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 Registered Applicator's License, No. RA 49813 Branch 3 Field Representative's License No. FR 44440 Branch 2 Respondent.	Case No. 3908 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 16, 2011, Complainant William H. Douglas, in his official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Pesticide Regulation, filed Accusation No. 3908 against Ladd Douglas Wiidanen (Respondent) before the Structural Pest Control Board. (Accusation attached as Exhibit A.)

2. On or about April 15, 2009, the Structural Pest Control Board (Board) issued Registered Applicator's License No. RA 49813 to Respondent. The Registered Applicator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 3908 and will expire on April 15, 2012, unless renewed.

3. On or about June 3, 2009, the Structural Pest Control Board issued Field Representative's License No. FR 44440 to Respondent. The Field Representative's License was

in full force and effect at all times relevant to the charges brought in Accusation No. 3908 and will expire on June 30, 2011, unless renewed.

4. On or about May 23, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3908, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Board, which was and is:

4750 Beloit Drive
Sacramento, CA. 95838.

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

6. On or about May 31, 2011, the aforementioned documents were returned by the U.S. Postal Service marked "Not Deliverable as Addressed." The address on the documents was the same as the address on file with the Board. Respondent failed to maintain an updated address with the Board and the Board has made attempts to serve the Respondent at the address on file. Respondent has not made himself available for service and therefore, has not availed himself of his right to file a notice of defense and appear at hearing.

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

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts 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.

8. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 3908.

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

> (a) If the respondent either fails to file a notice of defense or to appear at the 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 respondent.

10. 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 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 3908, finds that the charges and allegations in Accusation No. 3908, are true and correct.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is $1,117.50, as of May 11, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Ladd Douglas Wiidanen has subjected his Registered Applicator's License No. RA 49813, and Field Representative's License No. FR 44440 to discipline.

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

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

a. 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.

b. 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.

c. 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%.

ORDER

IT IS SO ORDERED that Applicator's License No. RA 49813, and Field Representative License No. 44440, heretofore issued to Respondent Ladd Douglas Wiidanen, are 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 August 17, 2012.

It is so ORDERED July 18, 2012.

FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

Attachment:
Exhibit A: Accusation

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10746313

Exhibit A

Accusation

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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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