

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 NICHOLAS A. SANCHEZ  
Deputy Attorney General  
4 State Bar No. 207998  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2542  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2009-55

11 **ANDREW DELAROSA**  
4335 Van Nuys Boulevard, #327  
12 Sherman Oaks, California 91403

**DEFAULT DECISION  
AND ORDER**

13 Registered Applicator License No. RA 48991

[Gov. Code, §11520]

14 Respondent.

15  
16 FINDINGS OF FACT

17 1. On or about April 28, 2009, Complainant Kelli Okuma, in her official capacity as the  
18 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer  
19 Affairs, filed Accusation No. 2009-55 against Andrew De La Rosa (Respondent) before the  
20 Structural Pest Control Board.

21 2. On or about June 30, 2008, the Structural Pest Control Board (Board) issued  
22 Registered Applicator License No. RA 48991 to Respondent. The Registered Applicator License  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 June 30, 2011, unless renewed.

25 ///

26 ///

27 ///

28 ///

1           3. On or about May 8, 2009, Maria L. Camacho, an employee of the Department of  
2 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2009-55, 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           Borite Termite & Pest Treatments Corporation  
7           4335 Van Nuys Boulevard, #327  
8           Sherman Oaks, CA 91403

9           and

10           14635 Chatsworth Drive  
11           Mission Hills, CA 91345

12           A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

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

15           5. On or about April 20, 2009, the DOJ received a certified mail receipt from the U.S.  
16 Postal Service indicating that Respondent took receipt of the Accusation on or about April 1,  
17 2009.

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

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

23           7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
24 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
25 2009-55.

26           8. California Government Code section 11520 states, in pertinent part:

27           (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
28 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.

///

1 9. 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. 2009-55 are true.

4 10. The total cost for investigation and enforcement in connection with the Accusation  
5 are \$1,047.00 as of May 28, 2009.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Andrew De La Rosa has  
8 subjected his Registered Applicator License No. RA 48991 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 License based upon the following violations alleged in the Accusation:

13 a. Respondent is subject to disciplinary action under Business and Professions Code  
14 section 8649 (Criminal Conviction), in that on or about October 22, 2008, in a criminal  
15 proceeding entitled *People of the State of California v. Andrew DeLaRosa*, in Los Angeles  
16 County Superior Court, case number LA059373, Respondent pled nolo contendere to violating  
17 Penal Code section 245, subdivision (b) (Assault with a Semiautomatic Weapon with Special  
18 Allegation within the Meaning of Penal Code section 186.22(b)(1)(b) (Offense committed for the  
19 benefit of, direction of, and in association with a criminal street gang with the specific intent to  
20 promote, further and assist in criminal conduct by gang members), a felony, conduct substantially  
21 related to the qualifications, functions, and duties of a licensee.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

1  
2 IT IS SO ORDERED that Registered Applicator License No. RA 48991, heretofore issued  
3 to Respondent Andrew De La Rosa, is revoked.

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

8 This Decision shall become effective on September 9, 2009.

9 It is so ORDERED August 10, 2009

10  
11   
FOR THE STRUCTURAL PEST CONTROL BOARD

12 DEPARTMENT OF CONSUMER AFFAIRS

13 60419555.DOC  
DOJ docket number:LA2008900638

14 Attachment: Exhibit A: Accusation No. 2009-55

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Exhibit A  
Accusation No. 2009-55

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 NICHOLAS A. SANCHEZ, State Bar No. 207998  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2542  
Facsimile: (213) 897-2804

**FILED**

Date 4/28/09 By Kelli Okuma

6 Attorneys for Complainant  
7

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

11 In the Matter of the Accusation Against:

Case No. 2009-55

12 **ANDREW DELAROSA**  
4335 Van Nuys Boulevard, #327  
13 Sherman Oaks, California 91403

**ACCUSATION**

14 Registered Applicator License No. RA 48991

15 Respondent.

16

17 Kelli Okuma ("Complainant") alleges:

18

**PARTIES**

19

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

22

**Registered Applicator License**

23

24 2. On or about June 30, 2008, the Structural Pest Control Board issued  
Registered Applicator License Number RA 48991 ("license") to Andrew DeLaRosa  
25 ("Respondent"). The license will expire on June 30, 2011, unless renewed.

