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

In the Matter of the Accusation Against:
SCOTT B. SPREEN
8609 Spanish Bay Drive
Bakersfield, CA 93312
Applicator License No. RA 53856
Respondent.

Case No. 2015-45
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 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. 2015-45 against Scott B. Spreen (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)
2. On or about December 12, 2012, the Structural Pest Control Board (Board) issued Applicator License No. RA 53856 to Respondent. The Applicator License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-45 and will expire on June 30, 2016, unless renewed.
3. On or about April 14, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2015-45, 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: 8609 Spanish Bay Drive, Bakersfield, CA 93312.

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

7 5. According to the United States Postal Service website, on or about April 16, 2015, the
8 aforementioned documents were delivered to Respondent by the U.S. Postal Service. Respondent
9 failed to submit a Notice of Defense or any other correspondence.

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

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
18 2015-45.

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

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 2015-45, finds
that the charges and allegations in Accusation No. 2015-45, are separately and severally, found to
be true and correct by clear and convincing evidence.

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ORDER

IT IS SO ORDERED that Applicator License No. RA 53856, heretofore issued to Respondent Scott B. Spreen, 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 10, 2015.

It is so ORDERED September 10, 2015



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

51806285.DOC
DOJ Matter ID:LA2015500104

Attachment:
Exhibit A: Accusation