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5	BEFOR	E THE	
6	STRUCTURAL PEST DEPARTMENT OF PES	CONTROL BOARD TICIDE REGULATION	
7	STATE OF C	ALIFORNIA	
8	In the Matter of the Accusation and Petition to	Case No. 2010-54	
9	Revoke Probation Against:		
10		DEFAULT DECISION AND ORDER	
11	ROMULO BELTRAN 519 West Anapamu Street		
12	Santa Barbara, CA 93101 Field Representative No. FR 41872	[Gov. Code, §11520]	
13	Field Representative field for the second	í	
14	Respondent.		
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16		S OF FACT	
17		nplainant Kelli Okuma, in her official capacity as	
18	the Registrar/Executive Officer of the Structural		
19	Regulation, filed Accusation and Petition to Rev	oke Probation No. 2010-54 against Romulo	
20	Beltran (Respondent) before the Structural Pest		
21		d issued Field Representative's License Number	
22	FR 41872, in Branch 2 to Respondent. The license expired on June 30, 2009, and has not been		
23	renewed.		
24		utton, an employee of the Department of Justice,	
25	served by Certified and First Class Mail a copy		
26		nt, Notice of Defense, Request for Discovery, and	
27	1)	nd 11507.7 to Respondent's address of record with	
28	the Board, which was and is: 519 West Anapamu Street, Santa Barbara, CA 93101.		
		1 DEFAULT DECISION AND ORDER (Case No. 2010-54)	
		DEFAULT DECISION AND ORDER (Case No. 2010 5.)	

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. 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 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion
10	may nevertheless grant a hearing. 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
11	of the Accusation and Petition to Revoke Probation, and therefore waived his right to a hearing of
12	the merits of Accusation and Petition to Revoke Probation No. 2010-54.
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15 16	(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.
17	9. Pursuant to its authority under Government Code section 11520, the Board finds
18	Respondent is in default. The Board will take action without further hearing and, based on the
19	
20	evidence on file herein, finds that the allegations in Accusation and Accusation and Petition to
21	Revoke Probation No. 2010-54 are true.
. 22	10. The total cost for investigation and enforcement in connection with the Accusation
23	and Petition to Revoke Probation are \$2482.00 as of March 24, 2010.
24	
25	DETERMINATION OF ISSUES
26	1. Based on the foregoing findings of fact, Respondent Romulo Beltran has subjected
27	his Field Representative No. FR 41872 to discipline.
28	2. A copy of the Accusation and Petition to Revoke Probation is attached.
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1	3. The agency has jurisdiction to adjudicate this case by default.	
2	4. The Structural Pest Control Board is authorized to revoke Respondent's field	
3	representative license based upon the following violations alleged in the Accusation and Petition	
4	to Revoke Probation:	
5	a. Respondent is subject to discipline under Code section 8649, in that in the case	
6	of People v. Romulo Beltran (Super. Ct. Santa Barbara County, 2009, Case No.	
7	1298437), he was convicted by the Court on his plea of no contest of violating	
8	Health and Safety Code section 11350 (possession of a controlled substance),	
9	felony, a crime that is substantially related to the qualifications, functions or	
10	duties of a field representative.	
11	ORDER	
12	IT IS SO ORDERED that Field Representative No. FR 41872, heretofore issued to	
13	Respondent Romulo Beltran, is revoked.	
14	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a	
15	written motion requesting that the Decision be vacated and stating the grounds relied on within	
16	seven (7) days after service of the Decision on Respondent. The agency in its discretion may	
17	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.	
18	This Decision shall become effective on <u>June 5, 2010</u> .	
19	It is so ORDERED May 6, 2010	
20		
21 22	FOR THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF PESTICIDE REGULATION	
22		
23 24	60527300.DOC DOJ docket number:LA2008900440	
24	Attachment:	
25 26	Exhibit A: Accusation and Petition to Revoke Probation No. 2010-54	
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	DEFAULT DECISION AND ORDER (Case No. 2010-54))†

