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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. 2009-26

CUAUTEMOC BRIBIESCA
2906 W. La Verne
Santa Ana, CA 92704

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Last known employment address:
Hydrex Pest Control
3073 Long Beach Blvd.
Long Beach, CA 90807

**Field Representative License No. FR 38762,
Branch 2**

Respondent.

FINDINGS OF FACT

1. On or about November 5, 2008, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board (Board), filed Accusation No. 2009-26 against Cuautemoc Bribiesca (Respondent) before the Board.

2. On or about June 14, 2005, the Board issued Field Representative License No. FR 38762, Branch 2 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, 2010, unless renewed.

1 3. On or about November 24, 2008, Thurman Peden, an employee of the Department of
2 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2009-26, Statement
3 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections
4 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and
5 is:

6 2906 W. La Verne
7 Santa Ana, CA 92704

8 4. On or about May 26, 2009, Thurman Peden, an employee of the Department of
9 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2009-26, Statement
10 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections
11 11507.5, 11507.6, and 11507.7 to Respondent's last known employment address of record with
12 the Board, which was and is:

13 Hydrex Pest Control
14 3073 Long Beach Blvd.
15 Long Beach, CA 90807

16 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

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

19 6. On or about November 25, 2008, the aforementioned documents that had been sent
20 via Certified Mail to Respondent's address of record with the Board were received, as evidenced
21 by the signed receipt card that was provided by the U.S. Postal Service. On or about May 29,
22 2009, the aforementioned documents that had been sent to the Respondent's last known
23 employment address of record by Certified Mail were returned by the U.S. Postal Service marked
24 "ATTEMPTED NOT KNOWN": Subsequently, a representative of Respondent's last known
25 employer, Hydrex Pest Control, returned the packet of the aforementioned documents that had
26 been sent to them via First Class Mail with the notation "Bribiesca (Respondent) voluntarily quit
27 on 6/1/07".

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1 7. Government Code section 11506 states, in pertinent part:

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

7 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
8 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
9 2009-26.

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

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

15 10. Pursuant to its authority under Government Code section 11520, the Board finds
16 Respondent is in default. The Board will take action without further hearing and, based on the
17 evidence on file herein, finds that the allegations in Accusation No. 2009-26 are true.

18 11. The total cost for investigation and enforcement in connection with the Accusation
19 are \$1,360.00 as of December 4, 2009.

20 DETERMINATION OF ISSUES

21 1. Based on the foregoing findings of fact, Respondent Cuautemoc Bribiesca has
22 subjected his Field Representative License No. FR 38762, Branch 2 to discipline.

23 2. A copy of the Accusation is attached.

24 3. The agency has jurisdiction to adjudicate this case by default.

25 4. The Board is authorized to revoke Respondent's Field Representative License based
26 upon the following violations alleged in the Accusation:

27 a. Violation of Code sections 8641 and 8593, in that Respondent failed to comply with
28 California Code of Regulations, title 16, section 1950 by failing to verify that he completed
Board-approved courses of continuing education in pest control by producing copies of his
continuing education certificates for the renewal period of July 1, 2004 through June 30, 2007,
after being requested to do so by the Board.

Exhibit A
Accusation No. 2009-26

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE,
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY, State Bar No. 131800
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2520
Facsimile: (213) 897-2804
6 Attorneys for Complainant

FILED

Date 11/5/08

By *Kelli Okuma*

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

12 In the Matter of the Accusation Against:

Case No. 2009-26

13 CUAUTEMOC BRIBIESCA
14 2906 West La Verne
Santa Ana, CA 92704

ACCUSATION

15 Field Representative's License No. FR 38762

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about June 14, 2005, the Board issued Field Representative's
24 License Number FR 38762 in Branch 2 (general pest) to Cuautemoc Bribiesca ("Respondent"),
25 employee of Hydrex Pest Control Company of California. Respondent's field representative's
26 license will expire on June 30, 2010, unless renewed.

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1 "technical" or "general" by the Board when the activity is approved. Hour values
2 shall be assigned by the Board to each approved educational activity, in
3 accordance with the provisions of section 1950.5.

4
5 (d) Field representatives licensed in one branch of pest control shall have
6 completed 16 continuing education hours, field representatives licensed in two
7 branches of pest control shall have completed 20 continuing education hours, field
8 representatives licensed in three branches of pest control shall have completed 24
9 continuing education hours during each three year renewal period. In each case, a
10 minimum of four continuing education hours in a technical subject directly
11 related to each branch of pest control held by the licensee must be gained for each
12 branch of pest control licensed and a minimum of eight hours must be gained
13 from Board approved courses on the Structural Pest Control Act, the Rules and
14 Regulations, or structural pest control related agencies' rules and regulations.

15
16 (f) No course, including complete operator's courses developed pursuant to
17 section 8565.5, may be taken more than once during a renewal period for
18 continuing education hours.

19 Cost Recovery

20 7. Code section 125.3 states, in pertinent part, that a Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations
22 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 CAUSE FOR DISCIPLINE

25 **(Failure to Verify Completion of Continuing Education)**

26 8. In or about May or June 2007, Respondent submitted a license renewal
27 application to the Board. On May 25, 2007, Respondent certified under penalty of perjury on the
28 application form that he completed 44 hours of continuing education during his last renewal
29 period.

30 9. On November 27, 2007, January 15, 2008, and March 5, 2008,
31 representatives of the Board sent Respondent written requests for copies of his continuing
32 education certificates for the renewal period of July 1, 2004, through June 30, 2007. Respondent
33 was advised that if he was unable to verify the continuing education requirements or failed to

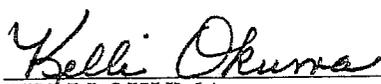
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3. Ordering Cuautemoc Bribiesca to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 11/5/08



KELLI OKUMA
Registrar
Structural Pest Control Board
Department of Consumer Affairs
State of California

Complainant