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

In the Matter of the Accusation Against:

Case No. 2010-45

**DION CAMBRIA C/O ECOLA
SERVICES, INC.
Dion Cambria c/o Ecola Services, Inc.
15314 Devonshire Street, #C
Mission Hills, CA 91345**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

**Registered Applicator's License No. RA
46855**

Respondent.

FINDINGS OF FACT

1. On or about January 19, 2010, Complainant Kelli Okuma, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2010-45 against Dion Cambria c/o Ecola Services, Inc. (Respondent) before the Structural Pest Control Board.

2. On or about January 22, 2007, the Structural Pest Control Board (Board) issued Registered Applicator's License No. RA 46855 to Respondent. The Registered Applicator's License was in full force and effect at all times relevant to the charges brought herein and will expire on January 22, 2010, unless renewed.

1 3. On or about February 1, 2010, Anna Carpenter, an employee of the Department of
2 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2010-45, Statement
3 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections
4 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and
5 is:

6 Dion Cambria c/o Ecola Services, Inc.
7 15314 Devonshire Street, #C
8 Mission Hills, CA 91345.

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

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c).

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

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

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
20 2010-45.

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

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

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 evidence on file herein, finds that the allegations in Accusation No. 2010-45 are true.

 9. The total costs for investigation and enforcement in connection with the Accusation
are \$2,093.50, as of February 22, 2010.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Dion Cambria c/o Ecola
3 Services, Inc. has subjected his Registered Applicator's License No. RA 46855 to discipline.

4 2. A copy of the Accusation is attached.

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

6 4. The Structural Pest Control Board is authorized to revoke Respondent's Registered
7 Applicator's License based upon the following violations alleged in the Accusation:

8 a. Business & Professions Code section 8649, in that he was convicted of the following
9 crimes that are substantially related to the qualifications, functions or duties of a structural pest
10 control applicator: first degree residential burglary; unlawfully possessing a controlled substance
11 for sale and purchase; and receiving/concealing stolen property.

12 b. Business & Professions Code section 8641, in that between April 11, 2008, and
13 August 18, 2008, Respondent engaged in the business or practice of structural pest control
14 without employing or securing the services of a licensed field representative to perform
15 inspections, in violation of Code section 8550.

16 **ORDER**

17 IT IS SO ORDERED that Registered Applicator's License No. RA 46855, heretofore issued
18 to Respondent Dion Cambria c/o Ecola Services, Inc., is revoked.

19 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
20 written motion requesting that the Decision be vacated and stating the grounds relied on within
21 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
22 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

23 This Decision shall become effective on April 25, 2010.

24 It is so ORDERED March 26, 2010

25 
26 FOR THE STRUCTURAL PEST CONTROL BOARD
27 DEPARTMENT OF PESTICIDE REGULATION

Attachment: Exhibit A: Accusation No. 2010-45

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Exhibit A
Accusation No. 2010-45

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HELENE E. SWANSON
Deputy Attorney General
4 State Bar No. 130426
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-3005
6 Facsimile: (213) 897-2804
Attorneys for Complainant

FILED

Date 1/19/10 By *Kelli Okuma*

7
8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF PESTICIDE REGULATION**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2010-45

11 **DION RAMOS CAMBRIA**
12 **C/O Ecola Services, Inc.**
13 **15314 Devonshire Street, #C**
Mission Hills, California 91345

ACCUSATION

14 **Registered Applicator's License No. RA**
46855, Branches 2 and 3

15 Respondent.

16
17 Kelli Okuma (Complainant) alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Registrar of
20 the Structural Pest Control Board ("Board"), Department of Consumer Affairs.

21 2. On or about January 22, 2007, the Board issued Registered Applicator's License
22 Number RA 46855, in Branches 2 and 3 to Dion Ramos Cambria ("Respondent"). The license
23 will expire on January 22, 2010, unless renewed.

24 **JURISDICTION**

25 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
26 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
27 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
28 of a suspension may assess a civil penalty.

