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FILED

Date 7/14/15 By *Susan Saylor*

7
8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:
11 **BRYAN EUGENE LEIDNER**
12 **2833 Ponderosa Drive**
13 **Concord, CA 94520**
14 **Applicator's License No. RA 54498**
15 Respondent.

Case No. 2016-5

ACCUSATION

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18 Complainant alleges:

19 **PARTIES**

20 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as
21 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
22 Affairs.

23 2. On or about June 11, 2013, the Structural Pest Control Board issued Applicator
24 License Number RA 54498, Branches 2 and 3 to Bryan Eugene Leidner (Respondent). The
25 Applicator License was in full force and effect at all times relevant to the charges brought herein
26 and will expire on June 30, 2016, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Code section 8625 states:

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

11 **STATUTORY AND REGULATORY PROVISIONS**

12 5. Section 490 of the Code states:

13 "(a) In addition to any other action that a board is permitted to take against a licensee, a
14 board may suspend or revoke a license on the ground that the licensee has been convicted of a
15 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
16 or profession for which the license was issued..."

17 6. Code section 8649 states:

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

21 7. Code section 8654 states:

22 "Any individual who has been denied a license for any of the reasons specified in Section
23 8568, or who has had his or her license revoked, or whose license is under suspension, or who has
24 failed to renew his or her license while it was under suspension, or who has been a member,
25 officer, director, associate, qualifying manager, or responsible managing employee of any
26 partnership, corporation, firm, or association whose application for a company registration has
27 been denied for any of the reasons specified in Section 8568, or whose company registration has
28 been revoked as a result of disciplinary action, or whose company registration is under

1 suspension, and while acting as such member, officer, director, associate, qualifying manager, or
2 responsible managing employee had knowledge of or participated in any of the prohibited acts for
3 which the license or registration was denied, suspended or revoked, shall be prohibited from
4 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
5 employee of a registered company, and the employment, election or association of such person by
6 a registered company is a ground for disciplinary action."

7 8. Cal. Code Regs. tit. 16, section 1937.1, states:

8 "For the purposes of denial, suspension or revocation of a license or company registration
9 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
10 considered to be substantially related to the qualifications, functions or duties of a licensee or
11 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
12 evidences present or potential unfitness of such licensee or registered company to perform the
13 functions authorized by the license or company registration in a manner consistent with the public
14 health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

15 (a) Any violation of the provisions of Chapter 14 of Division 3 of the code.

16 (b) Commission of any of the following in connection with the practice of structural pest
17 control:

18 (1) Fiscal dishonesty

19 (2) Fraud

20 (3) Theft

21 (4) Violations relating to the misuse of pesticides."

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1 COST RECOVERY

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

6 FIRST CAUSE FOR DISCIPLINE

7 **(Unprofessional Conduct – Criminal Conviction)**

8 10. Respondent's license is subject to discipline pursuant to section 8649 and section 490
9 in that he was convicted of a substantially related crime, on or about December 3, 2014, in Contra
10 Costa County Superior Court, criminal case entitled *People v. Bryan Eugene Leidner*, Case No.
11 167104-9, Respondent was convicted by a plea of guilty to a violation of Penal Code sections
12 261(a)(2) (felony) (forcible rape) and 288(c)(2) (felony) (forcible oral copulation). The
13 circumstances are as follows:

14 a. On or about December 25, 2003, in Concord, California Respondent by means of
15 force, violence, duress, menace, and fear of immediate and unlawful bodily injury, did unlawfully
16 accomplish an act of sexual intercourse with and against the will of one Jane Doe, who was not
17 the spouse of the Defendant.

18 b. On or about December 25, 2003, in Concord, California Respondent by means of
19 force, violence, duress, menace, and fear of immediate and unlawful bodily injury to the victim
20 and to another person, did unlawfully participate in an act of oral copulation with and against the
21 will of one Jane Doe.

22 c. Respondent was sentenced as follows: Three (3) years in state prison, ordered to
23 submit to DNA database collection, ordered to stay away from victim Jane Doe for at least 10
24 years, and ordered to submit to HIV testing.

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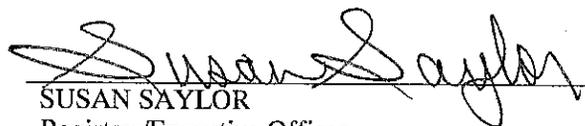
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PRAYER

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 54498 issued to Bryan Eugene Leidner;
2. Ordering Bryan Eugene Leidner 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;
3. Taking such other and further action as deemed necessary and proper.
4. Prohibiting Bryan Eugene Leidner from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee of any registered company during the period that discipline is imposed on applicator License Number RA 54498, issued to Bryan Eugene Leidner.

DATED: 7/14/15


SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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