Representative License No. FR 30132, heretofore issued to
3 Respondent Stewart Lee Olsen, is revoked.

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

8 This Decision shall become effective on October 1, 2011.

9 It is so ORDERED September 1, 2011

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13 FOR THE STRUCTURAL PEST CONTROL
14 BOARD
15 DEPARTMENT OF PESTICIDE REGULATION

16 DOJ Matter ID:SD2010702686
80500544.doc

17 Attachment:
18 Exhibit A: Petition to Revoke Probation

Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
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P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2611
7 Facsimile: (619) 645-2061
Attorneys for Complainant

FILED

Date 2/15/11 By Susan Bayler

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

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 2011-35

13 **STEWART LEE OLSEN**
14 **4800 St. Andrews Avenue**
Buena Park, CA 90621

PETITION TO REVOKE PROBATION

15 **Field Representative License No. FR 30132**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Kelli Okuma (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Registrar/Executive Officer of the Structural Pest Control Board,
22 Department of Pesticide Regulation.

23 2. On or about October 9, 1998, the Structural Pest Control Board issued Field
24 Representative License Number FR 30132 to Stewart Lee Olsen (Respondent). The Field
25 Representative License was in effect at all times relevant to the charges brought herein and will
26 expire on June 30, 2013, unless renewed.

27 3. In a disciplinary action entitled "*In the Matter of Accusation Against Stewart Lee*
28 *Olsen*," Case No. 2009-16, the Structural Pest Control Board issued a decision, effective May 21,

1 2009, in which Respondent's Field Representative License was revoked. However, the
2 revocation was stayed and Respondent's Field Representative License was placed on probation
3 for a period of three (3) years with certain terms and conditions. A copy of that decision is
4 attached as Exhibit A and is incorporated by reference.

5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Structural Pest Control Board
7 (Board), Department of Pesticide Regulation, under the authority of the following laws. All
8 section references are to the Business and Professions Code (Code) unless otherwise indicated.

9 5. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or
10 revoke a license when it finds that the holder, while a licensee or applicant, has committed any
11 acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a
12 civil penalty.

13 6. Section 8625 of the Code states:

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

18 FIRST CAUSE TO REVOKE PROBATION

19 (Quarterly Reports)

20 7. At all times after the effective date of Respondent's probation, Condition 18 stated:

21 Respondent Olsen shall file quarterly reports with the Board during the period
22 of probation.

23 8. Respondent's probation is subject to revocation because he failed to comply with
24 Probation Condition 18, referenced above, in that Respondent failed to file any quarterly reports
25 with the Board.

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1 SECOND CAUSE TO REVOKE PROBATION

2 (Continuing Education Courses)

3 9. At all times after the effective date of Respondent's probation, Condition 23 stated:

4 Respondent Olsen shall take eight (8) approved hours of continuing education
5 in rules and regulations and eight (8) approved hours of technical training in Branch 3
6 within 120 days of the approved stipulation. These hours are in addition to any hours
7 required for re-licensure.

8 10. Respondent's probation is subject to revocation because he failed to comply with
9 Probation Condition 23, referenced above, in that he failed to provide proof of completion of the
10 required 16 hours of continuing education and technical training by the September 8, 2009
11 deadline.

12 THIRD CAUSE TO REVOKE PROBATION

13 (Random Inspections)

14 11. At all times after the effective date of Respondent's probation, Condition 25 stated:

15 Respondent Olsen shall reimburse the Board for one (1) random inspection per
16 quarter by Board specialists during the period of probation not to exceed \$125 per
17 inspection.

18 12. Respondent's probation is subject to revocation because he failed to comply with
19 Probation Condition 25, referenced above. The facts and circumstances regarding this violation
20 are as follows:

21 a. On or about September 1, 2009, a Board representative traveled to
22 Respondent's address of record with the Board. The representative explained to Respondent that
23 as a result of the Board's May 21, 2009 Decision adopting the stipulated settlement agreement
24 signed by Respondent, the representative was there to perform a random probation compliance
25 inspection. Respondent told the representative that he did not have time to go over the specifics
26 of his probation, but would contact the Board representative.

27 b. On September 15, 2009, October 9, 2009, October 26, 2009, and November 2,
28 2009, the Board representative left voice mail messages directing Respondent to contact him to
arrange a mutually convenient date for the quarterly probation inspection. Respondent never
contacted the representative or anyone from the Board.

PRAYER

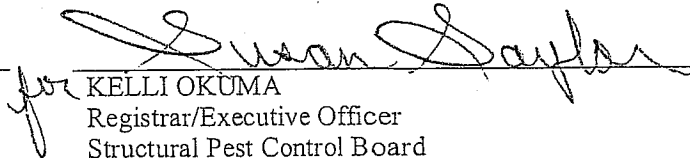
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WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking the probation that was granted by the Structural Pest Control Board in Case No. 2009-16 and imposing the disciplinary order that was stayed thereby revoking Field Representative License No. FR 30132 issued to Stewart Lee Olsen;

2. Revoking or suspending Field Representative License No. FR 30132, issued to Stewart Lee Olsen;

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

DATED: 2/15/11 for  KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

SD2010702686
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