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

In the Matter of the Accusation Against:

**STEPHEN JAMES REDD
10196 Suey Creek Road
Nipomo, CA 93444**

**Operator's License No. OPR 11062, Branch
3, Company Registration Certificate No. PR
5315, Branch 3**

Respondent.

Case No. 2011-75

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 28, 2011, Complainant William H. Douglas, in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2011-75 against Stephen James Redd (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On or about March 30, 2005, the Structural Pest Control Board (Board) issued Operator's License No. OPR 11062 to Respondent. On or about December 11, 2010, the operator's license was suspended pursuant to Family Code section 17520. The Operator's License expired on December 11, 2010, and has not been renewed.
3. On or about April 20, 2007, the Board issued Company Registration Certificate Number PR 5315 in Branch 3 to Packard Termite & Pest Control of Central California, Inc., doing business as Packard Termite of Central California, Inc., with Respondent as the President

1 and Qualifying Manager. On or about August 23, 2010, the company registration certificate was
2 suspended pursuant to Business and Professions Code section 8690 (failure to maintain general
3 liability insurance). On or about January 10, 2011, the company registration certificate was
4 further suspended for no qualifier due to suspension of the operator's license pursuant to Family
5 Code section 17520.

6 4. On or about July 6, 2011, Respondent was served by Certified and First Class Mail
7 copies of the Accusation No. 2011-75, Statement to Respondent, Notice of Defense, Request for
8 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
9 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
10 required to be reported and maintained with the Board, which was and is: 10196 Suey Creek
11 Road, Nipomo, CA 93444. Respondent was also served at an alternative address of P.O. Box
12 1901, Nipomo, Ca. 93444.

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

16 6. On or about July 14, 2011, the aforementioned documents served at Respondent's
17 address of record were returned by the U.S. Postal Service marked "Addressee Unknown." On or
18 about August 8, 2011, a signed Domestic Return Receipt was sent back to the Attorney General's
19 office acknowledging receipt of the aforementioned documents by Respondent at his alternative
20 address of P.O. Box 1901, Nipomo, Ca. 93444.

21 7. Government Code section 11506 states, in pertinent part:

22 (c) The respondent shall be entitled to a hearing on the merits if the respondent
23 files a notice of defense, and the notice shall be deemed a specific denial of all parts
24 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.

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 2011-75.

28 9. California Government Code section 11520 states, in pertinent part:

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

5 10. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on the
7 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
8 taking official notice of all the investigatory reports, exhibits and statements contained therein on
9 file at the Board's offices regarding the allegations contained in Accusation No. 2011-75, finds
10 that the charges and allegations in Accusation No. 2011-75, are separately and severally, found to
11 be true and correct by clear and convincing evidence.

12 11. Taking official notice of its own internal records, pursuant to Business and
13 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
14 and Enforcement is \$862.50 as of August 25, 2011.

15 DETERMINATION OF ISSUES

16 1. Based on the foregoing findings of fact, Respondent Stephen James Redd has
17 subjected his Operator's License No. OPR 11062 and Company Registration Certificate Number
18 PR 5315 to discipline.

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

20 3. The Structural Pest Control Board is authorized to revoke Respondent's Operator's
21 License based upon the following violations alleged in the Accusation which are supported by the
22 evidence contained in the Default Decision Evidence Packet in this case.:

23 a. Respondent's operator's license and company registration certificate are subject to
24 disciplinary action under Code section 8649, in that Respondent has been convicted of the
25 following crimes that are substantially related to the qualifications, functions, and duties of a
26 licensee:

27 1. On October 28, 2010, in the Superior Court, County of San Luis Obispo,
28 California, in the matter entitled *People vs. Stephen J. Redd*, 2010, Case No. M000448286,
Respondent was convicted by the Court following his plea of no contest to a violation of Vehicle

1 Code section 20002, subdivision (a) (willfully and unlawfully failed, refused, and neglected to
2 locate and notify the owner of a vehicle or other property damage), a misdemeanor. The
3 circumstances of the crime are that on June 7, 2010, Respondent caused an accident resulting in
4 damage to someone else's property and then failed to notify the owner or leave a note providing
5 his contact information.

6 2. On June 4, 2001, in the Superior Court, County of Santa Barbara, Figueroa
7 Division, California, in the matter entitled *People vs. Stephen James Redd*, 2001, Case No.
8 1055681, Respondent was convicted by the court following his plea of no contest to a violation of
9 Vehicle Code section 23152, subdivision (b) (driving a vehicle with a blood alcohol level above
10 .08%), a misdemeanor with a prior violation of Vehicle Code section 23103 (reckless driving)
11 The circumstances of the crime are that on or about April 14, 2001, Respondent was arrested for
12 driving under the influence of alcohol.

13 ORDER

14 IT IS SO ORDERED that Operator's License No. OPR 11062, and Company Registration
15 Certificate Number PR 5315 heretofore issued to Respondent Stephen James Redd, are revoked.

