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8 9 10	BEFORE THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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12	In the Matter of the Accusation and Petition to Revoke Probation Against:	Case No. 2015-53	
13		DEFAULT DECISION AND ORDER	
14 15	FOXX TERMITE, INC., ALONZO SILLAS 324 S. Diamond Bar Blvd., Unit #400 Diamond Bar, CA 91765	[Gov. Code, §11520]	
16 17 18	1598 W. Second Street Pomona, CA 91766 Company Registration Certificate No. PR 6265		
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20	Respondent.		
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23	FINDINGS OF FACT		
24	1. On or about May 7, 2015, Complainant Susan Saylor, in her official capacity as the		
25	Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer		
26	Affairs, filed Accusation and Petition to Revoke Probation No. 2015-53 against Foxx Termite,		
27	Inc., Alonzo Sillas (Respondent) before the Structural Pest Control Board. (Accusation and		
28	Petition to Revoke Probation attached as Exhibi	t A.)	
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	(FOXX TERMITE, IN	C., ALONZO SILLAS) DEFAULT DECISION & ORDER	

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1	2. On or about April 5, 2011, the Structural Pest Control Board (Board) issued Company		
2	Registration Certificate No. PR 6265 to Respondent. The Company Registration Certificate was		
3	in full force and effect at all times relevant to the charges brought in Accusation and Petition to		
4	Revoke Probation No. 2015-53.		
5	3. On or about May 15, 2015, Respondent was served by Certified and First Class Mail		
6	copies of the Accusation and Petition to Revoke Probation No. 2015-53, Statement to		
7	Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government		
8	Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant		
9	to Business and Professions Code section 136, is required to be reported and maintained with the		
10	Board. Respondent's address of record was and is:		
11 12	324 S. Diamond Bar Blvd., Unit #400 Diamond Bar, CA 91765		
12	1598 W. Second Street Pomona, CA 91766		
14	4. Government Code section 11506 states, in pertinent part:		
15 16 17	(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.		
18	5. Respondent failed to file a Notice of Defense within 15 days after service upon them		
19	of the Accusation and Petition to Revoke Probation, and therefore waived their right to a hearing		
20	on the merits of Accusation and Petition to Revoke Probation No. 2015-53.		
21	6. California Government Code section 11520 states, in pertinent part:		
22	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		
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24	respondent.		
25	7. Pursuant to its authority under Government Code section 11520, the Board finds		
26	Respondent is in default. The Board will take action without further hearing and, based on the		
27	relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as		
28	taking official notice of all the investigatory reports, exhibits and statements contained therein or		
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1	file at the Board's offices regarding the allegations contained in Accusation and Petition to		
2	Revoke Probation No. 2015-53, finds that the charges and allegations in Accusation and Petition		
3	to Revoke Probation No. 2015-53, are separately and severally, found to be true and correct by		
4	clear and convincing evidence.		
5	8. Taking official notice of its own internal records, pursuant to Business and		
6	Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation		
7	and Enforcement is \$2,445.00 as of August 26, 2015.		
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9	DETERMINATION OF ISSUES		
10	1. Based on the foregoing findings of fact, Respondent Foxx Termite, Inc., Alonzo		
11	Sillas has subjected its Company Registration Certificate No. PR 6265 to discipline.		
12	2. The agency has jurisdiction to adjudicate this case by default.		
13	3. The Structural Pest Control Board is authorized to revoke Respondent's Company		
14	Registration Certificate based upon the following violations alleged in the Accusation and		
15	Petition to Revoke Probation which are supported by the evidence contained in the Default		
16	Decision Evidence Packet in this case:		
17	Accusation		
18	a. Failure to File Wood Destroying Organism Activities Report in violation of §§		
19	8516(b) and 8518 in conjunction with Cal. Code of Regs. Title 16 § 1996.3(a);		
20	b. Gross Negligence in violation of § 8642;		
21	c. Failure to Maintain Insurance Policy in violation of §§ 8691, 8692 and 8695;		
22	d. Failure to Maintain Indemnity Bond in violation of § 8697;		
23	e. Failure to Maintain Restoration Bond in violation of § 8697.3.		
24	Petition to Revoke		
25	a. Failure to Obey All Laws in violation of Probation Condition No. 1;		
26	b. Failure to Maintain a Bond Requirement in violation of Probation Condition No. 15	;	
27	c. Failure to File a Surety Bond in violation of Condition No. 16;		
28	d. Failure to File WDO Activities in violation of Condition No. 17;		
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	(FOXX TERMITE, INC., ALONZO SILLAS) DEFAULT DECISION & ORD	ER	

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1	e. Failure to Pay Citation and Fines in violation of Condition No. 18;		
2	f. Failure to Pay Cost Recovery in the amount of \$9,315.14 in violation of Condition		
3	No. 13.		
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5	ORDER		
6	IT IS SO ORDERED that Company Registration Certificate No. PR 6265, heretofore issued		
7	to Respondent Foxx Termite, Inc., Alonzo Sillas, is revoked.		
8	8 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a		
9	written motion requesting that the Decision be vacated and stating the grounds relied on within		
10	seven (7) days after service of the Decision on Respondent. The agency in its discretion may		
11	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.		
12	This Decision shall become effective on <u>November</u> 12, 2015		
13	3 It is so ORDERED October 13, 2015		
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16	FOR THE STRUCTURAL PEST CONTROL		
17	BOARD DEPARTMENT OF CONSUMER AFFAIRS		
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19	51890118.DOC		
20	DOJ Matter ID:LA2014513159		
21	Attachment: Exhibit A: Accusation and Petition to Revoke Probation		
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