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

In the Matter of the Accusation Against:
JAMES ROBERT BERZINSKI
13941 Ramona Avenue, Unit J
Chino, CA 91710
Operator's License No. OPR 12237

Respondent.

Case No. 2016-29
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 8, 2015, 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. 2016-29 against James Robert Berzinski (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On or about June 24, 2011, the Structural Pest Control Board (Board) issued Operator's License No. OPR 12237 to Respondent. The Operator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2016-29 and will expire on June 30, 2016, unless renewed.
3. On or about December 14, 2015 and December 29, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2016-29, Statement to Respondent,

1 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
2 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business
3 and Professions Code section 136, is required to be reported and maintained with the Board.

4 Respondent's address of record was and is:

5 13941 Ramona Avenue, Unit J
6 Chino, CA 91710

7 and

8 3630 Everest Avenue
9 Riverside, CA 92503

10 In addition, on January 19, 2016, Respondent was served at the following additional
11 addresses:

12 3036 Priscilla Street
13 Riverside, CA 92506

14 11388 Magnolia Avenue, Apt. A
15 Riverside, CA 92505

16 4. Service of the Accusation was effective as a matter of law under the provisions of
17 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
18 124.

19 5. Government Code section 11506 states, in pertinent part:

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

25 6. 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 2016-29.

28 7. 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.

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ORDER

IT IS SO ORDERED that Operator's License No. OPR 12237, heretofore issued to Respondent James Robert Berzinski, 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 May 20, 2016.

It is so ORDERED April 20, 2016



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

81278100.DOC
DOJ Matter ID:SD2015802212
Attachment:
Exhibit A: Accusation