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

In the Matter of the Accusation Against:

DANA LYNN THOMAS
1531 Paulann Court
Fallbrook, CA 92028

Field Representative License No. FR 43442
Field Representative License No. FR 32608
Operator License No. OPR 8589

Respondent.

Case No. 2014-28

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 1, 2013, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of Consumer Affairs, filed Accusation No. 2014-28 against Respondent Dana Lynn Thomas before the Board. (Accusation attached as Exhibit A.)
2. On August 4, 2008, the Board issued Field Representative License No. FR 43442 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-28 and will expire on June 30, 2014, unless renewed.
3. On August 14, 2000, the Board issued Field Representative License No. FR 32608 to Respondent. The Field Representative License expired on June 30, 2003, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code (Code)

1 sections 118(b) and 3625 does not deprive the Board of its authority to institute or continue this
2 disciplinary proceeding.

3 4. On August 13, 1990, the Board issued Operator License No. OPR 8589 to
4 Respondent. The Operator License expired on June 30, 2005, and has not been renewed. This
5 lapse in licensure, however, pursuant to Code sections 118(b) and 3625 does not deprive the
6 Board of its authority to institute or continue this disciplinary proceeding.

7 5. On November 6, 2013, Respondent was served by Certified and First Class Mail
8 copies of the Accusation No. 2014-28, Statement to Respondent, Notice of Defense, Request for
9 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
10 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
11 required to be reported and maintained with the Board. Respondent's address of record was and
12 is 1531 Paulann Court, Fallbrook, CA 92028.

13 6. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c) and/or Code section 124.

15 7. On November 8, 2013, Respondent signed a U.S. Postal Service certified mail receipt
16 for delivery of the aforementioned documents.

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

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 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.

21 9. Respondent failed to file a Notice of Defense within 15 days after service upon her of
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2014-
23 28.

24 10. Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the
26 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
27 respondent.

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ORDER

IT IS SO ORDERED that Field Representative License No. FR 43442 heretofore issued to Respondent Dana Lynn Thomas, 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 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 8, 2014.

It is so ORDERED January 9, 2014



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:
Exhibit A: Accusation

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