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

In the Matter of the Accusation Against: **CORY LEE DREW** 1037 West Graaf Avenue Ridgecrest, CA 93555 **Field Representative License No. FR 46436, Branch 2** **Applicator License No. RA 50860, Branch 3** Respondent.	Case No. 2014-3 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 8, 2013, Complainant Susan Saylor, in her official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2014-3 against Cory Lee Drew (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about February 4, 2011, the Structural Pest Control Board (Board) issued Field Representative License No. FR 46436 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-3, expired on June 30, 2013, and has not been renewed. This lapse in licensure, however, pursuant to

Business and Professions Code section 8625 does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

3. On or about April 30, 2010, the Structural Pest Control Board issued Applicator License No. RA 50860 to Respondent. The Applicator License was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-3, expired on April 30, 2013, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 8625 does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

4. On or about July 15, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-3, 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:

1037 West Graaf Avenue
Ridgecrest, CA 93555.

5. On or about July 15, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-3, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at an alternate physical address reported by Respondent as 617 Heather Court, Ridgecrest, CA 93555.

6. 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.

7. On or about August 5, 2013, the aforementioned documents sent to 1037 West Graaf Avenue, Ridgecrest, CA 93555 were returned by the U.S. Postal Service marked "Attempted Not Known." The address on the documents was the same as the address on file with the Board. Respondent failed to maintain an updated address with the Board and the Board has made

attempts to serve the Respondent at the address on file. Respondent has not made himself available for service and therefore, has not availed himself of his right to file a notice of defense and appear at hearing.

8. On or about July 22, 2013, a certified mail receipt for the aforementioned documents sent to 617 Heather Court, Ridgecrest, CA 93555 was returned, which showed that the documents had been received and signed for on or about July 17, 2013.

9. 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.

10. 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. 2014-3.

11. 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.

12. 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. 2014-3, finds that the charges and allegations in Accusation No. 2014-3, are separately and severally, found to be true and correct by clear and convincing evidence.

13. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is $1,945.00 as of September 6, 2013.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Cory Lee Drew has subjected his Field Representative License No. FR 46436 to discipline.

2. Based on the foregoing findings of fact, Respondent Cory Lee Drew has subjected his Applicator License No. RA 50860 to discipline.

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

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

a. Business and Professions Code section 8649 and 490, in conjunction with California Code of Regulations, title 16, section 1937.1, in that on or about October 9, 2012, in a criminal proceeding entitled *People v. Cory Lee Drew* (Super. Ct. Kern County, 2012, No. RM037997A), Respondent was convicted of one misdemeanor count of embezzlement, a violation of Penal Code section 508.

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ORDER

IT IS SO ORDERED that Field Representative License No. FR 46436 and Applicator License No. RA 50860, issued to Respondent Cory Lee Drew, are 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 December 21, 2013.

It is so ORDERED November 21, 2013

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

51361934.DOC
DOJ Matter ID:LA2013508488

Attachment:
Exhibit A: Accusation