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

In the Matter of the Accusation Against:

**VICTOR MANUEL SANTIESTEBAN, aka
VICTOR SANTIESTEBAN, aka
VICTOR MANUEL RANGEL
2352 1/2 East El Segundo Blvd.
Compton, CA 90222**

Applicator License No. RA 49995

Respondent.

Case No. 2015-44
OAH No. 2015060006
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 9, 2015, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Accusation No. 2015-44 against Victor Manuel Santiesteban, aka Victor Santiesteban, aka Victor Manuel Rangel (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On or about June 11, 2009, the Structural Pest Control Board (Board) issued Applicator License No. RA 49995 in Branches 2 and 3 to Respondent. The Applicator License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-44 and will expire on June 30, 2018, unless renewed.

1 3. On or about January 19, 2006, the Structural Pest Control Board issued Application
2 License No. RA 45045 to Respondent. The Applicator's License expired on January 19, 2009,
3 and has not been renewed.

4 4. On or about March 18, 2015, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 2015-44, Statement to Respondent, Notice of Defense, Request
6 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
7 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
8 section 136, is required to be reported and maintained with the Board. Respondent's address of
9 record was and is: 2352 1/2 East El Segundo Blvd., Compton, California 90222.

10 5. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 6. On or about March 23, 2015, Respondent signed and returned a Notice of Defense,
14 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
15 address of record and it informed him that an administrative hearing in this matter was scheduled
16 for August 4, 2015. Respondent failed to appear at that hearing.

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

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

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

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

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 2015-44, finds
2 that the charges and allegations in Accusation No. 2015-44, are separately and severally, found to
3 be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is three thousand two hundred thirty five dollars (\$3,235.00) as of July 24,
7 2015.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Victor Manuel Santiesteban has
10 subjected his Applicator License No. RA 49995 to discipline.

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

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

15 a. **FIRST CAUSE FOR DISCIPLINE. Criminal Conviction – Making a**
16 **Fraudulent Statement and Attempted Perjury Under Oath.** Respondent is subject to
17 disciplinary action pursuant to Code sections 490, 493, and 8649 in that on or about March 6,
18 2014, in the criminal proceeding entitled *People v. Victor Manuel Santiesteban aka Victor*
19 *Santiesteban aka Victor Manuel Rangel*, Superior Court, County of Orange, Central Justice
20 Center, Case No. 12CF2930, a jury found Respondent guilty of making a fraudulent statement
21 under Penal Code section 1871.4 (a)(1) and attempted perjury under oath under Penal Code
22 sections 664(a) and 118 (a), crimes which are substantially related to the qualifications, functions,
23 and duties of an applicator.

24 b. **SECOND CAUSE FOR DISCIPLINE. Acts Involving Dishonesty, Fraud, or**
25 **Deceit.** Respondent is subject to disciplinary action pursuant to Code section 8620 in that
26 Respondent committed acts of dishonesty when he knowingly filed a false and fraudulent
27 Workers' Compensation claim and attempted perjury under oath during a deposition.

1 ORDER

2 IT IS SO ORDERED that Applicator License No. RA 49995, heretofore issued to
3 Respondent Victor Manuel Santiesteban, aka Victor Santiesteban, aka Victor Manuel Rangel, is
4 revoked.

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

9 This Decision shall become effective on February 7, 2016.

10 It is so ORDERED January 8, 2016

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14 FOR THE STRUCTURAL PEST CONTROL
15 BOARD
16 DEPARTMENT OF CONSUMER AFFAIRS

17
18 51908971.DOC
19 DOJ Matter ID:SD2014708461

20 Attachment:
21 Exhibit A: Accusation
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