

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-32

13
14 **STEVE J. LOZADA**
15 **5640 Shull Street, Unit B**
16 **Bell Gardens, CA 90201**
17 **Field Representative's License No. FR 43646**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

18 Respondents.

19
20
21 **FINDINGS OF FACT**

22 1. On or about January 31, 2012, Complainant William Douglas, in his official capacity
23 as the former Interim Registrar/Executive Officer of the Structural Pest Control Board,
24 Department of Pesticide Regulation, filed Accusation No. 2012-32 against Steve J. Lozada
25 (Respondent) before the Structural Pest Control Board. (Accusation attached as **Exhibit A.**)

26 //

27 //

2. On or about October 2, 2008, the Structural Pest Control Board (Board) issued Field Representative's License No. FR 43646 to Respondent. On or around June 30, 2011, Field Representative's License No. FR 43646 expired and was not renewed.

3. On or about February 8, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-32, 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 required to be reported and maintained with the Board. Respondent's address of record was and is:

**5640 Shull Street, Unit B
Bell Gardens, CA 90201**

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

5. On or about February 21, 2012, and March 8, 2012, the aforementioned documents were returned by the U.S. Postal Service marked “Addressee Unknown”, “Unable to Forward” and “Return to Sender.”

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

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

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2012-32.

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

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

9. Pursuant to its authority under Government Code section 11520, the Board finds 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. 2012-32, finds that the charges and allegations in Accusation No. 2012-32 are separately and severally, found to 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 Respondent's allocation of reasonable costs for Investigation and Enforcement is \$7,631.27 as of January 8, 2013.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Steve J. Lozada has subjected his Field Representative's License No. FR 43646 to discipline.

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

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

a. Bus. & Prof. Code §§ 8506.2, 8610(c) and 8620, in that Respondent engaged in the practice of structural pest control without a qualifying manager.

b. Bus. & Prof. Code §§ 8620, 8691 and 8695 in that Respondent engaged in the practice of structural pest control without liability insurance.

c. Bus. & Prof. Code §§ 8620 and 8641 in conjunction with Cal. Code of Regs. title 16 § 1911 in that Respondent failed to comply with the rules and regulations adopted by the Board including failing to timely notify the Board of address change.


ORDER

IT IS SO ORDERED that Field Representative's License No. FR 43646, heretofore issued to Respondent Steve J. Lozada, 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 March 27, 2013.

It is so ORDERED February 25, 2013



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

DDO-STEVEN LOZADA.DOCX
DOJ Matter ID:LA2011505800

Attachment:
Exhibit A: Accusation