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

In the Matter of the Accusation Against: **JAMES EDWARD THORNTON** **5661 Chadbourne Avenue** **Riverside, CA 92505** **Operator's License No. OPR 11803** **Company Registration Certificate No. PR 5899** Respondent.	Case No. 2013-49 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 19, 2013, Complainant Susan Saylor, in her official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2013-49 against James Edward Thornton (Respondent) before the Structural Pest Control Board. (The Accusation is attached as Exhibit A.)

2. On or about January 23, 2009, the Structural Pest Control Board (Board) issued Operator's License No. OPR 11803 to Respondent. The Operator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-49 and will expire on June 30, 2014, unless renewed.

3. On or about August 11, 2009, the Structural Pest Control Board issued Company Registration Certificate Number PR 5899, in Branch 2, to Pay it Forward Pest Control with James Edward Thornton (Respondent) as Owner and Qualifying Manager.

4. On or about June 24, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-49, 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. Respondent's address of record was and is:

5661 Chadbourne Avenue
Riverside, CA 92505

5. On or about June 24, 2013, Respondent was also served by Certified and First Class Mail at Wasco State Prison Reception Center, 701 Scofield Avenue, P.O. Box 8800, Wasco, CA 93280.

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

7. On or about July 1, 2013, and July 11, 2013, the aforementioned documents served to Respondent's address of record via First Class and Certified Mail, respectively, were returned by the U.S. Postal Service marked "Return to Sender – Not Deliverable as Addressed – Unable to Forward." On or about July 5, 2013, a Domestic Return Receipt for the aforementioned documents mailed to Wasco State Prison Reception Center was received.

8. After receiving information that Respondent's location had changed, on or about July 29, 2013, Respondent was re-served the aforementioned documents by Certified and First Class Mail at P.O. Box 686, Soledad, CA 93960-0686. Records indicate that the documents were delivered to Soledad State Prison on August 2, 2013.

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9. Government Code section 11506 states, in pertinent part:

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

10. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2013-49.

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

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

12. 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 taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-49, finds that the charges and allegations in Accusation No. 2013-49, are separately and severally, found to be true and correct by clear and convincing evidence.

13. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is $1,062.50 as of August 22, 2013.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent James Edward Thornton has subjected his Operator's License No. OPR 11803, and his Company Registration Certificate Number PR 5899 to discipline.

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

3. The Structural Pest Control Board is authorized to revoke Respondent's Operator's License and Company Registration Certificate based upon the following violations alleged in the

Accusation which are supported by the Default Decision Investigatory Evidence Packet in this case:

a. Respondent has subjected his license and certificate to disciplinary action under sections 490 and 8649 of the Code in that on or about February 21, 2013, in a criminal proceeding entitled *People of the State of California v. James Edward Thornton,* in Riverside County Superior Court, case number RIF1203930, Respondent was convicted on his plea of guilty of violating Pen. Code § 496(a), possession of stolen property, a felony, a crime that is substantially related to the qualifications, functions, and duties of a licensee.

b. Respondent has subjected his license and certificate to disciplinary action under sections 490 and 8649 of the Code in that on or about February 21, 2013, in a criminal proceeding entitled *People of the State of California v. James E. Thornton,* in Riverside County Superior Court, case number RIF1205987, Respondent was convicted on his plea of guilty of violating Pen. Code § 459(a), burglary of an inhabited dwelling, and Health & Saf. Code § 11379(a), transportation of methamphetamine, felonies, crimes that are substantially related to the qualifications, functions, and duties of a licensee.

c. Respondent has subjected his license and certificate to disciplinary action under sections 490 and 8649 of the Code in that on or about February 21, 2013, in a criminal proceeding entitled *People of the State of California v. James E. Thornton,* in Riverside County Superior Court, case number RIF1204130, Respondent was convicted on his plea of guilty of violating Pen. Code § 29800(a)(1), a felon in possession of a handgun, a felony, a crime that is substantially related to the qualifications, functions, and duties of a licensee.

d. Respondent has subjected his license and certificate to disciplinary action under sections 490 and 8649 of the Code in that on or about February 21, 2013, in a criminal proceeding entitled *People of the State of California v. James E. Thornton,* in Riverside County Superior Court, case number RIF120998, Respondent was convicted on his plea of guilty of violating Pen. Code § 496(a), possession of stolen property, and Health & Saf. Code § 11379(a), possession of methamphetamine for sale, felonies, crimes that are substantially related to the qualifications, functions, and duties of a licensee.

ORDER

IT IS SO ORDERED that Operator's License No. OPR 11803, and Company Registration Certificate Number PR 5899, heretofore issued to Respondent James Edward Thornton, are 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 November 22, 2013.

It is so ORDERED October 23, 2013

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID:SD2013705201

Attachment:
Exhibit A: Accusation