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

In the Matter of the Accusation Against:

JOSE G. RAMIREZ
6027 Otis Avenue
Huntington Park, CA 90255
Field Representative's License No. FR 42769

Respondent.

Case No. 2012-57

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 23, 2012, Complainant William H. Douglas, in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation ("Board"), filed Accusation No. 2012-57 against Jose G. Ramirez ("Respondent") before the Board. (Accusation attached as Exhibit A.)

2. On or about February 1, 2008, the Board issued Field Representative's License No. FR 42769 to Respondent. The Field Representative's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-57 and will expire on June 30, 2013, unless renewed.

3. On or about June 21, 2012, Respondent was served by Certified Mail copies of the Accusation No. 2012-57, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is

1 required to be reported and maintained with the Board. Respondent's address of record was and
2 is: 6027 Otis Avenue, Huntington Park, CA 90255.

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

6 5. The aforementioned documents were not returned by the U.S. Postal Service as
7 undelivered.

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

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
16 2012-57.

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

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

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 2012-57, finds
27 that the charges and allegations in Accusation No. 2012-57, are separately and severally, found to
28 be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
and Enforcement is \$1,840.00 as of August 1, 2012.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Jose G. Ramirez has subjected
3 his Field Representative's License No. FR 42769 to discipline.

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

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

8 a. Business and Professions Code sections 490 and 8649, subdivision (f) and
9 California Code of Regulations title 16, section 1937.1 in that Respondent was convicted of
10 crimes that are substantially related to the functions, duties, and qualifications of a licensed field
11 representative; and

12 b. Business and Professions Code section 8637 in that Respondent misrepresented
13 to the Structural Pest Control Board in his application for licensure that he had not been convicted
14 of a crime.

15 ORDER

16 IT IS SO ORDERED that Field Representative's License No. FR 42769, heretofore issued
17 to Respondent Jose G. Ramirez, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
19 written motion requesting that the Decision be vacated and stating the grounds relied on within
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

22 This Decision shall become effective on September 12, 2012.

23 It is so ORDERED August 13, 2012

24 
25 FOR THE STRUCTURAL PEST CONTROL
26 BOARD

27 51141258.DOC
28 DOJ Matter ID:LA2011505120
Attachment: Exhibit A: Accusation