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

In the Matter of the Accusation Against:
JAMES D. DYE
1645 Sycamore Street
Gridley, CA 95948
Applicator License No. RA 51458, Br. 2 & 3
Respondent.

Case No. 2013-18
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 8, 2012, Complainant Susan Saylor, in her official capacity as the Interim Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 2013-18 against James D. Dye (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about October 26, 2010, the Structural Pest Control Board (Board) issued Applicator License No. RA 51458, Branch 2 & 3 (License) to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-18 (Accusation) and will expire on October 26, 2013, unless renewed.

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1 3. On or about December 4, 2012, Respondent was served by Certified and First Class
2 Mail copies of the Accusation, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
5 required to be reported and maintained with the Board. Respondent's address of record was and
6 is: 1645 Sycamore Street, Gridley, CA 95948.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about January 7, 2013, the aforementioned documents were returned by the
11 U.S. Postal Service marked "Unclaimed."

12 6. 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 7. 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 the Accusation.

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in the Accusation, finds that the
charges and allegations in the Accusation are separately and severally, found to be true and
correct by clear and convincing evidence.

1 10. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$1,695.00 as of February 15, 2013.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent has subjected his Applicator
6 License No. RA 51458, Branch 2 & 3 to discipline.

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

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

11 a. Respondent violated Business and Professions Code section 8649, in that on or about
12 October 25, 2011, in the case of *People v. James Douglas Dye*, (Super. Ct. Butte County, 2011,
13 Case No. CM035098), Respondent was convicted by the Court on his plea of nolo contendere of
14 violating Penal Code section 470(d) (forgery), a felony.

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ORDER

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2 IT IS SO ORDERED that Applicator License No. RA 51458, Branch 2 & 3, heretofore
3 issued to Respondent James D. Dye, 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 April 24, 2013.

9 It is so ORDERED March 25, 2013

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13 FOR THE STRUCTURAL PEST CONTROL
14 BOARD
15 DEPARTMENT OF PESTICIDE REGULATION

16 11048986.DOC
DOJ Matter ID:SA2012107308

17 Attachment:
18 Exhibit A: Accusation