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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 2011-24

**CESAR RUIZ ALVARADO
3890 Santa Cruz Ct.
Simi Valley, CA 93063
Applicator License No. RA 51605
Branch 2 and Branch 3**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 9, 2012, Complainant William H. Douglas, in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Petition to Revoke Probation No. 2011-24 against Cesar Ruiz Alvarado (Respondent) before the Structural Pest Control Board (Board). (Petition to Revoke Probation attached as Exhibit A.)

2. On or about December 21, 2010, the Board issued Applicator License No. RA 51605 to Respondent. The Applicator License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 2011-24 and will expire on December 21, 2013, unless renewed.

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1 3. On or about February 16, 2012, Respondent was served by Certified and First Class
2 Mail copies of the Petition to Revoke Probation No. 2011-24, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's business address of record which, pursuant to Business
5 and Professions Code section 136, is required to be reported and maintained with the Board.
6 Respondent's business address of record was and is:

7 15314 Devonshire Street, Suite C
8 Mission Hills, CA 91345

9 4. On or about March 12, 2012, the aforementioned documents were returned by the
10 U.S. Postal Service marked "Not At This Address" and "Attempted-Not Known- Return to
11 Sender."

12 5. On or about March 13, 2012, Respondent was served by Certified and First Class
13 Mail copies of the Petition to Revoke Probation No. 2011-24, Statement to Respondent, Notice of
14 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
15 11507.6, and 11507.7) at Respondent's residential address of record which, pursuant to Business
16 and Professions Code section 136, is required to be reported and maintained with the Board.
17 Respondent's residential address of record was and is:

18 3890 Santa Cruz Ct.
19 Simi Valley, CA 93063.

20 6. The addresses on the documents are the same as the addresses on file with the Board.
21 Respondent failed to maintain an updated address with the Board and the Board has made
22 attempts to serve the Respondent at the addresses on file. Respondent has not made himself
23 available for service and therefore, has not availed himself of his right to file a notice of defense
24 and appear at hearing.

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1 7. Service of the Petition to Revoke Probation was effective as a matter of law under the
2 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
3 Code section 124.

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

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

10 9. Respondent failed to file a Notice of Defense within 15 days after service upon him
11 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
12 Petition to Revoke Probation No. 2011-24.

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

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

18 11. Pursuant to its authority under Government Code section 11520, the Board finds
19 Respondent is in default. The Board will take action without further hearing and, based on the
20 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
21 taking official notice of all the investigatory reports, exhibits and statements contained therein on
22 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
23 2011-24 finds that the charges and allegations in Petition to Revoke Probation No. 2011-24, are
24 separately and severally, found to be true and correct by clear and convincing evidence.

25 12. Taking official notice of its own internal records, pursuant to Business and
26 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
27 and Enforcement is \$4,915.00 (\$2,900.00 investigation costs and \$2,015.00 prosecution costs) as
28 of April 6, 2012.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Cesar Ruiz Alvarado has
3 subjected his Applicator License No. RA 51605 to discipline.

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

5 3. The Structural Pest Control Board is authorized to revoke Respondent's Applicator
6 License based upon the following violations alleged in the Petition to Revoke Probation which
7 are supported by the evidence contained in the Default Decision Evidence Packet in this case:

8 a. Condition 1 of the terms and conditions of probation contained in the decision in Case
9 No. 2011-24 provides that Respondent shall obey all laws and rules relating to the practice of
10 structural pest control.

11 b. Respondent's probation is subject to revocation because he failed to comply with
12 Probation Condition No. 1, referenced above. The facts and circumstances regarding this
13 violation are that Respondent failed to obey all laws and rules relating to the practice of structural
14 pest control in that he failed to comply with Business and Professions Code section 8567 and
15 California Code of Regulations, title 16, section 1911 in that Respondent failed to notify on a
16 form prescribed by the Board his change of employment and address of record. Further,
17 Respondent failed to comply with California Code of Regulations, title 16, section 1937.12 (a)(1)
18 in that Respondent failed to file quarterly reports as indicated in paragraph 11 below which is
19 incorporated herein.

20 c. Probation Condition No. 3 of the terms and conditions of probation contained in the
21 decision in Case No. 2011-24 provides that Respondent shall file quarterly reports with the Board
22 during the period of probation. Respondent Sampson's probation is subject to revocation because
23 he failed to file Quarterly Reports for the probation period beginning December 21, 2010 to
24 November 21, 2011.

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ORDER


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IT IS SO ORDERED that Applicator License No. RA 51605, heretofore issued to Respondent Cesar Ruiz Alvarado, 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 July 20, 2012.

It is so ORDERED June 20, 2012



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

51091757.DOC
DOJ Matter ID:LA2012506170

Attachment:
Exhibit A: Petition to Revoke Probation