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

In the Matter of the Accusation Against:

EDGAR GARCIA
1116 North Fountain Way
Anaheim, CA 92806

Registered Applicator License No. RA 49023

Respondent.

Case No. 2010-86

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 23, 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. 2010-86 against Edgar Garcia (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about July 10, 2008, the Structural Pest Control Board (Board) issued Registered Applicator License No. RA 49023 to Respondent. The Registered Applicator License was in full force and effect at all times relevant to the charges brought herein and will expire on July 10, 2011, unless renewed.

3. On or about July 7, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2010-86, Statement to Respondent, two blank copies of the Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,

1 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
2 Professions Code sections 136 and 8567, is required to be reported and maintained with the
3 Board, which was and is: 1116 North Fountain Way, Anaheim, CA 92806.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6 124.

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

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

13 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
14 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
15 2010-86.

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

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

21 8. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
24 as well as taking official notice of all the investigatory reports, exhibits and statements contained
25 therein on file at the Board's offices regarding the allegations contained in Accusation No. 2010-
26 86, finds that the charges and allegations in Accusation No. 2010-86, are separately and severally
27 true and correct by clear and convincing evidence.

28 9. 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 are \$1,887.50 as of October 6, 2010.

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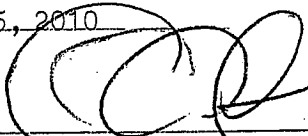
ORDER

IT IS SO ORDERED that Registered Applicator License No. RA 49023, heretofore issued to Respondent Edgar Garcia, 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 November 16, 2010.

It is so ORDERED December 15, 2010



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

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DOJ Matter ID:SD2010800336

Attachment:
Exhibit A: Accusation