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

In the Matter of the Accusation/Petition to  
Revoke Probation Against:

**FERNANDO MAURICE TALLEY**  
141 Eucalyptus Drive  
El Segundo, CA 90245  
Applicator License No. RA 55403

Respondent.

Case No. 2015-49

OAH No. 2015100288

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 22, 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/Petition to Revoke Probation No. 2015-49 against Fernando Maurice Talley (Respondent) before the Structural Pest Control Board. (Accusation/Petition to Revoke Probation attached as Exhibit A.)

2. On or about February 27, 2014, the Structural Pest Control Board (Board) issued Applicator License No. RA 55403 to Respondent. The Applicator License was in full force and

1 effect at all times relevant to the charges brought in Accusation/Petition to Revoke Probation No.  
2 2015-49 and will expire on February 27, 2017, unless renewed.

3 3. On or about May 5, 2015, Respondent was served by Certified and First Class Mail  
4 copies of the Accusation/Petition to Revoke Probation No. 2015-49, Statement to Respondent,  
5 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections  
6 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business  
7 and Professions Code section 136, is required to be reported and maintained with the Board.  
8 Respondent's address of record was and is:

9 141 Eucalyptus Drive  
10 El Segundo, CA 90245.

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

14 5. On or about May 13, 2015, Respondent signed and returned a Notice of Defense,  
15 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's  
16 address of record and it informed him that an administrative hearing in this matter was scheduled  
17 for April 21, 2016. Respondent failed to appear at that hearing.

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

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

25 7. California Government Code section 11520(a) states, in pertinent part:

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

8. Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
3 file at the Board's offices regarding the allegations contained in Accusation/Petition to Revoke  
4 Probation No. 2015-49, finds that the charges and allegations in Accusation/Petition to Revoke  
5 Probation No. 2015-49, are separately and severally, found to be true and correct by clear and  
6 convincing evidence.

7 9. Taking official notice of its own internal records, pursuant to Business and  
8 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
9 and Enforcement is \$1,805.00 as of March 25, 2016.

#### 10 DETERMINATION OF ISSUES

11 1. Based on the foregoing findings of fact, Respondent Fernando Maurice Talley has  
12 subjected his Applicator License No. RA 55403 to discipline.

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

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

18 4. Respondent is subject to disciplinary action under section 8649, in conjunction with  
19 California Code of Regulations, title 16, section 1937.1, in that Respondent was convicted of a  
20 crime substantially related to the qualifications, functions or duties of an applicator, as follows:

21 a. On or about October 7, 2014, after pleading nolo contendere, Respondent was  
22 convicted of one felony count of violating Health and Safety Code section 11351 [possession of  
23 controlled substances for sale or purchase], in the criminal proceeding entitled *The People of the*  
24 *State of California v. Fernando Maurice Talley* (Super. Ct. L.A. County, 2014, No. YA089506.)  
25 The Court sentenced Respondent to 22 days in jail, placed him on three years formal probation,  
26 ordered him to complete 60 days CalTrans work, and to register as convicted narcotics offender.

27 b. The circumstances surrounding the conviction are that, on or about November 29,  
28 2013, Respondent was stopped by Torrance Police Department officers due to traffic violations.

1 Upon contact, Respondent informed the officers that he had recently been released from jail after  
2 serving time for possession of prescription pills with intent to sell. When the officers asked if  
3 Respondent had anything illegal on his person or in the vehicle, Respondent replied that he had  
4 marijuana. With Respondent's consent, the officers searched the vehicle and found a folded  
5 index card containing eight Norco 325 mg tablets inside a tampered air vent, and a plastic  
6 medicine container with marijuana. Respondent failed to provide the valid prescriptions for  
7 Norco and marijuana. After further investigation, the officers searched Respondent's cellular  
8 phone, which contained numerous texts between Respondent and various people referring to  
9 obtaining or selling controlled substances.

10 ORDER

11 IT IS SO ORDERED that Applicator License No. RA 55403, heretofore issued to  
12 Respondent Fernando Maurice Talley, is revoked.

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

17 This Decision shall become effective on July 22, 2016.

18 It is so ORDERED June 22, 2016

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22 FOR THE STRUCTURAL PEST CONTROL BOARD  
23 DEPARTMENT OF CONSUMER AFFAIRS

24 52071138.DOC  
25 DOJ Matter ID:LA2015500101

26 Attachment:  
27 Exhibit A: Accusation/Petition to Revoke Probation  
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