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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. 2011-54

WILLIAM WRIGHT
13677 Hacienda Heights Drive
Desert Hot Springs, CA 92240

DEFAULT DECISION AND ORDER

Operator's License No. OPR 11356

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about April 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. 2011-54 against William Wright (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about July 18, 2006, the Structural Pest Control Board (Board) issued Operator's License No. OPR 11356 to Respondent. The Operator's License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

3. On or about May 3, 2011, Respondent was served by First Class Mail and Certified Mail copies of the Accusation No. 2011-54, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Board, which was and is:

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13677 Hacienda Heights Drive
Desert Hot Springs, CA 92240

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2 4. Service of the Accusation was effective as a matter of law under the provisions of
3 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
4 124.

5 5. On or about May 9, 2011, the aforementioned documents were returned by the U.S.
6 Postal Service marked "Return to Sender." The address on the documents was the same as the
7 address on file with the Board. Respondent failed to maintain an updated address with the Board
8 and the Board has made attempts to serve the Respondent at the address on file. Respondent has
9 not made himself available for service and therefore, has not availed himself of his right to file a
10 notice of defense and appear at hearing.

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

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts
14 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.

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
16 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
17 No. 2011-54.

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

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

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 2011-54, finds
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1 that the charges and allegations in Accusation No. 2011-54, are separately and severally, found to
2 be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$1,185.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent William Wright has subjected
8 his Operator's License No. OPR 11356 to discipline.

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

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

13 a. Violation of Business and Professions Code sections 8637 and 8641 in that
14 Respondent misrepresented a material fact to the Board that he had completed 18 hours of
15 continuing education during the renewal period of July 1, 2006 through June 30, 2009, when in
16 fact, he had not. Respondent failed to submit verification to the Board of having completed 18
17 hours of continuing education after the Board requested said verification, in writing, on
18 December 8, 2009, January 29, 2010, March 23, 2010, and September 30, 2010.

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ORDER

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2 IT IS SO ORDERED that Operator's License No. OPR 11356, heretofore issued to
3 Respondent William Wright, is revoked.

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

8 This Decision shall become effective on August 25, 2011.

9 It is so ORDERED July 26, 2011

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11 FOR THE STRUCTURAL PEST CONTROL BOARD
12 DEPARTMENT OF PESTICIDE REGULATION

13
14 DOJ Matter ID:SD2010703585

15 Attachment:
16 Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant

FILED

Date 4/28/11

By *William H. Douglas*

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

11 In the Matter of the Accusation Against:

Case No. 2011-54

12 **WILLIAM WRIGHT**
13 13677 Hacienda Heights Drive
Desert Hot Springs, CA 92240

ACCUSATION

14 **Operator's License No. OPR 11356**

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about July 18, 2006, the Structural Pest Control Board issued Operator's
24 License Number OPR 11356 to William Wright (Respondent). The Operator's License was in
25 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
26 2012, unless renewed.

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JURISDICTION

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

STATUTORY PROVISIONS

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

5. Section 8625 of the Code 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."

6. Section 8637 of the Code states that "[m]isrepresentation of a material fact by the applicant in obtaining a license or company registration is a ground for disciplinary action."

7. Section 8641 of the Code states:

"Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests or organisms, or furnishing a notice of work completed prior to the completion of the work specified in the contract, is a ground for disciplinary action."

8. Section 8642 of the Code states that "[t]he commission of any grossly negligent or fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a registered company is a ground for disciplinary action."

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1 REGULATORY PROVISIONS

2 9. California Code of Regulations, title 16, section 1950, subdivision (d), states, in
3 pertinent part, that field representatives licensed in one branch of pest control shall have
4 completed 16 continuing education hours during each three year renewal period, with a minimum
5 of four continuing education hours in a technical subject directly related to each branch of pest
6 control held by the licensee and a minimum of eight hours must be gained from Board approved
7 courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control
8 related agencies' rules and regulations.

9 COST RECOVERY

10 10. Section 125.3 of the Code states, in pertinent part, that a Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 FIRST CAUSE FOR DISCIPLINE

15 (Failure to Provide Proof of Continuing Education)

16 11. Respondent is subject to disciplinary action under section under Code section 8641 in
17 that he failed to verify the completion of 18 hours continuing education hours as claimed on his
18 renewal application dated June 26, 2009, as required by California Code of Regulations, title 16,
19 section 1950, subdivision (a), and having been requested by the Board in writing on December 8,
20 2009, January 29, 2010, March 23, 2010, and September 30, 2010, to do so.

21 SECOND CAUSE FOR DISCIPLINE

22 (Misrepresentation)

23 12. Respondent is subject to disciplinary action under section 8637 in that he obtained the
24 renewal of his field representative license by misrepresenting the material fact that he had
25 completed 18 hours in continuing education during the renewal period of July 1, 2006 through
26 June 30, 2009, when in fact, he had not.

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