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

In the Matter of the Accusation and Petition to Revoke Probation Against:
SERGIO ZAMORANO
P.O. Box 6
Overgaard AZ 85933
Operator License No. OPR 10565
Respondent.

Case No. 2015-51
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 23, 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 and Petition to Revoke Probation No. 2015-51 against Sergio Zamorano (Respondent) before the Structural Pest Control Board. (Accusation and Petition to Revoke Probation attached as Exhibit A.)

2. On or about May 10, 2002, the Structural Pest Control Board (Board) issued Operator License No. OPR 10565 to Respondent. The Operator License was in full force and effect at all times relevant to the charges brought in Accusation and Petition to Revoke Probation No. 2015-51 and will expire on June 30, 2016, unless renewed.

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1 3. On or about May 5, 2015, Respondent was served by Certified and First Class Mail
2 copies of the Accusation and Petition to Revoke Probation No. 2015-51, Statement to
3 Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government
4 Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant
5 to Business and Professions Code section 136, is required to be reported and maintained with the
6 Board. Respondent's addresses of record were and are: P.O. Box 6, Overgaard AZ 85933 and
7 14408 East Whittier Blvd., #B3, Whittier, CA 90605.

8 4. Service of the Accusation and Petition to Revoke Probation was effective as a matter
9 of law under the provisions of Government Code section 11505, subdivision (c) and/or Business
10 & Professions Code section 124.

11 5. On or about June 12, 2015, the aforementioned documents were returned by the U.S.
12 Postal Service marked "Unclaimed" from Respondent's Arizona address. On or about June 12,
13 2015, the aforementioned documents were returned by the U.S. Postal Service marked
14 "Unclaimed" from Respondent's California address.

15 6. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent
17 files a notice of defense, and the notice shall be deemed a specific denial of all parts
18 of the accusation not expressly admitted. Failure to file a notice of defense shall
19 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
20 may nevertheless grant a hearing.

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
22 of the Accusation and Petition to Revoke Probation, and therefore waived his right to a hearing on
23 the merits of Accusation and Petition to Revoke Probation No. 2015-51.

24 8. California Government Code section 11520 states, in pertinent part:

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

 9. 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

1 and Respondent's Operator License was placed on probation for three (3) years with certain terms
2 and conditions. Probation Term and Condition 7 states:

3 **Violation of Probation.** Should Respondent violate probation in any respect,
4 the Board, after giving Respondent notice and an opportunity to be heard, may
5 revoke probation and carry out the disciplinary order which was stayed. If a
6 petition to revoke probation is filed against Respondent during probation, the Board
shall have continuing jurisdiction until the matter is final, and the period of
probation shall be extended until the matter is final

7 d. Respondent failed to comply with Probation Condition 1 when he failed to obey all
8 laws and failed to comply with rules of the Board when he failed to fully comply with the terms
9 and conditions of his probation, including his failure to provide proof of continuing education and
10 his misrepresentation of material facts.

11 **ORDER**

12 IT IS SO ORDERED that Operator License No. OPR 10565, heretofore issued to
13 Respondent Sergio Zamorano, is revoked.

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

18 This Decision shall become effective on October 10, 2015.

19 It is so ORDERED September 10, 2015

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FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

25 51831240.DOC
26 DOJ Matter ID:LA2015500522

27 Attachment:
28 Exhibit A: Accusation/Petition to Revoke Probation