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

11 In the Matter of the Accusation Against:

Case No. 2009-60

12
13 **IRINI AGAPITOS BERZINSKI**

DEFAULT DECISION AND ORDER

14
15 Respondent.

[Gov. Code, §11520]

16
17 FINDINGS OF FACT

18 1. On or about May 29, 2009, Complainant Kelli Okuma, in her official capacity as the
19 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
20 Affairs, filed Accusation No. 2009-60 against Irimi Agapitos Berzinski (Respondent) before the
21 Structural Pest Control Board.

22 2. On or about July 1, 2005, the Structural Pest Control Board (Board) issued Field
23 Representative License No. FR 38887 to Respondent. The Field Representative License expired
24 on June 30, 2008, and has not been renewed.

25 3. On or about July 13, 2009, Veronica R. Cruz, an employee of the Department of
26 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2009-60, Statement
27 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections
28 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and

1 is: 6891 Faculty Circle, Suite A, Buena Park, CA 90621. A copy of the Accusation is attached as
2 exhibit A, and is incorporated herein by reference.

3 4. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c). On or about August 4, 2009, the
5 aforementioned documents were returned by the U.S. Postal Service marked "Not Known Unable
6 to Forward."

7 5. Business and Professions Code section 118 states, in pertinent part:

8 (b) The suspension, expiration, or forfeiture by operation of law of a license issued
9 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or
10 by order of a court of law, or its surrender without the written consent of the board, shall not,
11 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board
12 of its authority to institute or continue a disciplinary proceeding against the licensee upon any
13 ground provided by law or to enter an order suspending or revoking the license or otherwise
14 taking disciplinary action against the license on any such ground.

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

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

20 Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2009-
22 60.

23 7. California Government Code section 11520 states, in pertinent part:

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

1 8. Pursuant to its authority under Government Code section 11520, the Board finds
2 Respondent is in default. The Board will take action without further hearing and, based on the
3 evidence on file herein, finds that the allegations in Accusation No. 2009-60 are true.

4 9. The total cost for investigation and enforcement in connection with the Accusation
5 are \$5,000.00 as of August 4, 2009.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Irini Agapitos Berzinski has
8 subjected her Field Representative License No. FR 38887 to discipline.

9 2. A copy of the Accusation is attached.

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

11 4. The Structural Pest Control Board is authorized to revoke Respondent's Field
12 Representative License based upon the following violations alleged in the Accusation:

13 a. Business and Professions Code section 8649: criminal conviction of Grand Theft in
14 violation of Penal Code section 487(a), as a felony, on July 23, 2008, in the Superior
15 Court of Los Angeles County; and

16 b. Business and Professions Code section 8649: criminal conviction of
17 Receiving/Concealing Stolen Property in violation of Penal Code section 496(a), as a
18 felony, on July 23, 2008, in the Superior Court of Los Angeles County.

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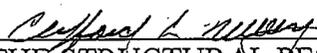
ORDER

IT IS SO ORDERED that Field Representative License No. FR 38887, heretofore issued to Respondent. Irini Agapitos Berzinski, 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 November 11, 2009.

It is so ORDERED October 12, 2009



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

Attachment: Exhibit A: Accusation No.2009-60

Exhibit A

Accusation No. 2009-60

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of the State of California
2 LINDA K. SCHNEIDER, State Bar No. 101336
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Date 5/29/09 By *Kelli Okuma*

8 Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 2009-60

14 **IRINI AGAPITOS BERZINSKI**
6891 Faculty Circle, Suite A
15 Buena Park, California 90621
16 Field Representative License No. FR 38887
Branch 2
17 Respondent.

ACCUSATION

18
19 Kelli Okuma ("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 **License History**

25 2. On or about July 1, 2005, the Structural Pest Control Board issued Field
26 Representative License Number FR 38887 ("license"), Branch 2, to Irimi Agapitos Berzinski
27 ("Respondent"). The license expired on June 30, 2008, and has not been renewed.

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JURISDICTION

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3. Section 8620 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

4. Code section 8624 states:

“If the board suspends or revokes an operator's license and one or more branch offices are registered under the name of the operator, the suspension or revocation may be applied to each branch office.”

5. Section 8654 of the Code states:

Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or registration was denied, suspended or revoked, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is a ground for disciplinary action.

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.

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1 managing employee for any registered company during the time the discipline is imposed, and
2 any registered company which employs, elects or associates with Respondent shall be subject to
3 disciplinary action.

4 PRAYER

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

- 7 1. Revoking or suspending Field Representative License Number FR 38887,
8 Branch 2, issued to Irini Agapitos Berzinski;
- 9 2. Prohibiting Irini Agapitos Berzinski from serving as an officer, director,
10 associate, partner, or qualifying individual of any licensee;
- 11 3. Ordering Irini Agapitos Berzinski to pay the Board the reasonable costs of
12 the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 5/29/09

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17 
18 KELLI OKUMA
19 Registrar/Executive Officer
20 Structural Pest Control Board
21 Department of Consumer Affairs
22 State of California
23 Complainant

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