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8 Attorneys for Complainant

9 **BEFORE THE**
10 **STRUCTURAL PEST CONTROL BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2009-51

14 GEORGE S. HOAG,
15 AKA GEORGE STUART HOAG
16 16562 Gothard Street, Suite G
17 Huntington Beach, CA 92647
18 Field Representative license, Br. 3 No. FR 41888

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

Respondent.

19 FINDINGS OF FACT

20 1. On or about March 18, 2009, Complainant Kelli Okuma, in her official capacity
21 as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
22 Affairs, filed Accusation No. 2009-51 against George S. Hoag, aka, George Stuart Hoag
23 (Respondent) before the Structural Pest Control Board.

24 2. On or about June 15, 2007, the Structural Pest Control Board (Board) issued Field
25 Representative license, Br. 3 No. FR 41888 to Respondent. The Field Representative license,
26 Br. 3 was in full force and effect at all times relevant to the charges brought herein and will
27 expire on June 30, 2009, unless renewed.

28 3. On or about March 23, 2009, Rosita Donovan, an employee of the Department of
Justice, served by Certified and First Class Mail a copy of the Accusation No. 2009-51,
Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is: 16562 Gothard Street, Suite G, Huntington Beach, CA 92647. A copy of the
3 Accusation is attached as exhibit "A," and is incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c).

6 5. On or about April 6, 2009, the aforementioned documents were returned by the
7 U.S. Postal Service marked "Returned to Sender- Attempted Unknown."

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

9 (c) The respondent shall be entitled to a hearing on the merits if the
10 respondent files a notice of defense, and the notice shall be deemed a specific
11 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 may nevertheless grant a hearing.

12 7. Respondent failed to file a Notice of Defense within 15 days after service upon
13 him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
14 No. 2009-51.

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

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

19 9. Pursuant to its authority under Government Code section 11520, the Board finds
20 Respondent is in default. The Board will take action without further hearing and, based on the
21 evidence on file herein, finds that the allegations in Accusation No. 2009-51 are true.

22 10. The total cost for investigation and enforcement in connection with the
23 Accusation are \$1,333.25 as of May 13, 2009.

24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent George S. Hoag, aka, George
26 Stuart Hoag has subjected his Field Representative license, Br. 3 No. FR 41888 to discipline.

27 2. A copy of the Accusation is attached.

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

Exhibit A

Accusation No. 2009-51

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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FILED

Date 10/18/09 By [Signature]

8 Attorneys for Complainant

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

In the Matter of the Accusation Against:
GEORGE S. HOAG,
a.k.a. GEORGE STUART HOAG
16562 Gothard Street, Suite G
Huntington Beach, CA 92647
Field Representative's License No. FR 41888
Respondent.

Case No. 2009-51
ACCUSATION

Complainant alleges:

PARTIES

1. Kelli Okuma (Complainant) brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of Consumer Affairs.
 2. On or about June 15, 2007, the Board issued Field Representative's License Number FR 41888 in Branch 3 (termite) to George S. Hoag, also known as George Stuart Hoag (Respondent), employee of Seashore Pest Control, Inc. Respondent's field representative's license will expire on June 30, 2009, unless renewed.
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STATUTORY PROVISIONS

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3. Business and Professions Code (Code) section 8620 provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

4. Section 490 of the Code states:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

5. Code section 8649 states:

Conviction of a crime substantially related to the qualifications, functions, and duties of a structural pest control operator, field representative, applicator, or registered company is a ground for disciplinary action. The certified record of conviction shall be conclusive evidence thereof.

6. Code section 8654 states:

Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license or registration was denied, suspended or revoked, shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of a registered company, and the employment, election or association of such person by a registered company is a ground for disciplinary action.

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1 7. Code section 8655 states:

2 A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere made to a charge substantially related to the qualifications, functions,
4 and duties of a structural pest control operator, field representative, applicator, or
5 registered company is deemed to be a conviction withing the meaning of this
6 article or Section 8568 of this chapter. The board may order the license or
7 registration suspended or revoked, or may decline to issue a license, when the
8 time for appeal has elapsed, or the judgment of conviction has been affirmed on
9 appeal or when an order granting probation is made suspending the imposition of
10 sentence, irrespective of a subsequent order under the provisions of Section
11 1203.4 of the Penal Code allowing the individual or registered company to
12 withdraw a plea of guilty and to enter a plea of not guilty, or setting side the
13 verdict of guilty, or dismissing the accusation, information or indictment.

14 **COST RECOVERY**

15 8. Code section 125.3 states, in pertinent part, that a Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations
17 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(September 18, 2008 Criminal Conviction-**

21 **Vehicle Tampering/Fraudulent Acquisition of access card on May 30, 2008)**

22 9. Respondent's License is subject to disciplinary action pursuant to Code section
23 8649 and 490 in that on or about September 18, 2008, in the criminal proceeding titled *People v.*
24 *George Stuart Hoag* (Super. Ct. County of Orange, 2008, Case No. 08NM08596), Respondent
25 pled guilty to violating Vehicle Code section 10852 (tampering with vehicle or contents) and
26 Penal Code section 484e, subdivision (c) (fraudulent acquisition, use, or transfer of access
27 cards), both crimes substantially related to the qualifications, functions, and duties of a licensed
28 field representative. The circumstances of the crimes are as follows: On or about May 30, 2008,
Respondent unlawfully tampered with a vehicle without the owner's consent, and was
unlawfully in possession of an access card (debit card) without the cardholder's consent, with the
intent to use the card. As a result of these convictions, Respondent was sentenced to three years
probation, 30 days confinement at the Orange County jail, 29 days of Cal Trans physical
labor/community service to be served in lieu of jail time, payment of \$240.00 in fees and fines,

1 payment of restitution to victims plus interest, ordered to stay away from the 1200 and 1300
2 blocks of E. Gates Street in Anaheim and the 3100 block of W. Maywood in Anaheim, submit to
3 search and seizure, violate no laws, use no unauthorized drugs, narcotics or other controlled
4 substances and submit to chemical testing on demand of probation or police officer, and not
5 possess credit or debit cards other than accounts in Respondent's name.

6 OTHER MATTERS

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

12 11. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
13 License Number FR 41888, issued to Respondent, then Respondent shall be prohibited from
14 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
15 employee for any registered company during the time the discipline is imposed, and
16 any registered company which employs, elects, or associates Respondent shall be subject to
17 disciplinary action.

18 PRAYER

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

21 1. Revoking or suspending Field Representative's License Number
22 FR 41888, issued to Respondent;

23 2. Prohibiting Respondent from serving as an officer, director, associate, partner,
24 qualifying manager or responsible managing employee of any registered company during the
25 period that discipline is imposed on Field Representative's License Number FR 41888, issued to
26 Respondent;

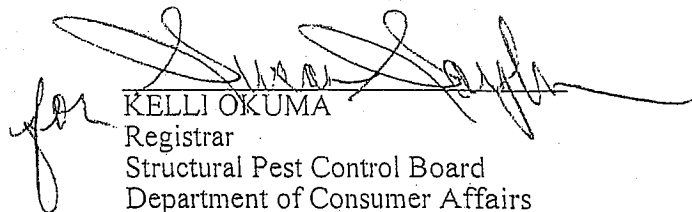
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1 3. Ordering Respondent to pay the Structural Pest Control Board the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3;

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

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6 DATED: 3/18/19

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8 
9 KELLI OKUMA
10 Registrar
11 Structural Pest Control Board
12 Department of Consumer Affairs
13 State of California

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Complainant