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

In the Matter of the Accusation Against:
ALEJANDRO MARQUEZ
920 Armorlite Drive
San Marcos, CA 92069
Field Representative License No. FR 46031

Respondent.

Case No. 2015-64
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 24, 2015, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2015-64 against Alejandro Marquez (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about October 4, 2010, the Structural Pest Control Board (Board) issued Field Representative License No. FR 46031, in branch 1 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-64 and will expire on June 30, 2016, unless renewed.

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1 3. On or about June 30, 2015, Respondent was served by Certified Mail copies of the
2 Accusation No. 2015-64 Statement to Respondent, Notice of Defense, and Request for Discovery
3 at Respondent's address of record which, pursuant to Business and Professions Code section 136,
4 is required to be reported and maintained with the Board. Respondent's address of record was
5 and is:

6 920 Armorlite Drive
7 San Marcos, CA 92069

8 4. On or about June 30, 2015, Respondent was served by Certified Mail copies of the
9 Accusation No. 2015-64 Statement to Respondent, Notice of Defense, and Request for Discovery
10 at Respondent's address of record which, pursuant to Business and Professions Code section 136,
11 is required to be reported and maintained with the Board. Respondent's was also served at an
12 alternate address:

13 212 Palomar Street, Apt #10
14 Chula Vista, CA 91911

15 5. Service of the Accusation was effective as a matter of law under the provisions of
16 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
17 124.

18 6. On or about July 13, 2015, the aforementioned documents were returned by the U.S.
19 Postal Service marked "Undeliverable as addressed." The address on the documents was the
20 same as the address on file with the Board. Respondent failed to maintain an updated address
21 with the Board and the Board has made attempts to serve the Respondent at the address on file.
22 Respondent has not made himself available for service and therefore, has not availed himself of
23 his right to file a notice of defense and appear at hearing.

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

25 (c) The respondent shall be entitled to a hearing on the merits if the respondent
26 files a notice of defense, and the notice shall be deemed a specific denial of all parts
27 of the accusation not expressly admitted. Failure to file a notice of defense shall
28 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 him
2 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
3 2015-64.

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. 2015-64, finds
13 that the charges and allegations in Accusation No. 2015-64, 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 \$800.00 as of July 16, 2015.

18 **DETERMINATION OF ISSUES**

19 1. Based on the foregoing findings of fact, Respondent Alejandro Marquez has
20 subjected his Field Representative License No. FR 46031 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 Default Decision Investigatory Evidence Packet in this case.

25 a. Respondent is subject to disciplinary action under sections 498 and 8637 of the Code
26 in that he secured his Field Representative License by fraud, deceit, or knowing misrepresentation
27 of a material fact.

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1 b. Respondent has subjected his license to disciplinary action under section 8641 of the
2 Code, and California Code of Regulations, title 16, section 1950, in that he failed to comply with
3 the provisions of the Structural Pest Control Act.

4 c. Respondent's conduct violated Business and Professions Code section 8593, which
5 required Respondent, as a condition to the renewal of his Field Representative License, to submit
6 proof that he complete a minimum of 16 hours of continuing education in pest control approved
7 by the Board or equivalent activity approved by the Board within the three-year renewal period.

8 **ORDER**

9 IT IS SO ORDERED that Field Representative License No. FR 46031, heretofore issued to
10 Respondent Alejandro Marquez, is revoked.

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

15 This Decision shall become effective on October 8, 2015.

16 It is so ORDERED September 8, 2015

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21 FOR THE STRUCTURAL PEST CONTROL BOARD
22 DEPARTMENT OF CONSUMER AFFAIRS
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26 81102863.DOC
27 DOJ Matter ID:SD2015801209

28 Attachment:
Exhibit A: Accusation