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

In the Matter of the Accusation Against: **BLACK J EXTERMINATING CORP; RICHARD GASKILL, QUALIFYING MANAGER, HERNANDO BARRIOS, PRESIDENT AND QUALIFYING MANAGER, JULIE GUZMAN BARRIOS, TREASURER** **402 East La Habra Blvd.** **La Habra, California 90631** **Company Registration Certificate No. PR 2651, Br. 2 and 3** **RICHARD EUGENE GASKILL** **402 East La Habra Blvd.** **La Habra, California 90631** **Operator's License No. OPR 6406, Br. 3,** **HERNANDO BARRIOS** **402 East La Habra Blvd.** **La Habra, California 90631** **Operator's License No. OPR 10090, Br. 2, 3** **JULIE GUZMAN BARRIOS** **402 East La Habra Blvd.** **La Habra, California 90631** **Field Representative License No. FR 33083, Br. 3** Respondents.	Case No. 2012-59 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 19, 2012, Complainant William H. Douglas, in his official capacity as the Interim Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2012-59 against Black J. Exterminating Corp.; Richard Gaskill, Qualifying Manager; Hernando Barrios, President and Qualifying Manager; Julie Guzman Barrios, Treasurer (Respondents) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

Black J. Exterminating Corp.

2. On or about November 23, 1994, the Board issued Company Registration Certificate Number PR 2651 in Branch 3 to Black J. Exterminating Corp. ("Respondent Black J. or Respondents") with Irene Guzman as President and Secretary, Julie Ann Guzman as Chief Financial Officer and Edward Count Lincoln as Qualifying Manager. On or about July 16, 1998, Company Registration Certificate Number PR 2651 reflected a change of Branch 3 Qualifying Manager to Richard Eugene Gaskill ("Respondents or Respondent Gaskill"). On or about September 15, 1999, Company Registration Certificate Number PR 2651 was upgraded to include Branches 2 and 3 with Hernando Barrios ("Respondents or Respondent Hernando Barrios") as Branch 2 Qualifying Manager. On or about November 29, 2010, Company Registration Certificate Number PR 2651 reflected the disassociation of Respondent Gaskill as Branch 3 Qualifying Manager due to cancellation of Operator's License No. OPR 6406 and Company Registration Certificate Number PR 2651 was downgraded to include Branch 2 only. On or about December 31, 2010, Company Registration Certificate Number PR 2651 was upgraded to include Branches 2 and 3 with Respondent Hernando Barrios as Branch 2 and 3 Qualifying Manager. On or about June 27, 2011, Company Registration Certificate Number PR 2651 reflected a change of corporate officers to Julie Guzman Barrios ("Respondents or Respondent Guzman Barrios") as Chief Financial Officer and Hernando Barrios as Chief Executive Officer. On or about November 1, 2011, Company Registration Certificate Number PR 2651 reflected the disassociation of Hernando Barrios as Branch 2 and 3 Qualifying Manager due to the cancellation of Operator's License No. OPR 10090. On or about April 5, 2012, Company Registration No. PR 2651 was

suspended for failure to maintain a surety bond in the amount of $4000 as required by section 8697 of the Business and Professions Code. The registration is currently suspended for lack of a qualifying manager and/or failure to maintain a surety bond.

Richard Eugene Gaskill

3. On or about April 10, 1981, the Board issued Operator's License Number OPR 6406 in Branch 3 to Respondent Gaskill, qualifying manager of Black J. Exterminating Corp. On or about November 29, 2010, Respondent's operator's license was cancelled due to the failure to renew the license and the failure to reimburse the Board payment of $911.00.

Hernando Barrios

4. On or about September 15, 1999, the Board issued Operator's License Number OPR 10090 in Branch 2 to Respondent Barrios, qualifying manager of Black J. Exterminating Corp. On or about October 28, 2002, Operator's license No. OPR 10090 was upgraded to include Branches 2 and 3. On or about December 31, 2010, Operator's license No. OPR 10090 became the Branch 3 Qualifying Manager of Black J. Exterminating Corp. On or about June 27, 2011, Operator's license No. OPR 10090 became the Chief Executive Officer of Black J. Exterminating Corp. Operator's license No. OPR 10090 expired on June 30, 2011 and has not been renewed.

Julie Guzman Barrios

5. On or about January 29, 2001, the Board issued Field Representative License No. 33083 in Branch 3 to Respondent Guzman Barrios. Field Representative License No. 33083 expired on June 30, 2012, and has not been renewed.

6. On or about September 4, 2012, Respondents were served by Certified and First Class Mail copies of the Accusation No. 2012-59, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondents' address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Board. Respondents' address of record was and is: 402 East La Habra Blvd., La Habra, CA 90631.

7. 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.

8. On or about October 11, 2012, the aforementioned documents were returned by the U.S. Postal Service marked "Unclaimed."

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. Respondents failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No. 2012-59.

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 Respondents' are 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. 2012-59, finds that the charges and allegations in Accusation No. 2012-59, 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 three thousand two hundred twenty-two dollars ($3,222.00) as of November 14, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondents Black J. Exterminating Corp.; Richard Gaskill, Hernando Barrios, Julie Guzman Barrios have subjected its Company Registration Certificate No. PR 2651 to discipline.

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

3. The Structural Pest Control Board is authorized to revoke Respondents' Company Registration Certificate based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Failure to Comply with Citation and Order of Abatement - Respondents are all subject to disciplinary action pursuant to Code sections 125.9, subsection (5), and 8641 and California Code of Regulations, regulation 1920 subsection (d) in that Respondents have failed to comply with Citation Nos. CF 06-25, CF 11-29, and CF 12-56 as further set forth in the Accusation.

ORDER

IT IS SO ORDERED that Company Registration Certificate No. PR 2651, Br. 2, 3; Operator's License No. OPR 6406, Br.3; Operator's License No. OPR 10090, Br. 2, 3; and Field Representative License No. FR 33083, Br. 3, heretofore issued to Respondents Black J. Exterminating Corp.; Richard Gaskill, Hernando Barrios, and Julie Guzman Barrios, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondents 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 Respondents. 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 January 5, 2013.

It is so ORDERED December 6, 2012

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

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DOJ Matter ID:LA2012506907

Attachment:
Exhibit A: Accusation