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

In the Matter of the Accusation Against:

Case No. 2010-46

**MICHAEL S. ENGLISH
109 Antelope Street
Woodland, California 95695
Operator's License No. OPR 10997**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about January 26, 2010, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2010-46 against Michael S. English (Respondent) before the Structural Pest Control Board.

2. On or about November 29, 2004, the Structural Pest Control Board (Board) issued Operator's License No. OPR 10997 to Respondent. The Operator's License was in full force and effect at all times relevant to the charges brought herein.

3. On or about February 5, 2010, February 11, 2010, and July 9, 2010, Constance A. Ward, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2010-46, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's

1 address of record with the Board, which was and is: **109 Antelope Street, Woodland,**
2 **California 95695.**

3 Copies of the accusation were also served via both regular and certified mail at the
4 following additional addresses: P.O. Box 962, Woodland CA, 95776 and 703 Buena Tierra Drive,
5 Woodland CA, 95695. A copy of the Accusation is attached as exhibit A, and is incorporated
6 herein by reference.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c).

9 5. On or about February 11, February 24, and August 17, 2010, the aforementioned
10 documents were returned by the U.S. Postal Service marked "Not Deliverable As Addressed
11 Unable To Forward."

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

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon
19 him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
20 No. 2010-46.

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

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

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 evidence on file herein, finds that the allegations in Accusation No. 2010-46 are true.

10 The total cost for investigation and enforcement in connection with the Accusation
11 are \$2,237.50 as of August 26, 2010.

DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Michael S. English has subjected
3 his Operator's License No. OPR 10997 to discipline.

4 2. A copy of the Accusation is attached.

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

6 4. The Structural Pest Control Board is authorized to revoke Respondent's Operator's
7 License based upon the following violations alleged in the Accusation:

8 a. Respondent is subject to disciplinary action under section Code sections 8620 and
9 8649, in that on or about April 29, 2009, in the Superior Court of California, County of Yolo, in
10 the case entitled, People of the State of California v. Michael Stephen English (Super. Ct. Yolo
11 County, 2008, Case No. 08-4777), Respondent was convicted on his plea of no contest of
12 violating Penal Code section 496, subdivision (a) (Receiving Stolen Property), a felony. Such
13 crime is substantially related to the qualifications, functions, and duties of a licensee.

14 The circumstances of the crime are that on or about August 15, 2008, while driving in the
15 City of Woodland, an officer from the Woodland Police Department stopped Respondent for
16 failing to have the vehicle's headlamps on at darkness. After running a license vehicle check, the
17 officer determined the vehicle was stolen and the license plates were stolen.

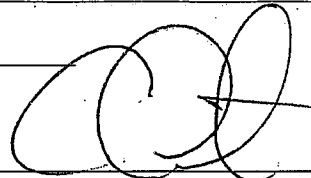
ORDER

IT IS SO ORDERED that Operator's License No. OPR 10997, heretofore issued to Respondent Michael S. English, is 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 October 29, 2010.

It is so ORDERED September 29, 2010



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

default decision_LIC.rtf
DOJ docket number:SA2009102456

Attachment:

Exhibit A: Accusation No.2010-46

Exhibit A
Accusation No. 2010-46

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 JOHN PADRICK
Deputy Attorney General
4 State Bar No. 155123
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5 P.O. Box 944255
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6 Telephone: (916) 323-6708
Facsimile: (916) 327-8643

FILED

Date 1/26/10 By Kelli Okuma

7 *Attorneys for Complainant*

8
9 **BEFORE THE**
10 **STRUCTURAL PEST CONTROL BOARD**
11 **DEPARTMENT OF PESTICIDE REGULATION**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2010-46

14 **MICHAEL S. ENGLISH**
15 **P.O. Box 962**
Woodland, CA 95695

ACCUSATION

16 **Operator's License No. OPR 10997**
17 **Branch 3**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as
22 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide
23 Regulation.

24 **License History**

25 2. On or about November 29, 2004, the Structural Pest Control Board issued Operator's
26 License Number OPR 10997, Branch 3, to Michael S. English ("Respondent"). On August 1,
27 2009, the Structural Pest Control Board issued a temporary 150-day license pursuant to Family
28 Code section 17520.

JURISDICTION

1
2 3. This Accusation is brought before the Structural Pest Control Board ("Board"),
3 Department of Pesticide Regulation, under the authority of the following laws. All section
4 references are to the Business and Professions Code ("Code"), unless otherwise indicated.

5 4. Code section 8620 provides, in pertinent part, that the Board may suspend or revoke a
6 license when it finds that the holder, while a licensee or applicant, has committed any acts or
7 omissions constituting cause for disciplinary action or in lieu of suspension may assess a civil
8 penalty.

9 5. Code section 8624 states:

10 "If the board suspends or revokes an operator's license and one or more branch offices are
11 registered under the name of the operator, the suspension or revocation may be applied to each
12 branch office."

13 6. Section 8654 of the Code states:

14 Any individual who has been denied a license for any of the reasons
15 specified in Section 8568, or who has had his or her license revoked, or whose
16 license is under suspension, or who has failed to renew his or her license while
17 it was under suspension, or who has been a member, officer, director, associate,
18 qualifying manager, or responsible managing employee of any partnership,
19 corporation, firm, or association whose application for a company registration
20 has been denied for any of the reasons specified in Section 8568, or whose
21 company registration has been revoked as a result of disciplinary action, or
22 whose company registration is under suspension, and while acting as such
23 member, officer, director, associate, qualifying manager, or responsible
24 managing employee had knowledge of or participated in any of the prohibited
25 acts for which the license or registration was denied, suspended or revoked,
26 shall be prohibited from serving as an officer, director, associate, partner,
27 qualifying manager, or responsible managing employee of a registered
28 company, and the employment, election or association of such person by a
registered company is a ground for disciplinary action.

7. Code section 8625 states:

 The lapsing or suspension of a license or company registration by
operation of law or by order or decision of the board or a court of law, or the
voluntary surrender of a license or company registration shall not deprive the
board of jurisdiction to proceed with any investigation of or action or
disciplinary proceeding against such licensee or company, or to render a
decision suspending or revoking such license or registration.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Operator's License Number OPR 10997 issued to Michael S. English,
2. Ordering Michael S. English to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 1/26/10



KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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