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

In the Matter of the Accusation Against:  
  
**THE X-TERMINATOR TERMITE  
CONTROL, CLAUDIA GALLEGOS,  
OWNER, DANIEL ANTHONY  
RODRIGUEZ, QUALIFYING MANAGER  
PO Box 604  
Downey, CA 90241  
Company Registration Certificate No. PR  
5525**  
  
and  
  
**DANIEL ANTHONY RODRIGUEZ  
PO Box 604  
Downey, CA 90241  
Operator's License No. OPR 11174**  
  
Respondents.

Case No. 2017-14

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 12, 2016, 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. 2017-14 against The X-Terminator Termite Control, with Claudia

1 Gallegos, as owner, and Daniel Anthony Rodriguez, as Qualifying Manager and Daniel Anthony  
2 Rodriguez (Respondents) before the Structural Pest Control Board. (Accusation attached as  
3 Exhibit A.)

4 2. On or about September 1, 2005, the Structural Pest Control Board (Board) issued  
5 Operator's License No. OPR 11174, Branch 3 to Daniel Anthony Rodriguez (Respondent  
6 Rodriguez). The Operator's License was in full force and effect at all times relevant to the  
7 charges brought in Accusation No. 2017-14 and will expire on June 30, 2017, unless renewed.

8 3. On or about February 5, 2008, the Board issued Company Registration Certificate  
9 Number PR 5525 in Branch 3 (termite) to The X-Terminator Termite Control (Respondent X-  
10 Terminator), with Claudia Gallegos as the Owner and Daniel Anthony Rodriguez (Respondent  
11 Rodriguez) as the Qualifying Manager.

12 4. On or about August 19, 2016, Respondents were served by Certified and First Class  
13 Mail copies of the Accusation No. 2017-14, Statement to Respondent, Notice of Defense, Request  
14 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
15 11507.7) at Respondents' address of record which, pursuant to Business and Professions Code  
16 section 136, is required to be reported and maintained with the Board. Respondent's address of  
17 record was and is:

18 PO Box 604  
19 Downey, CA 90241.

20 5. Service of the Accusation was effective as a matter of law under the provisions of  
21 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
22 124.

23 6. On or about September 23, 2016, the aforementioned documents were returned by the  
24 U.S. Postal Service marked "Vacant/Unable to Forward."

25 7. Government Code section 11506, subdivision (c) states, in pertinent part:

26 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
27 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
28 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense

1 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
2 discretion may nevertheless grant a hearing.

3 8. Respondents failed to file a Notice of Defense within 15 days after service upon them  
4 of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No.  
5 2017-14.

6 9. California Government Code section 11520, subdivision (a) states, in pertinent part:

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

11 10. Pursuant to its authority under Government Code section 11520, the Board finds  
12 Respondents are in default. The Board will take action without further hearing and, based on the  
13 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
14 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
15 file at the Board's offices regarding the allegations contained in Accusation No. 2017-14, finds  
16 that the charges and allegations in Accusation No. 2017-14, are separately and severally, found to  
17 be true and correct by clear and convincing evidence.

18 11. Taking official notice of its own internal records, pursuant to Business and  
19 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
20 and Enforcement is \$2,160.00 as of October 10, 2016.

#### 21 DETERMINATION OF ISSUES

22 1. Based on the foregoing findings of fact, Respondent X-Terminator and Respondent  
23 Rodriguez have subjected Company Registration Certificate Number PR 5525, Branch 3, and  
24 Operator's License No. OPR 11174, Branch 3, respectively, to discipline.

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

26 3. The Structural Pest Control Board is authorized to revoke Respondent X-  
27 Terminator's Company Registration Certificate and Respondent Rodriguez's Operator's License  
28 and 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:

1 a. Business and Professional Code section 8641 and section 8593, and California Code  
2 of Regulations, title 16, section 1950 (failure to verify completion of continuing education),

3 b. Business and Professional Code section 8637 (misrepresentation of a material fact in  
4 obtaining a license), and

5 c. Business and Professional Code section 8642 (commission of a fraudulent act).

6 ORDER

7 IT IS SO ORDERED that Operator's License No. OPR 11174, Branch 3, heretofore issued  
8 to Respondent Daniel Anthony Rodriguez, and Company Registration Certificate No. PR 5525 in  
9 Branch 3, heretofore issued to Respondent The X-Terminator Termite Control are revoked.

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

14 This Decision shall become effective on February 24, 2017.

15 It is so ORDERED January 25, 2017

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

22 52245833\_2.DOCX  
23 DOJ Matter ID:LA2016601458

24 Attachment:  
25 Exhibit A: Accusation