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

In the Matter of the Accusation Against:
JOSE L. PENA
44122 Hardwood Ave.
Lancaster, CA 93534

Field Representative's License No. FR 42197

Respondent.

Case No. 2015-68
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 26, 2015, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2015-68 against Jose L. Pena (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On or about August 23, 2007, the Structural Pest Control Board (Board) issued Field Representative's License No. FR 42197 to Respondent. The Field Representative's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-68 and will expire on June 30, 2016, unless renewed.
3. On or about July 14, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2015-68, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
2 required to be reported and maintained with the Board. Respondent's address of record was and
3 is: 44122 Hardwood Ave., Lancaster, CA 93534.

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

7 5. On or about July 16, 2015, the aforementioned documents were delivered by the U.S.
8 Postal Service and on or about July 21, 2015, a Domestic Return Receipt was returned signed.

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

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

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
16 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
17 2015-68.

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

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

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 2015-68, finds
28 that the charges and allegations in Accusation No. 2015-68, are separately and severally, found to
be true and correct by clear and convincing evidence.

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ORDER

IT IS SO ORDERED that Field Representative's License No. FR 42197, heretofore issued to Respondent Jose L. Pena, 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 December 13, 2015.

It is so ORDERED November 13, 2015



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

51896844.DOC
DOJ Matter ID:LA2015500426

Attachment:
Exhibit A: Accusation