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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-15

13 **GRISELDA VIGIL**
14 4973 Firestone Boulevard
15 South Gate, CA 90280

DEFAULT DECISION AND ORDER

16 **Field Representative License No. FR 44918**

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about October 9, 2014, Complainant Susan Saylor, in her official capacity as
20 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
21 Affairs, filed Accusation No. 2015-15 against Griselda Vigil (Respondent) before the Structural
22 Pest Control Board. (Accusation attached as Exhibit A.)

23 2. On or about November 5, 2009, the Structural Pest Control Board (Board) issued
24 Field Representative License No. FR 44918 to Respondent. The Field Representative License
25 was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-15
26 and will expire on June 30, 2015, unless renewed.

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1 3. On or about October 22, 2014, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2015-15, Statement to Respondent, Notice of Defense, and
3 Request for Discovery at Respondent's address of record which, pursuant to Business and
4 Professions Code section 136, is required to be reported and maintained with the Board.
5 Respondent's address of record was and is: 4973 Firestone Blvd., South Gate, CA 90280. On or
6 about November 14, 2014, after unsuccessful service of documents, Respondent was again served
7 by Certified and First Class Mail with copies of the foregoing documents, at the following
8 address: 8415 Evergreen Ave., South Gate, CA 90280, which was taken from Respondent's
9 initial application for licensure as a Field Representative in 2009.

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 October 31, 2014, the aforementioned documents served on
14 Respondent's address of record were returned by the U.S. Postal Service marked "Refused,
15 Unable to Forward." The address on the document was the same as the address on the file with
16 the Board. On or about November 15, 2014, the aforementioned documents served on
17 Respondent at the aforementioned Evergreen Ave. address were delivered by the U.S. Postal
18 Service and a Domestic Return Receipt was returned and signed.

19 6. Respondent failed to maintain an updated address with the Board and Board has made
20 attempts to serve Respondent at the address on file. Respondent has not made herself available
21 for service and therefore, has not availed herself of her right to file a notice of defense and appear
22 at a hearing.

23 7. Government Code section 11506 states, in pertinent part:

24 (c) The respondent shall be entitled to a hearing on the merits if the respondent
25 files a notice of defense, and the notice shall be deemed a specific denial of all parts
26 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.

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1 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of
2 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2015-
3 15.

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

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

8 10. Pursuant to its authority under Government Code section 11520, the Board finds
9 Respondent is in default. The Board will take action without further hearing and, based on the
10 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
11 taking official notice of all the investigatory reports, exhibits and statements contained therein on
12 file at the Board's offices regarding the allegations contained in Accusation No. 2015-15, finds
13 that the charges and allegations in Accusation No. 2015-15, are separately and severally, found to
14 be true and correct by clear and convincing evidence.

15 11. Taking official notice of its own internal records, pursuant to Business and
16 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
17 and Enforcement is \$2,602.50 as of January 5, 2015.

18 **DETERMINATION OF ISSUES**

19 1. Based on the foregoing findings of fact, Respondent Griselda Vigil has subjected her
20 Field Representative License No. FR 44918 to discipline.

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

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

25 a. Business & Professions Code sections 8641 and 8593, in conjunction with California
26 Code of Regulations, title 16, section 1950, subdivision (a), for failure to provide verifiable
27 documentation to demonstrate that she completed all the courses of continuing education
28 requirements as a condition of renewal of her Field Representative License.

1 b. Business & Professions Code section 8637 for Misrepresentation of Material Facts in
2 that Respondent misrepresented to the Board that she had completed sixteen (16) hours of
3 continuing education courser in her license renewal application, when in fact she has failed to full
4 the Board's continuing education requirements as a condition of renewal of her license.

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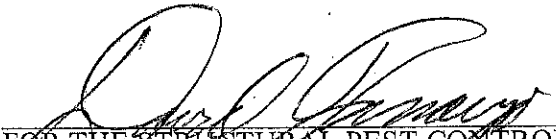
ORDER

IT IS SO ORDERED that Field Representative License No. FR 44918, heretofore issued to Respondent Griselda Vigil, 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 June 3, 2015.

It is so ORDERED May 4, 2015



FOR THE STRUCTURAL PEST CONTROL
BOARD, DEPARTMENT OF CONSUMER
AFFAIRS

51664947.DOC
DOJ Matter ID:LA2014512290
03052015

Attachment: Exhibit A: Accusation