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

In the Matter of the Accusation Against:
AARON D. PALMER
13380 Edgemont Street
Moreno Valley, CA 92553
Applicator License No. RA 53334
Respondent.

Case No. 2015-37
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 3, 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. 2015-37 against Aaron D. Palmer (Respondent) before the Structural Pest Control Board. (A copy of the Accusation attached as Exhibit A.)

2. On or about June 27, 2012, the Structural Pest Control Board (Board) issued Applicator License No. RA 53334 to Respondent. The Applicator License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-37. The Applicator License was suspended on November 24, 2012, for failure to comply with a judgment or order for family support, pursuant to Family Code section 17520. The Applicator License will expire on June 27, 2015, unless renewed.

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1 3. Section 8625 of the Code provides that the expiration, suspension, or voluntary
2 surrender of a license shall not deprive the Board of jurisdiction to proceed with any investigation
3 of or action or disciplinary proceeding against such licensee, or to render a decision suspending or
4 revoking such license.

5 4. On or about February 12, 2015, Respondent was served by Certified and First Class
6 Mail copies of the Accusation No. 2015-37, Statement to Respondent, Notice of Defense, Request
7 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
8 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
9 section 136, is required to be reported and maintained with the Board. Respondent's address of
10 record was and is:

11 13380 Edgemont Street
12 Moreno Valley, CA 92553

13 5. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
15 124.

16 6. On or about April 2, 2015, the aforementioned documents were returned by the U.S.
17 Postal Service marked "Unclaimed." The address on the documents was the same as the address
18 on file with the Board.

19 7. On or about March 17, 2015, Respondent was served by Certified and First Class
20 Mail copies of the aforementioned documents to an alternate known for Respondent which is:

21 414 Blazing Star Court
22 Windsor, CA 92492

23 8. On or about April 8, 2015, the aforementioned documents served to the alternate
24 address were returned by the U.S. Postal Service marked "Moved – Left No Address."

25 9. Respondent failed to maintain an updated address with the Board and the Board has
26 made attempts to serve the Respondent at the address on file, and at an alternate address.
27 Respondent has not made himself available for service and therefore, has not availed himself of
28 his right to file a notice of defense and appear at hearing.

1 10. 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 11. 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 2015-37.

10 12. 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 13. 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. 2015-37, finds
20 that the charges and allegations in Accusation No. 2015-37, are separately and severally, found to
21 be true and correct by clear and convincing evidence.

22 14. 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 \$492.50 as of April 10, 2015.

25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent Aaron D. Palmer has subjected
27 his Applicator License No. RA 53334 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 Applicator
License based upon the following violations alleged in the Accusation which are supported by the
Default Decision Investigatory Evidence Packet in this case.

1 4. Respondent has subjected his license to disciplinary action under sections 490 and
2 8649 of the Code in that on or about June 24, 2014, in a criminal proceeding entitled *People of*
3 *the State of California v. Aaron David Palmer*, in Sonoma County Superior Court, case number
4 SCR-649667, Respondent was convicted on his plea of nolo contendere of violating Penal Code
5 section 484(a), petty theft, a misdemeanor, a crime that is substantially related to the
6 qualifications, functions, and duties of an applicator.

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ORDER

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2 IT IS SO ORDERED that Applicator License No. RA 53334, heretofore issued to
3 Respondent Aaron D. Palmer, is revoked.

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

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9 This Decision shall become effective on July 1, 2015.

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11 It is so ORDERED June 1, 2015

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15 FOR THE STRUCTURAL PEST CONTROL BOARD
16 DEPARTMENT OF CONSUMER AFFAIRS
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26 DOJ Matter ID: SD2014708328

27 Attachment:
28 Exhibit A: Accusation