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

In the Matter of the Petition to Revoke
Probation Against:

**CHRISTIAN PONCE,
AKA CRISTIAN PONCE**
Country Wide Fumigation
4252 Whiteside Street
Los Angeles, CA 90063

Field Representative's License No. FR 40682

Respondent.

Case No. 2015-3
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 6, 2017, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Petition to Revoke Probation No. 2015-3 against Christian Ponce, aka Cristian Ponce (Respondent) before the Structural Pest Control Board. (Petition to Revoke Probation attached as Exhibit A.)
2. On or about August 30, 2006, the Structural Pest Control Board (Board) issued Field Representative's License No. FR 40682 to Respondent. The Field Representative's License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 2015-3 and will expire on June 30, 2018, unless renewed.

1 3. On or about June 13, 2017, Respondent was served by Certified and First Class Mail
2 copies of the Petition to Revoke Probation No. 2015-3, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
5 Professions Code section 136, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: Country Wide Fumigation, 4252 Whiteside Street,
7 Los Angeles, CA 90063. Subsequently, on or about August 14, 2017, Respondent was served by
8 Certified and First Class Mail copies of the Petition to Revoke Probation No. 2015-3, Statement
9 to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government
10 Code sections 11507.5, 11507.6, and 11507.7) at: 13218 Towne Avenue, Los Angeles, CA
11 90061.

12 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
13 provisions of Government Code section 11505(c) and/or Business & Professions Code section
14 124.

15 5. On or about September 17, 2017, the aforementioned documents addressed to the
16 address of record were returned by the U.S. Postal Service marked "Unclaimed, Return to Sender,
17 Attempted – Not Known, Unable to Forward."

18 6. Government Code section 11506(c) states, in pertinent part:

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

24 7. The Board takes official notice of its records and the fact that Respondent failed to
25 file a Notice of Defense within 15 days after service upon him of the Petition to Revoke
26 Probation, and therefore waived his right to a hearing on the merits of Petition to Revoke
27 Probation No. 2015-3.

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1 8. California Government Code section 11520(a) states, in pertinent part:

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

5 9. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on the
7 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
8 taking official notice of all the investigatory reports, exhibits and statements contained therein on
9 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
10 2015-3, finds that the charges and allegations in Petition to Revoke Probation No. 2015-3, are
11 separately and severally, found to be true and correct by clear and convincing evidence.

12 **DETERMINATION OF ISSUES**

13 1. Based on the foregoing findings of fact, Respondent Christian Ponce, aka Cristian
14 Ponce has subjected his Field Representative's License No. FR 40682 to discipline.

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

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

20 a. Respondent failed to submit quarterly reports to the Board, a violation of Probation
21 Condition 3.

22 b. Respondent failed to notify the Board of leaving California, a violation of Probation
23 Condition 4.

24 c. Respondent failed to pay the board for reimbursement of inspection, a violation of
25 Probation Condition 9.

26 d. Respondent failed to pay cost recovery, a violation of Probation Condition 12.

27 e. Respondent failed to obey all laws, a violation of Probation Condition 2 and
28 California Code of Regulations, title 16, section 1937.12.

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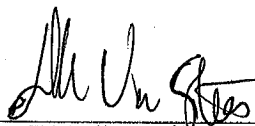
ORDER

IT IS SO ORDERED that Field Representative's License No. FR 40682, heretofore issued to Respondent Christian Ponce, aka Cristian Ponce, 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 24, 2018.

It is so ORDERED April 24, 2018



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

52755547.DOC
DOJ Matter ID:LA2017603553

Attachment:
Exhibit A: Petition to Revoke Probation