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		1 EDMUND G. BROWN JR., Attorney General of the State of California
		2 VADENIR CHAPPELLE
		 Supervising Deputy Attorney General GREGORY J. SALUTE, State Bar No. 164015 Supervising Deputy Attorney General
		A DATE OF THE 1702
. •		Facsimile: (213) 897-2804
×.	-	Attorneys for Complainant
		7
		8 BEFORE THE
		9 STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS
·		10 STATE OF CALIFORNIA
		11
•		12In the Matter of the Accusation and Petition to RevokeCase No.2010-54Probation Against:In the Matter of the Accusation and Petition to RevokeIn the Matter of the Accusation and Petition to Revoke
•		13 ACCUSATION AND PETITION TO REVOKE
•	۱	14 519 West Anapamu Street PROBATION Santa Barbara, California 93101 PROBATION
		15 Field Representative's License No. FR 41872, Br. 2
		16 Respondent.
		17
		18 Kelli Okuma ("Complainant") alleges:
		19 <u>PARTIES</u>
	•	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
		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.
		274.Respondent appealed the denial.
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	1	5. On or about December 12, 2005, the Board filed a Statement of Issues, denying
	2	Respondent's application for a Field Representative's License based on criminal convictions and
	3	making a false statement of fact on his application regarding the convictions.
	4	6. On or about September 13, 2006, a hearing on the matter took place.
	5	7. On or about December 18, 2006, a Proposed Decision and Order was issued,
	6	granting Respondent a Field Representative's License. However, the license was immediately
	7	revoked, the revocation was stayed, and Respondent was placed on probation for three (3) years
	8	with terms and conditions.
	9	8. On or about January 24, 2007, the Proposed Decision and Order was adopted by
	10	the Board, and became effective February 23, 2007.
	11	9. On or about June 12, 2007, the Board issued Field Representative's License
	12	Number FR 41872, in Branch 2 to Respondent. The license expired on June 30, 2009, and has
	13	not been renewed.
	14	JURISDICTION
1 is the	15	10. Business and Professions Code ("Code") section 8620 provides, in pertinent part,
	16	that the Board may suspend or revoke a license when it finds that the holder, while a licensee or
	17	applicant, has committed any acts or omissions constituting cause for disciplinary action or in
	18	lieu of a suspension may assess a civil penalty.
	19	11. Code section 8625 states:
	20	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
	21	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
	22	proceeding against such licensee or company, or to render a decision suspending
	23	or revoking such license or registration. <u>STATUTORY AND REGULATORY PROVISIONS</u>
	24	
	25	12. Code section 8649 states:
	26	Conviction of a crime substantially related to the qualifications, functions, and duties of a structural pest control operator, field representative, applicator, or
	27	registered company is a ground for disciplinary action. The certified record of conviction shall be conclusive evidence thereof.
	28	13. Code section 8567 states:
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Should a field representative or applicator change his or her employment. or should an operator enter the employ of a registered company, or being already employed by a registered company change his or her employment, or being employed by a registered company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar in writing, on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. Whereupon the registrar shall register the change in his or her records.

California Code of Regulations, title 16, section 1911 states: 14.

Each operator, field representative and applicator shall file his or her address of record with the board and shall notify the board of any change in address within ten (10) days of such change. The address of record of a field representative, an operator or an applicator shall be the address of the registered company by which he or she is employed or with which he or she is associated or his or her residence address if he or she is not employed and associated.

Each licensee shall also file his or her address for mailing purposes with the board and shall notify the board of any change in address within ten (10) days of such change.

COST RECOVERY

Code section 125.3 provides, in pertinent part, that the Registrar may request the 15.

administrative law judge to direct a licentiate found to have committed a violation or violations 14 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

enforcement of the case. 16

ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

Respondent is subject to discipline under Code section 8649, in that in the case of 20 16. People v. Romulo Beltran (Super. Ct. Santa Barbara County, 2009, Case No. 1298437), he was 21 convicted by the Court on his plea of no contest of violating Health and Safety Code section 22 11350 (possession of a controlled substance), felony, a crime that is substantially related to the 23 qualifications, functions or duties of a field representative. 24 25 |||

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· 1	PETITION TO REVOKE PROBATION	
2	17. Grounds exist for revoking the probation and reimposing the order of revocation	
. 2	of Respondent's Field Representative's License Number FR 41872 for violating Term 1 of the	
4	Decision and Order which states:	
	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	
	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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Pursuant to Code section 8654, if discipline is imposed on Field Representative's
 License Number FR 41872 issued to Respondent, then Respondent shall be prohibited from
 serving as an officer, director, associate, partner or responsible managing employee of a licensee,
 and any licensee which employs, elects, or associates Respondent shall be subject to disciplinary
 action.

PRAYER

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

9 1. Revoking the probation that was granted by the Board in Case No. 2006-45 and
10 imposing the disciplinary order that was stayed thereby revoking Field Representative's License
11 Number FR 41872, issued to Romulo Beltran;

Revoking or suspending Field Representative's License Number
 FR 41872, issued to Romulo Beltran;

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3.

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Revoking or suspending any other license issued to Romulo Beltran;

4. Prohibiting Romulo Beltran from serving as an officer, director, associate,
partner, qualifying manager or responsible managing employee of any registered company
during the period that discipline is imposed on Field Representative's License Number FR
41872;

Ordering Romulo Beltran to pay the Structural Pest Control Board the reasonable
 costs of the investigation and enforcement of this case, pursuant to Business and Professions
 Code section 125.3; and,

6. Taking such other and further action as deemed necessary and proper.

23 DATED:

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Registrar Structural Pest Control Board Department of Consumer Affairs State of California Complainant

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