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

In the Matter of the Petition to Revoke
Probation Against:
ISAAC G. ACOSTA
298 Juniper Way
Oceanside, CA 92057,
Applicator's License No. RA 54685

Respondent.

Case No. 2014-6

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 16, 2015, Complainant Susan Saylor, in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs, filed Petition to Revoke Probation No. 2014-6 against Isaac G. Acosta (Respondent) before the Structural Pest Control Board. (A copy of the Petition to Revoke Probation attached as Exhibit A.)

2. On or about July 22, 2013, the Structural Pest Control Board (Board) issued Applicator's License No. RA 54685 to Respondent. The Applicator's License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 2014-6 and will expire on June 30, 2017, unless renewed.

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1 3. On or about June 23, 2015, Respondent was served by Certified and First Class Mail
2 copies of the Petition to Revoke Probation No. 2014-6, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
5 Professions Code section 136, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is:

7 909 Rancheros Drive
8 San Marcos, CA 92069

9 4. On or about June 23, 2015, Respondent was also served a copy of the aforementioned
10 document via Certified and First Class Mail at an alternate address which was:

11 298 Juniper Way
12 Oceanside, CA 92057

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

16 6. On or about June 26, 2015, the Domestic Return Receipt for the aforementioned
17 documents served to Respondent's address of record were returned by the U.S. Postal Service
18 marked "Attempted Not Known." On July 28, 2015, the aforementioned documents served by
19 Certified Mail to Respondent's alternate address were returned by the U.S. Postal Service marked
20 "unclaimed."

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

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

27 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
28 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
Petition to Revoke Probation No. 2014-6.

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1 9. California Government Code section 11520 states, in pertinent part:

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

6 10. Pursuant to its authority under Government Code section 11520, the Board finds
7 Respondent is in default. The Board will take action without further hearing and, based on the
8 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
9 taking official notice of all the investigatory reports, exhibits and statements contained therein on
10 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
11 2014-6, finds that the charges and allegations in Petition to Revoke Probation No. 2014-6, are
12 separately and severally, found to be true and correct by clear and convincing evidence.

12 DETERMINATION OF ISSUES

13 1. Based on the foregoing findings of fact, Respondent Isaac G. Acosta has subjected his
14 Applicator's License No. RA 54685 to discipline.

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

16 3. The Structural Pest Control Board is authorized to revoke Respondent's Applicator's
17 License based upon the following violations alleged in the Petition to Revoke Probation which
18 are supported by the Default Decision Investigatory Evidence Packet in this case.

19 4. Respondent's probation is subject to revocation because he failed to comply with
20 Probation Condition 1, in that he violated laws and regulations relating to the practice of
21 structural pest control.

22 5. Respondent's probation is subject to revocation because he failed to comply with
23 Probation Condition 3 in that he failed to file quarterly reports with the Board during the period of
24 probation.

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ORDER

IT IS SO ORDERED that Applicator's License No. RA 54685, heretofore issued to Respondent Isaac G. Acosta, 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 November 12, 2015.

It is so ORDERED October 13, 2015


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID: SD2015700692

Attachment:
Exhibit A: Petition to Revoke Probation