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

In the Matter of the Accusation Against:
BRIAN CLAY GRAY
555 North Guild Avenue
Lodi, CA 95240
Field Representative License No. FR 48625
Respondent.

Case No. 2014-18

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 26, 2013, 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. 2014-18 against Brian Clay Gray (“Respondent”) before the Structural Pest Control Board (Accusation attached as Exhibit A).
2. On or about March 20, 2013, the Structural Pest Control Board (“Board”) issued Field Representative License No. FR 48625 to Respondent. The Field Representative License will expire on June 30, 2015, unless renewed.
3. On or about October 14, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-18, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 136, is required to be reported and maintained with the Board. Respondent's address of
4 record was and is:

5 Clark Pest Control
6 555 North Guild Avenue
7 Lodi, CA 95240.

8 4. On or about October 14, 2013, Respondent was also served by Certified and First
9 Class Mail copies of the Accusation No. 2014-18, Statement to Respondent, Notice of Defense,
10 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
11 and 11507.7) at Respondent's last known residence address which was:

12 3455 Hokan Lane
13 Wheatland, CA 95692

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

17 6. No documents were returned by the U.S. Postal Service as undeliverable or unable to
18 forward.

19 7. 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
23 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
24 may nevertheless grant a hearing.

25 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
26 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
27 2014-18.

28 9. 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.

1 January 22, 2013, Respondent committed a lewd or lascivious acts upon or with the body or any
2 part or member thereof of a child 14 or 15 years old, when Respondent was at least 10 years older
3 then the child, with the intent of arousing, appealing to or gratifying the lust, passions or sexual
4 desire of himself or said child. Furthermore, between January 23, 2012, and January 22, 2013,
5 Respondent contacted or communicated with a minor, or attempted to contact or communicate
6 with a minor, who knows or reasonably should know that the person is a minor with intent to
7 commit an offense.

8 **ORDER**

9 **IT IS SO ORDERED** that Field Representative License No. FR 48625, heretofore issued
10 to Respondent Brian Clay Gray 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 April 3, 2014.

16 It is so ORDERED March 4, 2014

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19 FOR THE STRUCTURAL PEST CONTROL BOARD
20 DEPARTMENT OF CONSUMER AFFAIRS

21 11230203.DOC
22 DOJ Matter ID:SA2013112359

23 Attachment:
24 Exhibit A: Accusation
25
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