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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF ELECTRONIC & APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against: **PAUL BRADEN,** **aka PAUL JEFF BRADEN,** **aka PAUL J. BRADEN,** **dba BESTTECH COMPUTING** Respondent.	Case No. AN 2012-411 **STATEMENT OF ISSUES**

Complainant alleges:

PARTIES

1. Tonya Blood ("Complainant") brings this Statement of Issues solely in her official capacity as the Bureau Chief of the Bureau of Electronic & Appliance Repair, Home Furnishings and Thermal Insulation ("Bureau"), Department of Consumer Affairs.

2. On or about May 9, 2012, the Bureau received an application for an electronic service dealer registration from Paul Braden, also known as Paul Jeff Braden and Paul J. Braden, doing business as BestTech Computing ("Respondent"). On or about April 12, 2012, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Bureau denied the application on July 31, 2012.

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STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 9831 states, in pertinent part, that the Director (Director of Consumer Affairs) shall refuse to validate the registration of an electronic service dealer if the applicant has committed acts or crimes constituting grounds for denial of licensure under section 480 of that code.

4. Code section 9841 states, in pertinent part:

> (a) The director may deny, suspend, revoke, or place on probation the registration of a service dealer for any of the following acts or omissions done by himself or herself or any employee, partner, officer, or member of the service dealer and related to the conduct of his or her business:
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> . . . .
>
> (7) Conviction of a crime that has a substantial relationship to the qualifications, functions and duties of a registrant under this chapter, in which event the record of the conviction shall be conclusive evidence thereof . . .

5. Code section 480 states, in pertinent part:

> (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
>
> (1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.
>
> . . . .
>
> (3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
>
> (B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made . . .

6. Code section 22, subdivision (a), states:

> "Board" as used in any provision of this Code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

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7. Code section 477, subdivision (b), states, in pertinent part, that a "license" includes "registration" and "certificate."

8. California Code of Regulations, title 16, section 2767 states, in pertinent part:

> For the purposes of denial, suspension, or revocation of the registration of a repair service dealer pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a service dealer if to a substantial degree it evidences present or potential unfitness of a service dealer to perform the functions authorized by his registration in a manner consistent with the public health, safety, or welfare . . .

CAUSE FOR DENIAL

(Criminal Conviction)

9. Respondent's application is subject to denial pursuant to Code sections 9841, subdivision (a)(7), and 480, subdivisions (a)(1) and (a)(3)(A), in that on or about February 21, 1997, in the general court-martial case of *United States v. Specialist Paul J. Braden*, U.S. Army, Respondent pled guilty to violating UCMJ Articles 125 (acts of sodomy with a child under the age of 12 years) and 134 (taking indecent liberties with a male under 16 years of age). Pursuant to General Court Martial Order Number 79, dated March 8, 1999, Respondent was sentenced to a dishonorable discharge, reduction to Private E1, and confinement for 20 years (Respondent reported to the Bureau that he served a total of 12 years in prison). Respondent is a registered sex offender in the State of California. The circumstances of the crimes are as follows:

a. In and between March 1995 and August 1996, Respondent engaged in sexual activities with his five year old stepson when the two of them were alone. Respondent orally copulated his stepson and had his stepson orally copulate him. Respondent also masturbated his stepson, had his stepson masturbate him, and masturbated himself in front of his stepson.

b. Between March 1996 and August 1996, one of Respondent and his wife's neighbors would sometimes leave her two sons, a four year old and an eight year old, at Respondent's house to play while the neighbor and Respondent's wife were out together shopping or running errands. One day during the summer of 1996, Respondent was watching his stepson and his neighbors' two sons while Respondent's wife and the neighbor were out. While Respondent was playing with the boys, he gave one of the boys a ride on his back. Respondent reached up and placed his

hand on the boy's groin and massaged his groin area. Later, Respondent masturbated himself in front of the three boys and orally copulated his stepson in front of the two neighbor boys.

c. On or about September 21, 1996, Respondent's stepson and the two neighbor boys informed their mothers (Respondent's wife and the neighbor boys' mother) that Respondent had told them all about sex and had done sexual things to them and in front of them.

d. In November 1996, Respondent was evaluated by a 1st Cavalry Division psychiatrist. The psychiatrist's clinical diagnosis of Respondent was pedophilia, manifested by recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent (under age 13) child or children, a diagnosis found within the Diagnostic and Statistical Manual-IV (DSMIV), which categorizes deviant sexual behaviors.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Denying the application of Paul Braden, also known as Paul Jeff Braden and Paul J. Braden, doing business as BestTech Computing, for an electronic service dealer registration;

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

DATED: NOV 06 2012

TONYA BLOOD
Bureau Chief
Bureau of Electronic & Appliance Repair, Home Furnishings and Thermal Insulation
Department of Consumer Affairs
State of California
Complainant

SA2012107653