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

In the Matter of the Accusation Against: **BILLY C. JENNINGS,** **AKA BILLY CLYDE JENNINGS** **13538 Quiet Hills Drive** **Poway, CA 92064** **Field Representative License No. 39744** **Applicator License No. 43314** Respondent.	Case No. 2013-16 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On October 3, 2012, Complainant Susan Saylor, in her official capacity as the Assistant Executive Officer of the Structural Pest Control Board (Board), Department of Pesticide Regulation, filed Accusation No. 2013-16 against Billy C. Jennings, also known as (aka) Billy Clyde Jennings (Respondent) before the Board. (Accusation attached as Exhibit A.)

2. On March 14, 2006, the Board issued Field Representative License No. 39744 to Respondent. The Field Representative License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-16 and will expire on June 30, 2014, unless renewed.

3. On March 30, 2005, the Board issued Applicator License No. 43314 to Respondent. The Applicator License expired on March 30, 2008, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and

Code section 8625 does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

4. On October 12, 2012, Respondent was served by Certified and First Class Mail copies of Accusation No. 2013-16, 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 13538 Quiet Hills Drive, Poway, CA 92064.

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

6. On October 22, 2012, the domestic return receipt number 7196 9008 9111 7119 7058 for the aforementioned documents was returned by the U.S. Postal Service acknowledged as received by Respondent. The address on the documents was the same as the address on file with the Board. Respondent has not availed himself of his right to file a notice of defense.

7. 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.

8. 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. 2013-16.

9. 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.

10. 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. 2013-16, finds that the charges and allegations in Accusation No. 2013-16, are separately and severally, found to be true and correct by clear and convincing evidence.

11. 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 $530.00 as of November 28, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Billy C. Jennings, aka Billy Clyde Jennings has subjected his Field Representative License No. 39744 and Applicator License No. 43314 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 Field Representative License and Applicator License 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.:

a. Respondent has subjected his Field Representative License to disciplinary action under Code section 8641, for failure to comply with Code section 8593 and Regulation section 1950, subdivision (a), in that he failed to provide the Board with verifiable documentation to demonstrate that he completed the continuing education requirements as a condition of renewal of his Field Representative License.

b. Respondent has subjected his Field Representative License and Applicartor License to disciplinary action under Code section 8637, in that Respondent misrepresented that he had completed 16 hours of continuing education coursework in his license renewal application, when in fact he had failed to fulfill the Board's continuing education requirements as a condition of renewal of his license.

///

///

ORDER

IT IS SO ORDERED that Field Representative License No. 39744 and Applicator License No. 43314, heretofore issued to Respondent Billy C. Jennings, aka Billy Clyde Jennings, 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 February 23, 2013.

It is so ORDERED January 24, 2013

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

70651913.DOC
DOJ Matter ID:SD2012703858

Attachment:
Exhibit A: Accusation