26

**JURISDICTION**

27

28 3. Section 8620 of the Business and Professions Code (Code) provides, in  
pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while

1 a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary  
2 action or in lieu of a suspension may assess a civil penalty.

3 4. Code section 8624 states:

4 "If the board suspends or revokes an operator's license and one or more branch  
5 offices are registered under the name of the operator, the suspension or revocation may be  
6 applied to each branch office."

7 5. Code section 8625 states:

8 The lapsing or suspension of a license or company  
9 registration by operation of law or by order or decision of the board  
10 or a court of law, or the voluntary surrender of a license or  
11 company registration shall not deprive the board of jurisdiction to  
12 proceed with any investigation of or action or disciplinary  
13 proceeding against such licensee or company, or to render a  
14 decision suspending or revoking such license or registration.

#### 12 STATUTORY PROVISIONS

13 6. Code section 8649 states:

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

19 7. Section 8654 of the Code states:

20 Any individual who has been denied a license for any of the  
21 reasons specified in Section 8568, or who has had his or her license  
22 revoked, or whose license is under suspension, or who has failed to  
23 renew his or her license while it was under suspension, or who has  
24 been a member, officer, director, associate, qualifying manager, or  
25 responsible managing employee of any partnership, corporation,  
26 firm, or association whose application for a company registration  
27 has been denied for any of the reasons specified in Section 8568, or  
28 whose company registration has been revoked as a result of  
disciplinary action, or whose company registration is under  
suspension, and while acting as such member, officer, director,  
associate, qualifying manager, or responsible managing employee  
had knowledge of or participated in any of the prohibited acts for  
which the license or registration was denied, suspended or revoked,  
shall be prohibited from serving as an officer, director, associate,  
partner, qualifying manager, or responsible managing employee of  
a registered company, and the employment, election or association  
of such person by a registered company is a ground for disciplinary  
action.

1 8. Section 8655 of the Code states:

2 A plea or verdict of guilty or a conviction following a plea  
3 of nolo contendere made to a charge substantially related to the  
4 qualifications, functions, and duties of a structural pest control  
5 operator, field representative, applicator, or registered company is  
6 deemed to be a conviction within the meaning of this article or  
7 Section 8568 of this chapter. The board may order the license or  
8 registration suspended or revoked, or may decline to issue a  
9 license, when the appeal or when an order granting probation is  
10 made suspending the imposition of sentence, irrespective of a  
11 subsequent order under the provisions of Section 1203.4 of the  
12 Penal Code allowing the individual or registered company to  
13 withdraw a plea of guilty and to enter a plea of not guilty, or setting  
14 aside the verdict of guilty, or dismissing the accusation,  
15 information, or indictment.

16 **COST RECOVERY**

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

21 **CAUSE FOR DISCIPLINE**

22 **(Criminal Conviction)**

23 10. Respondent is subject to disciplinary action under section Code section  
24 8649, in that on or about October 22, 2008, before the Superior Court of California, County of  
25 Los Angeles, in the case entitled, *People of the State of California v. Andrew DeLaRosa*  
26 (Super. Ct. Los Angeles County, 2008, Case No. LA059373), in a plea agreement, Respondent  
27 was convicted on his plea of nolo contendere of violating one count of Penal Code section 245,  
28 subdivision (b) (Assault with a Semiautomatic Weapon with Special Allegation within the  
Meaning of Penal Code section 186.22(b)(1)(b) (Offense committed for the benefit of, direction  
of, and in association with a criminal street gang with the specific intent to promote, further and  
assist in criminal conduct by gang members), a felony. Such conviction is substantially related to  
the qualifications, functions, and duties of a licensee.

The circumstances of the crime are that on or about June 25, 2008, Respondent  
willfully and unlawfully committed an assault upon someone with a semiautomatic firearm.



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 Number RA 48991 issued to Andrew DeLaRosa;

2. Prohibiting Andrew DeLaRosa from serving as an officer, director, associate, partner, or qualifying individual of any licensee;

3. Ordering Andrew DeLaRosa to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: 4/28/09

*Kelli Okuma*

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

RECEIVED  
MAY 11 2009  
DIVISION OF CONSUMER AFFAIRS

APR 29 11 45 AM '09

RECEIVED

LA2008900638  
30643187.wpd

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28