1 4. Code section 8625 states:

2 The lapsing or suspension of a license or company registration by operation of
3 law or by order or decision of the board or a court of law, or the voluntary surrender
4 of a license or company registration shall not deprive the board of jurisdiction to
5 proceed with any investigation of or action or disciplinary proceeding against such
6 licensee or company, or to render a decision suspending or revoking such license or
7 registration.

8 **STATUTORY PROVISIONS**

9 5. Code section 8649 states:

10 Conviction of a crime substantially related to the qualifications, functions, and
11 duties of a structural pest control operator, field representative, applicator, or
12 registered company is a ground for disciplinary action. The certified record of
13 conviction shall be conclusive evidence thereof.

14 **COST RECOVERY**

15 6. Code section 125.3 provides, in pertinent part, that the Registrar may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Crime)**

21 7. Respondent is subject to discipline under Code sections 8649, in that on or about
22 November 18, 2008, he was convicted of the following crimes that are substantially related to the
23 qualifications, functions or duties of a structural pest control applicator:

24 **November 18, 2008**

25 a. In the case of *People v. Dion Ramos Cambria*, (Super. Ct. Los Angeles County, 2008,
26 Case No. PA061956), Respondent was convicted by the Court on his plea of nolo contendere of
27 violating Penal Code section 459 (first degree residential burglary). The circumstances of the
28 crime are that on or about May 7, 2008, Respondent forcibly entered an inhabited house occupied
by victim P.M., with the intent to commit larceny.

b. In the case of *People v. Dion Ramos Cambria*, (Super. Ct. Los Angeles County, 2008,
Case No. PA062065), Respondent was convicted by the Court on his plea of nolo contendere of
violating Health and Safety Code section 11352(a) (transportation of a controlled substance). The

1 circumstances of this crime are that on or about May 1, 2008, Respondent unlawfully possessed
2 for sale and purchased for sale a controlled substance.

3 c. In the case of *People v. Dion Ramos Cambria*, (Super. Ct. Los Angeles County, 2008,
4 Case No. PA061309), Respondent was convicted by the Court on his plea of nolo contendere of
5 violating Penal Code section 496(a) (receiving/concealing stolen property). The circumstances
6 of the crime are that on or about April 17, 2008, Respondent did unlawfully buy, receive, conceal,
7 sell, withhold, and aid in concealing, selling, and withholding property consisting of clothes and
8 jewelry, which had been stolen and obtained by extortion, knowing that said property had been
9 stolen and obtained by extortion.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Violation of Law)**

12 8. Respondent is subject to discipline under Code section 8641, in that between April
13 11, 2008, and August 18, 2008, Respondent engaged in the business or practice of structural pest
14 control without employing or securing the services of a licensed field representative to perform
15 inspections, in violation of Code section 8550.

16 **OTHER MATTERS**

17 9. Code section 8620 provides, in pertinent part, that a Respondent may request that a
18 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,
19 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
20 at the time of the hearing and must be noted in the proposed decision. The proposed decision
21 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

22 10. Pursuant to Code section 8654, if discipline is imposed on Registered Applicator's
23 License Number RA 46855, issued to Respondent, then Respondent shall be prohibited from
24 serving as an officer, director, associate, partner or responsible managing employee of a licensee,
25 and any licensee which employs, elects, or associates Respondent shall be subject to disciplinary
26 action.

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28 ///

PRAAYER

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 46855, issued to Dion Ramos Cambria;
2. Revoking or suspending any other license issued to Dion Ramos Cambria;
3. Prohibiting Dion Ramos Cambria from serving as an officer, director, associate, partner, qualifying manager or responsible managing employee of any registered company during the period that discipline is imposed on Registered Applicator's License Number RA 46855, issued to Dion Ramos Cambria;
4. Ordering Dion Ramos Cambria to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
5. Taking such other and further action as deemed necessary and proper.

DATED: 1/19/10


KELLI OKUMA
Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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