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

In the Matter of the Accusation Against:
**SHANNON SUE LOPEZ
18710 Wilmington, Suite 111
Rancho Dominguez, CA 90220**

-and-
10581 Pamela Street, Cypress, Ca. 90630

**Field Representative's License No. FR
44507, Branch 2**

Respondent.

Case No. 2013-24

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 15, 2012, Complainant Susan Saylor, in her official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2013-24 against Shannon Sue Lopez (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about June 26, 2009, the Structural Pest Control Board (Board) issued Field Representative's License No. FR 44507 Branch 2 (general pests) to Respondent. The Field

1 Representative's License was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 2013-24 and will expire on June 30, 2014, unless renewed.

3 3. On or about November 20, 2012 and December 14, 2012, Respondent was served by
4 Certified and First Class Mail copies of the Accusation No. 2013-24, Statement to Respondent,
5 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
6 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business
7 and Professions Code section 136, is required to be reported and maintained with the Board.
8 Respondent's address of record was and is: 18710 Wilmington, Suite 111, Rancho Dominguez,
9 CA 90220 and/or 10581 Pamela Street, Cypress, Ca. 90630.

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 5. On or about December 19, 2012 and January 16, 2013, the aforementioned
14 documents were returned by the U.S. Postal Service marked "Addressee Unknown." The address
15 on the documents was the same as the address on file with the Board. Respondent failed to
16 maintain an updated address with the Board and the Board has made attempts to serve the
17 Respondent at the address on file. Respondent has not made herself available for service and
18 therefore, has not availed herself of her right to file a notice of defense and appear at hearing.

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

20 (c) The respondent shall be entitled to a hearing on the merits if the respondent
21 files a notice of defense, and the notice shall be deemed a specific denial of all parts
22 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.

23 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
24 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-
25 24.

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

27 (a) If the respondent either fails to file a notice of defense or to appear at the
28 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

1 respondent.

2 9. Pursuant to its authority under Government Code section 11520, the Board finds
3 Respondent is in default. The Board will take action without further hearing and, based on the
4 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
5 taking official notice of all the investigatory reports, exhibits and statements contained therein on
6 file at the Board's offices regarding the allegations contained in Accusation No. 2013-24, finds
7 that the charges and allegations in Accusation No. 2013-24, are separately and severally, found to
8 be true and correct by clear and convincing evidence.

9 10. Taking official notice of its own internal records, pursuant to Business and
10 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
11 and Enforcement is \$952.50 as of January 25, 2013.

12 DETERMINATION OF ISSUES

13 1. Based on the foregoing findings of fact, Respondent Shannon Sue Lopez has
14 subjected her Field Representative's License No. FR 44507 to discipline.

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

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

19 a. On or about August 1, 2011, Respondent submitted a license renewal application to
20 the Board wherein Respondent certified under penalty of perjury that she successfully completed
21 sixteen (16) hours of continuing education during her last renewal period.

22 b. On or about October 20, 2011, a representative of the Board sent Respondent a letter
23 indicating that she had been selected for the 2011 continuing education (CE) audit. The October
24 20, 2011 letter to Respondent asked Respondent to submit copies of the certificates of course
25 completion which verified her CE hours for the renewal period of July 1, 2008, through, June 30,
26 2011, to the Board.

27 c. Having received no response from Respondent, on or about January 13, 2012, a
28 representative of the Board sent a second request letter to Respondent asking her to submit copies

1 of any certificates of course completion which verify her continuing education hours for the
2 renewal period of July 1, 2008 through June 30, 2011, to the Board.

3 d. After again receiving no response from Respondent, on or about March, 13, 2012, the
4 Board sent a final request letter to Respondent asking her to submit copies of any certificates of
5 course completion which verify her continuing education hours for the renewal period of July 1,
6 2008 through June 30, 2011, to the Board.

7 e. After again receiving no response from Respondent, on or about September 26, 2012,
8 the Board sent another final request letter to Respondent's alleged home address asking her to
9 submit copies of any certificates of course completion which verify her continuing education
10 hours for the renewal period of July 1, 2008 through June 30, 2011, to the Board. The letter was
11 returned back to the Board as "Attempted-Not Known, Unable to Forward."

12 f. Respondent is subject to disciplinary action pursuant to Code sections 8641 and 8593
13 in that she failed to comply with Regulation 1950 by failing to verify that she completed all of the
14 required courses of continuing education in pest control approved by the Board. Specifically,
15 Respondent failed to produce copies documenting completion of sixteen (16) hours of continuing
16 education for the renewal period of July 1, 2008 through June 30, 2011, as requested by the
17 Board's representative.

18 g. The Accusation further alleges that Respondent is subject to disciplinary action
19 pursuant to Code sections 8641 and 8637 in that she made a misrepresentation of a material fact
20 to the Board or its designee in that on or about August 1, 2011, Respondent sent back to the
21 Board a completed license renewal application signed under penalty of perjury that she had
22 completed all sixteen (16) hours of continuing education required for renewal of her license when
23 in fact she had not completed the sixteen (16) hours required for renewal of her license.

24 ORDER

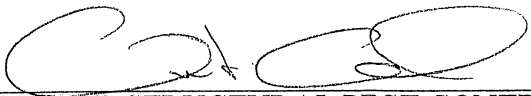
25 IT IS SO ORDERED that Field Representative's License No. FR 44507, heretofore issued
26 to Respondent Shannon Sue Lopez, is revoked.

27 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
28 written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on March 27, 2013.

4 It is so ORDERED February, 25, 2013

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7 _____
8 FOR THE STRUCTURAL PEST CONTROL
9 BOARD
10 DEPARTMENT OF PESTICIDE REGULATION

11 51231813.DOC
12 DOJ Matter ID:LA2012508121

13 Attachment:
14 Exhibit A: Accusation

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