KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General
JUSTIN R. SURBER
Deputy Attorney General
State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 355-5437
Facsimile: (415) 703-5480
Attorneys for Complainant

FILED

Date 4/18/11 By William H. Douglas

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

In the Matter of the Accusation Against: **VLAD NAYNODIN** 574 Arastradero Road, Suite 44 Palo Alto, CA 94306 **Field Representative License No. FR 45779, Branch 3** **Applicator License No. RA 50173, Branch 2** Respondent.	Case No. 2011-27 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about July 22, 2010, the Structural Pest Control Board issued Field Representative License Number FR 45779, Branch 3 to Vlad Naynodin (Respondent). The Field Representative License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

3. On or about August 3, 2009, the Structural Pest Control Board issued Applicator License Number RA 50173, Branch 2 to Vlad Naynodin (Respondent). The Applicator License

was in full force and effect at all times relevant to the charges brought herein and will expire on August 3, 2012, unless renewed.

JURISDICTION

4. This Accusation is brought before the Structural Pest Control Board (Board), Department of Pesticide Regulation, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. 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.

6. Section 8625 of the Code 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."

7. Section 490 of the Code states, in pertinent part, that the Board/Director/Registrar may suspend or revoke a license when it finds that the licensee has been convicted of a crime.

8. Section 8649 of the Code 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."

9. Section 125.3 of the Code 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.

CAUSE FOR DISCIPLINE

(Conviction)

10. Respondent is subject to disciplinary action under sections 490 and 8649 of the code in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and/or duties of a structural pest field representative and applicator. On or about October 28, 2010 in Santa Clara Superior Court Case No. B1045785, Respondent was convicted of violating Penal Code section 32, accessory to a felony. Between March 18 and 19, 2010, Respondent harbored, concealed, and aided Daniel Gil, a principal in a felony of attempted murder (Penal Code sections 664-187), after the felony had been committed and with the knowledge that Danial Gil had committed the felony with the intent that Daniel Gil might avoid and escape arrest, trial, conviction, and punishment.

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 Field Representative License Number FR 45779, Branch 3, issued to Vlad Naynodin.

2. Revoking or suspending Applicator License Number RA 50173, Branch 2, issued to Vlad Naynodin

3. Ordering Vlad Naynodin 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;

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

DATED: 4/18/11

William H. Douglas

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