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

In the Matter of the Accusation Against:  
  
**MIGUEL ANGEL VILLAGRANA**  
838 West 13th Street  
Upland, CA 91786  
  
**Field Representative's License No. FR 42445  
Branch 2**  
  
Respondent.

Case No. 2015-50

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about April 23, 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. 2015-50 against Miguel Angel Villagrana (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about October 23, 2007, the Structural Pest Control Board (Board) issued Field Representative's License No. FR 42445 Branch 2 to Respondent. The Field Representative's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-50 and will expire on June 30, 2016, unless renewed.

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1           3.     On or about April 27, 2015, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 2015-50, Statement to Respondent, Notice of Defense (two blank  
3 copies), Request for Discovery and Discovery Statutes (Government Code sections 11507.5,  
4 11507.6 and 11507.7) at Respondent's address of record which, pursuant to Business and  
5 Professions Code section 136, is required to be reported and maintained with the Board.  
6 Respondent's address of record was and is: 838 West 13th Street, Upland, CA 91786.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10          5.     According to the United States Postal Service website, on or about June 2, 2015, the  
11 aforementioned documents were delivered to Respondent by the U.S. Postal Service. Respondent  
12 failed to submit a Notice of Defense or any other correspondence.

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

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

19          7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
20 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
21 2015-50.

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

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

27          9.     Pursuant to its authority under Government Code section 11520, the Board finds  
28 Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
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 No. 2015-50, finds

1 that the charges and allegations in Accusation No. 2015-50, are separately and severally, found to  
2 be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$1,867.00 as of August 20, 2015.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Miguel Angel Villagrana has  
8 subjected his Field Representative's License No. FR 42445 Branch 2 to discipline.

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

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

13 (a) Respondent is subject to disciplinary action pursuant to sections 490 and 8649 in  
14 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent was  
15 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
16 field representative, as follows:

17 (b) On or about April 30, 2014, after pleading guilty, Respondent was convicted of one  
18 misdemeanor count of violating Penal Code section 459 [burglary: first degree] in the criminal  
19 proceeding entitled *The People of the State of California v. Miguel Angel Villagran* (Super. Ct.  
20 San Bernardino County, 2014, No. FWV1303694).

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ORDER

IT IS SO ORDERED that Field Representative's License No. FR 42445, heretofore issued to Respondent Miguel Angel Villagrana, 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 February 7, 2016.

It is so ORDERED January 8, 2016

  
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FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

51882806.DOC  
DOJ Matter ID:LA2014513036

Attachment:  
Exhibit A: Accusation