

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 PATRICK M. KENADY
Deputy Attorney General
4 State Bar No. 050882
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5377
Facsimile: (916) 327-8643
7 Attorneys for Complainant

FILED

Date 5/16/11 By William H. Douglas

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-57

12 **LADD DOUGLAS WIIDANEN, AKA**
13 **LADD D. WIIDANEN**
14 **4750 Beloit Drive**
15 **Sacramento, CA 95838**
16 **Applicator's License No. RA 49813**
17 **Branch 3**
18 **Field Representative's License No. FR 44440**
19 **Branch 2**

ACCUSATION

Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 **Applicator's License**

25 2. On or about April 15, 2009, the Structural Pest Control Board issued Applicator's
26 License Number RA 49813 in Branches 2 and 3 to Ladd D. Wiidanen ("Respondent"). On June
27 3, 2009, the applicator's license was downgraded to a branch 3 due to the issuance of a branch 2
28

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

3 **Field Representative's License**

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

8 **STATUTORY PROVISIONS**

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

13 5. Code section 8625 states:

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

18 6. Code section 8649 states:

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

22 **COST RECOVERY**

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

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1 CAUSE FOR DISCIPLINE

2 (Criminal Convictions)

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

6 a. On July 23, 2010, in the Superior Court, County of Placer, California, in the matter
7 entitled *People vs. Ladd Douglas Wiidanen*, 2008, Case No. 62-95169, Respondent was
8 convicted by the court of a violation of Penal Code section 288a, subdivision (f) (oral copulation
9 of an unconscious person), a felony. The circumstances of the crime are that on or about January
10 1, 2008, Respondent was arrested after S.G. awoke to find Respondent orally copulating him.

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

17 OTHER MATTERS

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

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

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

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

4 PRAYER

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

- 7 1. Revoking or suspending Applicator's License Number RA 49813, issued to Ladd
8 Douglas Wiidanen;
- 9 2. Revoking or suspending Field Representative's License Number FR 44440, issued to
10 Ladd Douglas Wiidanen;
- 11 3. Ordering Ladd Douglas Wiidanen to pay the Structural Pest Control Board the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and,
- 14 4. Taking such other and further action as deemed necessary and proper.

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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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