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

In the Matter of the Accusation Against:

Case No. 2014-38

KELLY S. HALL
605 Benicia Drive
Santa Rosa, CA 95409

DEFAULT DECISION AND ORDER

Applicator License No. RA 53599

[Gov. Code, §11520]

Respondent.

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FINDINGS OF FACT

1. On or about February 4, 2014, 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. 2014-38 against Kelly S. Hall (Respondent) before the Structural Pest Control Board. *A copy of the Accusation is attached as Exhibit A.*

2. On or about February 19, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-38, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7). Respondent was served at his address of record. Business and Professions Code section 136 requires Respondent to report and maintained a valid address of record with the Board. Respondent's address of record was and is: 605 Benicia Drive, Santa Rosa, CA 95409.

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

4. On or about February 28, 2014, the envelopes with the Accusation and related documents were returned by the U.S. Postal Service marked "No Forwarding Address." The address on the documents was the same as the address on file with the Board. Respondent failed to maintain an updated address with the Board and the Board has made attempts to serve the

1 Respondent at the address on file. Respondent has not made himself available for service and
2 therefore, has not availed himself of his right to file a notice of defense and appear at hearing.

3 5. Government Code section 11506 states, in pertinent part:

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

9 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
10 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
11 2014-38.

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

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

17 8. Under Government Code section 11520, the Board finds that Respondent is in
18 default. The Board will take action without further hearing and, based on the relevant evidence
19 contained in the Default Decision Evidence Packet in this matter, and by taking official notice of
20 all the investigatory reports, exhibits and statements on file at the Board's offices regarding the
21 allegations contained in Accusation No. 2014-38, the Board finds that the charges and allegations
22 in Accusation No. 2014-38, are separately and severally, true and correct by clear and convincing
23 evidence.

24 9. Taking official notice of its own internal records, under Business and Professions
25 Code section 125.3, it is determined that the reasonable costs for Investigation and Enforcement
26 is \$2,547.50 as of September 15, 2014.

27 DETERMINATION OF ISSUES

28 1. Based on the foregoing findings of fact, Respondent Kelly S. Hall has subjected his
Applicator License No. RA 53599 to discipline.

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

