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

In the Matter of the Accusation Against:

Case No. 2010-18

**CHASE AUSTIN BUTALA C/O JADE
TERMITE & PEST, INC.
c/o Jade Termite & Pest, Inc.
13125 Lakeland Road, #A
Santa Fe Springs, CA 90670**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

**Registered Applicator's License No. RA
46316**

Respondent.

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FINDINGS OF FACT

1. On or about October 7, 2009, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2010-18 against Chase Austin Butala (Respondent) before the Structural Pest Control Board (Board).

2. On or about September 12, 2006, the Board issued Registered Applicator's License No. RA 46316 (license), Branches 2 and 3, to Respondent. The Registered Applicator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2010-18, and was due to renew on September 12, 2009, and is now delinquent.

3. On or about October 28, 2009, Anna Carpenter, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2010-18, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is: c/o Jade Termite & Pest, Inc., 13125 Lakeland Road, #A, Santa Fe Springs, CA 90670. In

1 addition, on or about December 4, 2009, P. Van Kesteren, an employee of the Department of
2 Justice, served by Certified and First Class Mail a copy of the same documents to Respondent's
3 alternate address on file with the Board, which was and is: 1501 S. Beach Boulevard, La Habra,
4 California 90631.

5 4. A copy of the Accusation is attached as Exhibit A, and is incorporated herein by
6 reference.

7 5. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c).

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

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts
12 of the accusation not expressly admitted. Failure to file a notice of defense shall
13 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
14 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 No.
17 2010-18.

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
22 respondent.

23 9. Business and Professions Code section 118, subdivision (b) states:

24 The suspension, expiration, or forfeiture by operation of law of a license issued by a board
25 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
26 of a court of law, or its surrender without the written consent of the board, shall not, during any
27 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
28 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
provided by law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground.

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1 10. Pursuant to its authority under Government Code section 11520, the Board finds
2 Respondent is in default. The Board will take action without further hearing and, based on the
3 evidence on file herein, finds that the allegations in Accusation No. 2010-18 are true.

4 11. The total cost for investigation and enforcement in connection with the Accusation
5 are \$ 1,238.35, as of December 28, 2009.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Chase Austin Butala has
8 subjected his Registered Applicator's License No. RA 46316, Branches 2 and 3, to discipline.

9 2. A copy of the Accusation is attached.

10 3. The agency has jurisdiction to adjudicate this case by default.

11 4. The Structural Pest Control Board is authorized to revoke Respondent's Registered
12 Applicator's License, Branches 2 and 3, based upon the following violations alleged in the
13 Accusation:

14 a. Business and Professions Code sections 8620 and 8649, in that on or about January 6,
15 2009, in the case entitled, *People of the State of California v. Chase Austin Butala* (Super. Ct. Los
16 Angeles County, 2009, Case No. 9PK00020), Respondent was convicted on his plea of nolo
17 contendere of violating Vehicle Code section 10851, subdivision (a) (Unlawful Driving or Taking
18 of a Vehicle), a misdemeanor. The circumstances of the crime are that on January 2, 2009,
19 Respondent did unlawfully drive and take a vehicle being the personal property of M.S., without
20 the consent of and with intent, to deprive the owner of title and possession of the vehicle. Such
21 crime is substantially related to the functions, qualifications, and duties of a licensee. A copy of
22 the Certified Conviction Record for Case No. 9PK00020 is attached as Exhibit B, and is
23 incorporated herein by reference.

24 RECORD

25 The record upon which this Default Decision and Order are based is located at the
26 Sacramento headquarters of the Board.

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ORDER

IT IS SO ORDERED that Registered Applicator's License No. RA 46316, Branches 2 and 3, heretofore issued to Respondent Chase Austin, 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 March 26, 2010.

It is so ORDERED February 24, 2010



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

60506300.DOC
DOJ docket number:LA2009602865

Attachments:

Exhibit A: Accusation No.2010-18

Exhibit B: Certified Conviction Documents

Exhibit A

Accusation No. 2010-18

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 SCOTT J. HARRIS
Deputy Attorney General
4 State Bar No. 238437
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

FILED

Date 10/7/09 By Kelli Okuma

8
9 **BEFORE THE**
10 **STRUCTURAL PEST CONTROL BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2010-18

14 **CHASE AUSTIN BUTALA**
15 **c/o Jade Termite & Pest, Inc.**
16 **13125 Lakeland Road, #A**
Santa Fe Springs, CA 90670

ACCUSATION

17 **Registered Applicator's License**
18 **No. RA 46316**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Kelli Okuma ("Complainant") brings this Accusation solely in her official capacity as
23 the Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
24 Consumer Affairs.

25 **Registered Applicator License No. RA 46316**

26 2. On or about September 12, 2006, the Board issued Registered Applicator's License
27 Number RA 46316 ("license"), Branches 2 and 3, to Chase Austin Butala ("Respondent"). The
28 license was due to renew on September 12, 2009, and is now delinquent.

1 disciplinary action. The certified record of conviction shall be
2 conclusive evidence thereof.

3 **COST RECOVERY**

4 7. Code section 125.3 states, in pertinent part, that a Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **CAUSE FOR DISCIPLINE**

9 **(Criminal Conviction)**

10 9. Respondent is subject to disciplinary action under section Code sections 8620 and
11 8649, in that on or about January 6, 2009, in the case entitled, *People of the State of California v.*
12 *Chase Austin Butala* (Super. Ct. Los Angeles County, 2009, Case No. 9PK00020), Respondent
13 was convicted on his plea of nolo contendere of violating Vehicle Code section 10851,
14 subdivision (a) (Unlawful Driving or Taking of a Vehicle), a misdemeanor. The circumstances of
15 the crime are that on January 2, 2009, Respondent did unlawfully drive and take a vehicle being
16 the personal property of M.S., without the consent of and with intent, to deprive the owner of title
17 and possession of the vehicle. Such crime is substantially related to the functions, qualifications,
18 and duties of a licensee.

19 **OTHER MATTERS**

20 10. Pursuant to Code section 8654, if discipline is imposed on Registered Applicator's
21 License No. RA 46316 issued to Respondent, then Respondent shall be prohibited from serving
22 as an officer, director, associate, partner, qualifying manager, or responsible managing employee
23 for any registered company during the time the discipline is imposed, and any registered company
24 which employs, elects or associates with Respondent shall be subject to disciplinary action.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Registered Applicator's License Number RA 46316, Branches 2 and 3, issued to Chase Austin Butala;
2. Ordering Chase Austin Butala to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/7/09


KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant