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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/Petition to
Revoke Probation Against:

Case No. 2016-34

13 **ADOLFO R. MARTIN**
14 **9637 Flower Street**
15 **Bellflower, CA 90706**
16 **Field Representative License No. FR 41018,**
17 **Branch 2**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

18 FINDINGS OF FACT

19 1. On or about December 31, 2015, Complainant Susan Saylor, in her official capacity
20 as the Registrar/Executive Officer of the Structural Pest Control Board, filed Accusation/Petition
21 to Revoke Probation No. 2016-34 against Adolfo R. Martin (Respondent) before the Board.
22 (Accusation/Petition to Revoke Probation attached as Exhibit A.)

23 2. On or about November 9, 2006, the Board issued Field Representative License No.
24 FR 41018, Branch 2 to Respondent. The Field Representative License expired on June 30, 2015,
25 and has not been renewed.

26 3. On or about March 8, 2016, Respondent was served by Certified and First Class Mail
27 copies of the Accusation/Petition to Revoke Probation No. 2016-34, Statement to Respondent,
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1 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
2 11507.5, 11507.6, and 11507.7) at Respondent's address of record which is required to be
3 reported and maintained with the Board. Respondent's address of record was and is:

4 9637 Flower Street
5 Bellflower, CA 90706.

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

9 5. On or about March 23, 2016, the aforementioned documents were returned by the
10 U.S. Postal Service marked "No Forwarding Address."

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

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
18 of the Accusation/Petition to Revoke Probation, and therefore waived his right to a hearing on the
19 merits of Accusation/Petition to Revoke Probation No. 2016-34.

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation/Petition to Revoke
Probation No. 2016-34, finds that the charges and allegations in Accusation/Petition to Revoke

1 Probation No. 2016-34, are separately and severally, found to be true and correct by clear and
2 convincing evidence.

3 10. Taking official notice of its own internal records, it is hereby determined that the
4 reasonable costs for Investigation and Enforcement is \$3,185.00 as of September 1, 2016.

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent Adolfo R. Martin has subjected
7 his Field Representative License No. FR 41018, Branch 2 to discipline.

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

9 3. The Board is authorized to revoke Respondent's Field Representative License based
10 upon the following violations alleged in the Accusation/Petition to Revoke Probation which are
11 supported by the evidence contained in the Default Decision Evidence Packet in this case.:

12 a. Violation of Code section 8649 for being convicted of a crime substantially related to
13 the qualifications, functions, and duties of a licensed filed representative, in case no. 4BF03346;

14 b. Violation of Probation Condition 1 (Obey All Laws) for suffering a criminal
15 conviction in case no. 4BF03346;

16 c. Violation of Probation Condition No. 2 (Quarterly Reports) for failure to submit
17 quarterly reports to the Board as required; and

18 d. Violation of probation Condition No. 6 (Cost recovery) for failure to make any
19 payments to the Board on the cost recovery amount of \$3,225.00.

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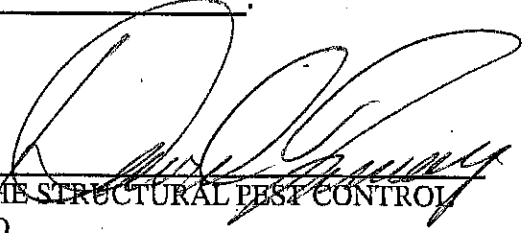
1 ORDER

2 IT IS SO ORDERED that Field Representative License No. FR 41018, Branch 2, heretofore
3 issued to Respondent Adolfo R. Martin, is revoked.

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

8 This Decision shall become effective on November 19, 2016.

9 It is so ORDERED October 20, 2016.

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11 
12 FOR THE STRUCTURAL PEST CONTROL
13 BOARD
14 DEPARTMENT OF CONSUMER AFFAIRS

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17 Attachment:

18 Exhibit A: Accusation/Petition to Revoke Probation
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