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**BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION  
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to Revoke Probation Against:  
  
**ROMULO BELTRAN**  
519 West Anapamu Street  
Santa Barbara, CA 93101  
Field Representative No. FR 41872  
  
Respondent.

Case No. 2010-54

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 11, 2010, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation and Petition to Revoke Probation No. 2010-54 against Romulo Beltran (Respondent) before the Structural Pest Control Board.

2. On or about June 12, 2007, the Board issued Field Representative's License Number FR 41872, in Branch 2 to Respondent. The license expired on June 30, 2009, and has not been renewed.

3. On or about March 12, 2010, Teresa Sutton, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation and Petition to Revoke Probation No. 2010-54, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is: 519 West Anapamu Street, Santa Barbara, CA 93101.

1 A copy of the Accusation and Petition to Revoke Probation is attached as exhibit A, and is  
2 incorporated herein by reference.

3 4. Service of the Accusation and Petition to Revoke Probation was effective as a matter  
4 of law under the provisions of Government Code section 11505, subdivision (c).

5 5. On or about March 22, 2010, the aforementioned documents were returned by the  
6 U.S. Postal Service marked "No Forwarding Address."

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

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

13 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
14 of the Accusation and Petition to Revoke Probation, and therefore waived his right to a hearing on  
15 the merits of Accusation and Petition to Revoke Probation No. 2010-54.

16 8. California Government Code section 11520 states, in pertinent part:

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

21 9. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 evidence on file herein, finds that the allegations in Accusation and Accusation and Petition to  
24 Revoke Probation No. 2010-54 are true.

25 10. The total cost for investigation and enforcement in connection with the Accusation  
26 and Petition to Revoke Probation are \$2482.00 as of March 24, 2010.

#### 27 DETERMINATION OF ISSUES

28 1. Based on the foregoing findings of fact, Respondent Romulo Beltran has subjected  
his Field Representative No. FR 41872 to discipline.

2. A copy of the Accusation and Petition to Revoke Probation is attached.

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

4. The Structural Pest Control Board is authorized to revoke Respondent's field representative license based upon the following violations alleged in the Accusation and Petition to Revoke Probation:

a. Respondent is subject to discipline under Code section 8649, in that in the case of People v. Romulo Beltran (Super. Ct. Santa Barbara County, 2009, Case No. 1298437), he was convicted by the Court on his plea of no contest of violating Health and Safety Code section 11350 (possession of a controlled substance), felony, a crime that is substantially related to the qualifications, functions or duties of a field representative.


ORDER

IT IS SO ORDERED that Field Representative No. FR 41872, heretofore issued to Respondent Romulo Beltran, 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 June 5, 2010.

It is so ORDERED May 6, 2010



FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF PESTICIDE REGULATION

60527300.DOC  
DOJ docket number:LA2008900440

Attachment:

Exhibit A: Accusation and Petition to Revoke Probation No. 2010-54

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GREGORY J. SALUTE, State Bar No. 164015  
Supervising Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2520  
Facsimile: (213) 897-2804

**FILED**

Date 2/11/10

By *Kelli Okuma*

6 Attorneys for Complainant .  
7  
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 and Petition to Revoke  
Probation Against:

Case No. 2010-54

13 **ROMULO BELTRAN**  
14 519 West Anapamu Street  
Santa Barbara, California 93101

**ACCUSATION AND  
PETITION TO REVOKE  
PROBATION**

15 Field Representative's License No. FR 41872, Br. 2  
16 Respondent.  
17

18 Kelli Okuma ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation and Petition to Revoke Probation solely in  
21 her official capacity as the Registrar of the Structural Pest Control Board ("Board"), Department  
22 of Consumer Affairs.

23 **LICENSE HISTORY/PRIOR DISCIPLINE**

24 2. On or about February 2, 2004, the Board received an application for a Field  
25 Representative License from Romulo Beltran ("Respondent").

26 3. On or about October 13, 2004, the Board denied Respondent's application.

27 4. Respondent appealed the denial.

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1 PETITION TO REVOKE PROBATION

2 17. Grounds exist for revoking the probation and reimposing the order of revocation  
3 of Respondent's Field Representative's License Number FR 41872 for violating Term 1 of the  
4 Decision and Order which states:

5 Respondent shall obey all laws and rules relating to the practice of  
6 structural pest control.

7 18. Respondent violated Term 1 of his probation by failing to notify the Board of his  
8 change of employment and address of record within 10 days of such change, pursuant to Code  
9 section 8567 and California Code of Regulations, title 16, section 1911.

10 19. Respondent violated Term 1 of his probation, in that he was convicted of  
11 violating Health and Safety Code section 11350 (possession of a controlled substance), as more  
12 particularly set forth above in paragraph 16.

13 20. Grounds exist for revoking the probation and reimposing the order of revocation  
14 of Respondent's Field Representative's License Number FR 41872 for violating Term 2 of the  
15 Decision and Order which states:

16 Respondent shall file quarterly reports with the Board during the  
17 period of probation.

18 21. Respondent violated Term 2 of his probation by failing to file quarterly reports on  
19 February 23, 2008, May 23, 2008, August 23, 2008, November 23, 2008, February 23, 2009,  
20 May 23, 2009, August 23, 2009, and November 23, 2009.

21 OTHER MATTERS

22 22. Code section 8620 provides, in pertinent part, that a Respondent may request that  
23 a civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19  
24 days, or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be  
25 made at the time of the hearing and must be noted in the proposed decision. The proposed  
26 decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

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1 LA2008900440  
Pet.Revoke.Accusation (kdg) 2/1/2010

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