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

In the Matter of the Accusation Against:  
**MATTHIAS C. PETTYJOHN**  
P.O. Box 900  
Grass Valley, CA 95945  
  
Field Representative's License No. FR 44869  
Applicator License No. RA 49534  
  
Respondent.

Case No. 2013-13

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 11, 2012, Complainant Susan Saylor, in her official capacity as the Assistant Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2013-13 against Matthias C. Pettyjohn (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On or about October 26, 2009, the Structural Pest Control Board (Board) issued Field Representative's License No. FR 44869 to Respondent. The Field Representative's License was expired on June 30, 2012 and has not been renewed.

1           3.     On or about December 11, 2008, the Structural Pest Control Board issued Applicator  
2 License No. RA 49534 to Respondent. The Applicator License expired on December 11, 2011,  
3 and has not been renewed.

4           4.     These lapses in licensure, however, pursuant to Business and Professions Code  
5 section 118(b) do not deprive the Board of its authority to institute or continue this disciplinary  
6 proceeding.

7           5.     On or about September 12, 2012, Respondent was served by Certified and First Class  
8 Mail copies of the Accusation No. 2013-13, Statement to Respondent, Notice of Defense, Request  
9 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
10 11507.7) to Respondent's known address was and is: P.O. Box 2648, Grass Valley, CA 95945.  
11 On or about September 21, 2012, the aforementioned documents were returned by the U.S. Postal  
12 Service marked "no such number."

13           On or about February 28, 2013, Respondent was served by Certified and First Class Mail  
14 copies of the Accusation No. 2013-13, Statement to Respondent, Notice of Defense, Request for  
15 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) to  
16 Respondent's address of record with the Board which, pursuant to Business and Professions Code  
17 section 136, is required to be reported and maintained with the Board. Respondent's address of  
18 record was and is: P.O. Box 900, Grass Valley, CA 95945.

19           6.     Service of the Accusation was effective as a matter of law under the provisions of  
20 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
21 124.

22           7.     On or about March 19, 2013, the aforementioned documents sent to Respondent's  
23 address of record were returned by the U.S. Postal Service marked "attempted not known." The  
24 address on the documents was the same as the address on file with the Board. Respondent failed  
25 to maintain an updated address with the Board and the Board has made attempts to serve the  
26 Respondent at the address on file. Respondent has not made himself available for service and  
27 therefore, has not availed himself of his right to file a notice of defense and appear at hearing.

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1 8. Government Code section 11506 states, in pertinent part:

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

7 9. Respondent failed to file a Notice of Defense within 15 days after service upon him  
8 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
9 2013-13.

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

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

15 11. Pursuant to its authority under Government Code section 11520, the Board finds  
16 Respondent is in default. The Board will take action without further hearing and, based on the  
17 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
18 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
19 file at the Board's offices regarding the allegations contained in Accusation No. 2013-13, finds  
20 that the charges and allegations in Accusation No. 2013-13, are separately and severally, found to  
21 be true and correct by clear and convincing evidence.

22 12. Taking official notice of its own internal records, pursuant to Business and  
23 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
24 and Enforcement is \$827.50 as of July 3, 2013.

#### 25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent Matthias C. Pettyjohn has  
27 subjected his Field Representative's License No. FR 44869 to discipline.

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

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

1 a. Respondent is subject to discipline under Code section 8649, in that Respondent was  
2 convicted of the following crimes that are substantially related to the qualifications, functions, or  
3 duties of a field representative and applicator:

4 1.. On or about February 16, 2012, in the case of *People v. Matthias Calvin Pettyjohn*,  
5 (Super. Ct. Nevada County, 2011, Case No. M11-0840C), Respondent was convicted by the  
6 Court on his plea of nolo contendere of violating Penal Code section 602(H) (trespass), an  
7 infraction. The circumstances of the crime were that on or about April 28, 2011, Respondent  
8 trespassed by entering and occupying real property or a structure located at East Bennet Street,  
9 Grass Valley, California, without the consent of the owner, the owner's agent, or the person in  
10 lawful possession.

11 2. On or about February 16, 2012, in the case of *People v. Matthias Calvin Pettyjohn*,  
12 (Super. Ct. Nevada County, 2011, Case No. F11-396), Respondent was convicted by the Court on  
13 his plea of nolo contendere of violating Penal Code section 485 (theft), a misdemeanor, and Penal  
14 Code section 594 (vandalism), a misdemeanor. The circumstances of the crimes were that on or  
15 about October 22, 2011, Respondent entered an uninhabited residence with the intent to commit  
16 larceny.


ORDER

IT IS SO ORDERED that Field Representative's License No. FR 44869, heretofore issued to Respondent Matthias C. Pettyjohn, is revoked. IT IS FURTHER ORDERED that Registered Applicator's License Number RA 49534, issued to Matthias C. Pettyjohn, 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 September 14, 2013.

It is so ORDERED August 15, 2013

  
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FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF PESTICIDE REGULATION

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DOJ Matter ID:SA2012105509

Attachment:  
Exhibit A: Accusation