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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. 2014-27

CARL AARON GAY-LYLES
3920 117th Street
Hawthorne, CA 90250
Field Representative License No. FR 38325

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 18, 2013, 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. 2014-27 against Carl Aaron Gay-Lyles (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about October 21, 2005, the Structural Pest Control Board (Board) issued Field Representative License No. FR 38325 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-27 and will expire on June 30, 2014, unless renewed.

1 3. On or about October 23, 2013, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2014-27, 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. Respondent's address of
6 record was and is: 3920 117th Street, Hawthorne, CA 90250.

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

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

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

16 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
18 2014-27.

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

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

24 8. 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. 2014-27, finds
that the charges and allegations in Accusation No. 2014-27, are separately and severally, found to
be true and correct by clear and convincing evidence.

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 \$1,380.00 as of January 29, 2014.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Carl Aaron Gay-Lyles has
6 subjected his Field Representative License No. FR 38325 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 Accusation which are
10 supported by the evidence contained in the Default Decision Evidence Packet in this case.:

11 a. Respondent is subject to disciplinary action under sections 8649 and 490, in
12 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent has
13 been convicted of a crime substantially related to the qualifications, functions or duties of a
14 licensed field representative. Specifically, on or about March 20, 2013, after pleading nolo
15 contendere, Respondent was convicted of one felony count of violating Penal Code section 487,
16 subdivision (a) [grand theft of personal property] in the criminal proceeding entitled *The People*
17 *of the State of California v. Carl Aaron Gay* (Super. Ct. Los Angeles County, 2013, No.
18 LA073040.) The Court sentenced Respondent to serve 90 days in Los Angeles County Jail, and
19 placed him on 3 years probation, with terms and conditions.

20 b. The circumstances surrounding the conviction are that on or about January 4, 2013,
21 Respondent entered Nordstrom in Canoga Park, CA. He was observed by a Loss Prevention
22 Officer selecting Gucci belts, rolling them up, and concealing them in the side pocket of his
23 jacket. Respondent also took a Gucci hat and exited the store, failing to pay for the merchandise.
24 When the Loss Prevention Officer approached Respondent, he made a fist and swung at the
25 officer. Respondent missed and stumbled. While trying to regain his balance, Respondent stated,
26 "I have a pistol." Respondent was subsequently arrested by the Los Angeles Police Department
27 for violating Penal Code section 211 [robbery].

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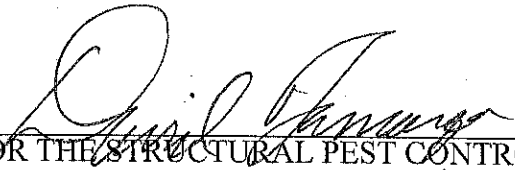
ORDER

IT IS SO ORDERED that Field Representative License No. FR 30325, heretofore issued to Respondent Carl Aaron Gay-Lyles, 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 May 23, 2014.

It is so ORDERED April 23, 2014



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

51446766.DOC
DOJ Matter ID:LA2013509749

Attachment:
Exhibit A: Accusation