

1  
2  
3  
4  
5 **BEFORE THE**  
6 **STRUCTURAL PEST CONTROL BOARD**  
7 **DEPARTMENT OF PESTICIDE REGULATION**  
8 **STATE OF CALIFORNIA**

8 In the Matter of the Accusation Against:

Case No. 2013-6

9 **GREGORY D. BRIGHT**  
10 **P.O. Box 8371**  
11 **Anaheim, CA 92812**

**DEFAULT DECISION AND ORDER**

11 **Applicator License No. RA 48618**

[Gov. Code, §11520]

12 Respondent.

13  
14 **FINDINGS OF FACT**

15 1. On or about July 25, 2012, Complainant William H. Douglas, in his official capacity  
16 as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of  
17 Pesticide Regulation, filed Accusation No. 2013-6 against Gregory D. Bright (Respondent) before  
18 the Structural Pest Control Board. (The Accusation is attached as Exhibit A.)

19 2. On or about March 20, 2008, the Structural Pest Control Board (Board) issued  
20 Applicator License No. RA 48618 to Respondent. The Applicator License was in full force and  
21 effect at all times relevant to the charges brought in Accusation No. 2013-6 and will expire on  
22 March 20, 2014, unless renewed.

23 3. On or about July 30, 2012, Respondent was served by Certified and First Class Mail  
24 copies of the Accusation No. 2013-6, Statement to Respondent, Notice of Defense, Request for  
25 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
26 Respondent's address of record which, pursuant to Business and Professions Code section 136, is  
27 required to be reported and maintained with the Board. Respondent's address of record was and  
28 is:

1 P.O. Box 8371  
2 Anaheim, CA 92812

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

6 5. On or about August 1, 2012, the aforementioned documents served by certified mail  
7 were returned by the U.S. Postal Service marked "Box Closed - Unable to Forward." The address  
8 on the documents was the same as the address on file with the Board.

9 6. On or about August 8, 2012, Respondent was served by Certified and First Class Mail  
10 copies of the Accusation No. 2013-6, Statement to Respondent, Notice of Defense, Request for  
11 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
12 an alternate address used by Respondent when he was arrested on February 8, 2012, which is:

13 10522 La Rosa  
14 Fountain Valley, CA 92708

15 7. On or about September 4, 2012, the aforementioned documents served by certified  
16 mail were returned by the U.S. Postal Service marked "Unclaimed."

17 8. Respondent failed to maintain an updated address with the Board and the Board has  
18 made attempts to serve the Respondent at the address on file and at an alternate address.  
19 Respondent has not made himself available for service and therefore, has not availed himself of  
20 his right to file a notice of defense and appear at hearing.

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

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

27 10. Respondent failed to file a Notice of Defense within 15 days after service upon him  
28 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
2013-6.

///

1 11. California Government Code section 11520 states, in pertinent part:

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

6 12. Pursuant to its authority under Government Code section 11520, the Board finds  
7 Respondent is in default. The Board will take action without further hearing and, based on the  
8 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
9 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
10 therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-  
11 6, finds that the charges and allegations in Accusation No. 2013-6, are separately and severally,  
12 found to be true and correct by clear and convincing evidence.

13 13. Taking official notice of its own internal records, pursuant to Business and  
14 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
15 and Enforcement is \$972.50 as of September 10, 2012.

### 16 **DETERMINATION OF ISSUES**

17 1. Based on the foregoing findings of fact, Respondent Gregory D. Bright has subjected  
18 his Applicator License No. RA 48618 to discipline.

19 2. The agency has jurisdiction to adjudicate this case by default.

20 3. The Structural Pest Control Board is authorized to revoke Respondent's Applicator  
21 License based upon the following violations alleged in the Accusation which are supported by the  
22 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

23 a. Respondent has subjected his license to disciplinary action under sections  
24 490 and 8649 of the Code in that he was convicted of violating Penal Code section 647,  
25 subdivision (f), public intoxication on February 1, 2012, April 10, 2012, April 25, 2012, and May  
26 29, 2012. Said crime is substantially related to the qualifications, functions, and duties of an  
27 applicator.

28 b. Respondent has subjected his license to disciplinary action under sections  
490 and 8649 of the Code in that on or about April 10, 2012, in a criminal proceeding entitled

1 *People of the State of California v. Gregory David Bright*, in Orange County Superior Court, case  
2 number 12WM02285, Respondent was convicted on his plea of guilty of violating Penal Code  
3 section 484(a)/488, petty theft, a crime that is substantially related to the qualifications, functions,  
4 and duties of an applicator.


5 **ORDER**

6 IT IS SO ORDERED that Applicator License No. RA 48618, heretofore issued to  
7 Respondent Gregory D. Bright, is revoked.

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  
13 This Decision shall become effective on November 29, 2012.

14  
15 It is so ORDERED October 30, 2012

16  
17  
18   
19 FOR THE STRUCTURAL PEST CONTROL  
20 BOARD  
21 DEPARTMENT OF PESTICIDE REGULATION

22  
23  
24  
25  
26 DOJ Matter ID: SD2012703481

27 Attachment:  
28 Exhibit A: Accusation