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

In the Matter of the Accusation Against:

ANTHONY LEE HAFEY
P.O. Box 2466
Bakersfield, CA 93303

Applicator License No. RA 53713

Respondent.

Case No. 2014-60

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 28, 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. 2014-60 against Anthony Lee Hafey (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On or about October 19, 2012, the Structural Pest Control Board (Board) issued Applicator License No. RA 53713 to Respondent. The Applicator License was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-60 and will expire on October 19, 2015, unless renewed.
3. On or about July 16, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-60, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
2 required to be reported and maintained with the Board. Respondent's address of record was and
3 is: P.O. Box 2466, Bakersfield, CA 93303. On or about July 16, 2014, Respondent was also
4 served by Certified and First Class Mail with copies of the foregoing documents, at the following
5 address: 13894 Sagassum Court, Hesperia, CA 92344.

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

9 5. On or about July 21, 2014, the aforementioned documents served on Respondent's
10 address of record were returned by the U.S. Postal Service marked "Attempted, not known." The
11 address on the documents was the same as the address on file with the Board. On or about July
12 31, 2014, the aforementioned documents served on Respondent at the aforementioned Hesperia,
13 CA address were returned by the U.S. Postal Service as "not deliverable as addressed, unable to
14 forward." Respondent failed to maintain an updated address with the Board and the Board has
15 made attempts to serve the Respondent at the address on file. Respondent has not made himself
16 available for service and therefore, has not availed himself of his right to file a notice of defense
17 and appear at hearing.

18 6. Government Code section 11506 states, in pertinent part:

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

22 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
23 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
24 2014-60.

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

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

1 9. Pursuant to its authority under Government Code section 11520, the Board finds
 2 Respondent is in default. The Board will take action without further hearing and, based on the
 3 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
 4 taking official notice of all the investigatory reports, exhibits and statements contained therein on
 5 file at the Board's offices regarding the allegations contained in Accusation No. 2014-60, finds
 6 that the charges and allegations in Accusation No. 2014-60, are separately and severally, found to
 7 be true and correct by clear and convincing evidence.

8 10. Taking official notice of its own internal records, pursuant to Business and
 9 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
 10 and Enforcement is \$1,685.00 as of August 13, 2014.

11 **DETERMINATION OF ISSUES**

12 1. Based on the foregoing findings of fact, Respondent Anthony Lee Hafey has
 13 subjected his Applicator License No. RA 53713 to discipline.

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

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

18 a. Business & Professions Code sections 8649 and 8655, in conjunction with California
 19 Code of Regulations, title 16, section 1937.1, for Convictions of Substantially Related Crimes.

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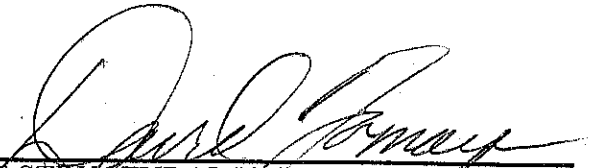
ORDER

IT IS SO ORDERED that Applicator License No. RA 53713, heretofore issued to Respondent Anthony Lee Hafey, 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 October 26, 2014.

It is so ORDERED September 26, 2014



FOR THE STRUCTURAL PEST CONTROL
BOARD, DEPARTMENT OF CONSUMER
AFFAIRS

51577189.DOC
DOJ Matter ID:LA2014510888

Attachment: Exhibit A: Accusation