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FILED

Date 5/16/11 By William H. Douglas

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **LADD DOUGLAS WIIDANEN, AKA** **LADD D. WIIDANEN** **4750 Beloit Drive** **Sacramento, CA 95838** **Applicator's License No. RA 49813** **Branch 3** **Field Representative's License No. FR 44440** **Branch 2** Respondent.	Case No. 2011-57 **ACCUSATION**

Complainant alleges:

PARTIES

1. William H. Douglas ("Complainant") brings this Accusation solely in his official capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation.

Applicator's License

2. On or about April 15, 2009, the Structural Pest Control Board issued Applicator's License Number RA 49813 in Branches 2 and 3 to Ladd D. Wiidanen ("Respondent"). On June 3, 2009, the applicator's license was downgraded to a branch 3 due to the issuance of a branch 2

field representative's license. The applicator's license was in full force and effect at all times relevant to the charges brought herein and will expire on April 15, 2012, unless renewed.

Field Representative's License

3. On or about June 3, 2009, the Structural Pest Control Board issued Field Representative's License Number FR 44440 in branch 2 to Respondent. The field representative's license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

STATUTORY PROVISIONS

4. Section 8620 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

5. Code section 8625 states:

> The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration.

6. Code section 8649 states:

> Conviction of a crime substantially related to the qualifications, functions, and duties of a structural pest control operator, field representative, applicator, or registered company is a ground for disciplinary action. The certified record of conviction shall be conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 states, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CAUSE FOR DISCIPLINE

(Criminal Convictions)

8. Respondent's licenses are subject to disciplinary action under Code section 8649, in that Respondent has been convicted of the following crimes that are substantially related to the qualifications, functions, and duties of a licensed field representative and applicator:

a. On July 23, 2010, in the Superior Court, County of Placer, California, in the matter entitled *People vs. Ladd Douglas Wiidanen,* 2008, Case No. 62-95169, Respondent was convicted by the court of a violation of Penal Code section 288a, subdivision (f) (oral copulation of an unconscious person), a felony. The circumstances of the crime are that on or about January 1, 2008, Respondent was arrested after S.G. awoke to find Respondent orally copulating him.

b. On August 26, 2010, in the Superior Court, County of Placer, California, in the matter entitled *People vs. Ladd Douglas Wiidanen, aka Ladd D. Wiidanen,* 2010, Case No. 6299855, Respondent was convicted by the court following his plea of nolo contendere to a violation of Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor with a further allegation pursuant to Vehicle Code section 23578 for having a blood alcohol level that measured .14% and .16%.

OTHER MATTERS

9. Code section 8620 provides, in pertinent part, that a respondent may request that a civil penalty of not more than $5,000 by assessed in lieu of an actual suspension of 1 to 19 days, or not more than $10,000 for an actual suspension of 20 to 45 days. Such request must be made at the time of the hearing and must be noted in the proposed decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

10. Pursuant to Code section 8654, if discipline is imposed on Applicator's License Number RA 49813, issued to Respondent, then Ladd Douglas Wiidanen, shall be prohibited from serving as an officer, director, associate, partner or responsible managing employee of a licensee, and any licensee which employs, elects, or associates him shall be subject to disciplinary action.

11. Pursuant to Code section 8654, if discipline is imposed on Field Representative's License Number FR 44440, issued to Respondent, then Ladd Douglas Wiidanen, shall be

prohibited from serving as an officer, director, associate, partner or responsible managing employee of a licensee, and any licensee which employs, elects, or associates him shall be subject to disciplinary action.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Applicator's License Number RA 49813, issued to Ladd Douglas Wiidanen;

2. Revoking or suspending Field Representative's License Number FR 44440, issued to Ladd Douglas Wiidanen;

3. Ordering Ladd Douglas Wiidanen to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: 5/16/11

William H. Douglas

WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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