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

12 In the Matter of the Accusation Against:

13 **RYAN CHRISTOPHER VAN VELZER**
14 **6887 Shearwater Drive**
Carlsbad, CA 92011

15 **Field Operator License No. FR 35866,**
16 **Branches 2 and 3**

17 Respondent.

Case No. 2012-31

OAH No. 2012030199

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

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19 **FINDINGS OF FACT**

20 1. On or about January 31, 2012, Complainant Kelli Okuma, in her official capacity as
21 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
22 Affairs, filed Accusation No. 2012-31 against Ryan Christopher Van Velzer (Respondent) before
23 the Structural Pest Control Board. (Accusation attached as Exhibit A.)

24 2. On or about April 25, 2003, the Structural Pest Control Board (Board) issued Field
25 Operator License No. FR 35866, Branches 2 and 3 to Respondent. The Field Operator License
26 was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-31
27 and will expire on June 30, 2014, unless renewed.

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1 3. On or about February 8, 2012, Respondent was served by First Class Mail and
2 Certified Mail copies of the Accusation No. 2012-31, Statement to Respondent, Notice of
3 Defense (2 copies), Request for Discovery, and Discovery Statutes, at Respondent's address of
4 record which, pursuant to Business and Professions Code section 136, is required to be reported
5 and maintained with the Board. Respondent's address of record was and is:

6 6887 Shearwater Drive
7 Carlsbad, CA 92011.

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

11 5. On or about February 21, 2012, Respondent signed and returned a Notice of Defense,
12 requesting a hearing in this matter.

13 6. On or about July 3, 2013, Respondent was served by First Class Mail and Certified
14 Mail copies of the First Amended Accusation No. 2012-31, Statement to Respondent, Notice of
15 Defense (2 copies), Request for Discovery, and Discovery Statutes, at Respondent's address of
16 record noted at paragraph 3, which, pursuant to Business and Professions Code section 136, is
17 required to be reported and maintained with the Board, and at an alternate physical address
18 reported by Respondent as 110 Oceanside Blvd., #B, Oceanside, CA 92054.

19 7. A Notice of Continued Hearing was served by mail at Respondent's address of record
20 and at Respondent's alternate address and it informed him that a continued administrative
21 hearing in this matter was scheduled for July 12, 2013. Respondent failed to appear at that
22 hearing.

23 8. Government Code section 11506 states, in pertinent part:

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

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1 9. California Government Code section 11520 states, in pertinent part:

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

6 10. Pursuant to its authority under Government Code section 11520, the Board finds
7 Respondent is in default. The Board will take action without further hearing and, based on the
8 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
9 taking official notice of all the investigatory reports, exhibits and statements contained therein on
10 file at the Board's offices regarding the allegations contained in Accusation No. 2012-31, finds
11 that the charges and allegations in Accusation No. 2012-31, are separately and severally, found to
12 be true and correct by clear and convincing evidence.

13 11. Taking official notice of its own internal records, pursuant to Business and
14 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
15 and Enforcement is \$6,052.50 as of August 28, 2013.

16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent Ryan Christopher Van Velzer
18 has subjected his Field Operator License No. FR 35866, Branches 2 and 3 to discipline.

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

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

23 a. Violation of Business and Professions Code sections 490 and 8649 in that on
24 January 16, 2009, in the San Diego Superior Court, in the case entitled *People of the State of*
25 *California v. Ryan C. Vanvelzer*, in Case Number CN255341, Respondent was convicted on his
26 plea of guilty of violating Vehicle Code section 23152(b) (driving under the influence of alcohol
27 with a blood alcohol content of 0.08% or more [0.18% BAC], a misdemeanor.

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b. Violation of Business and Professions Code sections 490 and 8649 in that on July 14, 2011, in the San Diego Superior Court, North County Division, in Case Number CBN289768, Respondent was convicted on his plea of guilty of violating Penal Code sections 459 (burglary, 2nd degree), and 487 (grand theft), felonies.

c. Violation of Business and Professions Code sections 490 and 8649 in that on November 1, 2011, in the San Diego Superior Court, North County Division, Respondent was convicted on his plea of guilty of violating Penal Code section 12020(a)(1) (felon in possession of a firearm/weapon), a felony.

ORDER

IT IS SO ORDERED that Field Representative License No. FR 35866, heretofore issued to Respondent Ryan Christopher Van Velzer, is revoked.

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

This Decision shall become effective on December 20, 2013

It is so ORDERED November 20, 2013

FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

70745830.DOC
DOJ Matter ID:SD2011801302

Attachment:
Exhibit A: Accusation