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

20 This Decision shall become effective on November 17, 2011.

21 It is so ORDERED October 18, 2011

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25 FOR THE STRUCTURAL PEST CONTROL
26 BOARD
27 DEPARTMENT OF PESTICIDE REGULATION

28 60673362.DOC
DOJ Matter ID:LA2011600124
Attachment: Exhibit A: Accusation

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Attorneys for Complainant

FILED

Date 6/28/11

By *William H. Douglas*

7
8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF PESTICIDE REGULATION**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2011-75

11 **STEPHEN JAMES REDD**
12 **10196 Suey Creek Road**
Nipomo, CA 93444
13 **Operator's License No. OPR 11062,**
Branch 3
14 **Company Registration Certificate No. PR 5315,**
Branch 3

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. William H. Douglas ("Complainant") brings this Accusation solely in his official
20 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board
21 ("Board"), Department of Pesticide Regulation.

22 **Operator's License**

23 2. On or about March 30, 2005, the Board issued Operator's License Number OPR
24 11062 in Branch 3 to Stephen James Redd ("Respondent"). On or about December 11, 2010, the
25 operator's license was suspended pursuant to Family Code section 17520.

26 **Company Registration Certificate**

27 3. On or about April 20, 2007, the Board issued Company Registration Certificate
28 Number PR 5315 in Branch 3 to Packard Termite & Pest Control of Central California, Inc.,

1 doing business as Packard Termite of Central California, Inc., with Respondent as the President
2 and Qualifying Manager. On or about August 23, 2010, the company registration certificate was
3 suspended pursuant to Business and Professions Code section 8690 (failure to maintain general
4 liability insurance). On or about January 10, 2011, the company registration certificate was
5 further suspended for no qualifier due to suspension of the operator's license pursuant to Family
6 Code section 17520.

7 STATUTORY PROVISIONS

8 4. Section 8620 of the Business and Professions Code ("Code") provides, in pertinent
9 part, that the Board may suspend or revoke a license when it finds that the holder, while a
10 licensee or applicant, has committed any acts or omissions constituting cause for disciplinary
11 action or in lieu of a suspension may assess a civil penalty.

12 5. Code section 8625 states:

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

19 6. Code section 8649 states:

20 Conviction of a crime substantially related to the qualifications, functions,
21 and duties of a structural pest control operator, field representative, applicator, or
22 registered company is a ground for disciplinary action. The certified record of
23 conviction shall be conclusive evidence thereof.

24 COST RECOVERY

25 7. Code section 125.3 states, in pertinent part, that a Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

29 CAUSE FOR DISCIPLINE

30 (Criminal Convictions)

31 8. Respondent's operator's license and company registration certificate are subject to
32 disciplinary action under Code section 8649, in that Respondent has been convicted of the

1 following crimes that are substantially related to the qualifications, functions, and duties of a
2 licensee:

3 a. On October 28, 2010, in the Superior Court, County of San Luis Obispo, California,
4 in the matter entitled *People vs. Stephen J. Redd*, 2010, Case No. M000448286, Respondent was
5 convicted by the Court following his plea of no contest to a violation of Vehicle Code section
6 20002, subdivision (a) (willfully and unlawfully failed, refused, and neglected to locate and notify
7 the owner of a vehicle or other property damage), a misdemeanor. The circumstances of the
8 crime are that on June 7, 2010, Respondent caused an accident resulting in damage to someone
9 else's property and then failed to notify the owner or leave a note providing his contact
10 information.

11 b. On June 4, 2001, in the Superior Court, County of Santa Barbara, Figueroa Division,
12 California, in the matter entitled *People vs. Stephen James Redd*, 2001, Case No. 1055681,
13 Respondent was convicted by the court following his plea of no contest to a violation of Vehicle
14 Code section 23152, subdivision (b) (driving a vehicle with a blood alcohol level above .08%), a
15 misdemeanor with a prior violation of Vehicle Code section 23103 (reckless driving) The
16 circumstances of the crime are that on or about April 14, 2001, Respondent was arrested for
17 driving under the influence of alcohol.

18 **OTHER MATTERS**

19 9. Code section 8620 provides, in pertinent part, that a respondent may request that a
20 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,
21 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
22 at the time of the hearing and must be noted in the proposed decision. The proposed decision
23 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

24 9. Pursuant to Code section 8654, if discipline is imposed on Operator's License
25 Number OPR 11062 issued to Respondent, then Stephen J. Redd, shall be prohibited from serving
26 as an officer, director, associate, partner or responsible managing employee of a licensee, and any
27 licensee which employs, elects, or associates him shall be subject to disciplinary action.

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10. Pursuant to Code section 8654, if discipline is imposed on Company Registration Certificate Number PR 5315 issued to Respondent, then Stephen J. Redd, who serves as the qualifying manage, shall be prohibited from serving as an officer, director, associate, partner or responsible managing employee of a licensee, and any licensee which employs, elects, or associates him shall be subject to disciplinary action.

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 11062, issued to Stephen James Redd;
- 2. Revoking or suspending Company Registration Certificate Number PR 5315, issued to Parkard Termite & Pest Control of Central California, Inc., doing business as Packard Termite of Central California, Inc.;
- 3. Ordering Stephen James Redd to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 4. Taking such other and further action as deemed necessary and proper.

DATED: 6/28/11

William H. Douglas
WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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