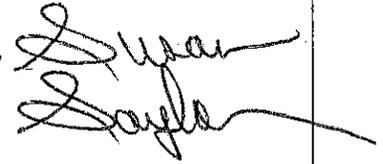


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FILED

Date 10/9/14 By



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

11 In the Matter of the Accusation Against:

Case No. 2015-13

12 **YURI SYCHEV**
13 **1168 W. National Drive**
Sacramento, CA 95834

A C C U S A T I O N

14 **Field Representative's License No. FR 40803**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about September 27, 2006, the Board issued Field Representative's License
23 Number FR 40803 in Branches 2 (general pest) and 3 (termite) to Yuri Sychev ("Respondent"),
24 employee of Terminix International Company, LP. The field representative's license was in
25 effect at all times relevant to the charge brought herein and will expire on June 30, 2015, unless
26 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 unless otherwise indicated.

4 **STATUTORY AND REGULATORY PROVISIONS**

5 4. Code section 8620 provides, in pertinent part, that the Board may suspend or revoke a
6 license when it finds that the holder, while a licensee or applicant, has committed any acts or
7 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil
8 penalty.

9 5. Code section 8654 states:

10 Any individual who has been denied a license for any of the reasons
11 specified in Section 8568, or who has had his or her license revoked, or whose license
12 is under suspension, or who has failed to renew his or her license while it was under
13 suspension, or who has been a member, officer, director, associate, qualifying
14 manager, or responsible managing employee of any partnership, corporation, firm, or
15 association whose application for a company registration has been denied for any of
16 the reasons specified in Section 8568, or whose company registration has been
17 revoked as a result of disciplinary action, or whose company registration is under
18 suspension, and while acting as such member, officer, director, associate, qualifying
19 manager, or responsible managing employee had knowledge of or participated in any
20 of the prohibited acts for which the license or registration was denied, suspended or
21 revoked, shall be prohibited from serving as an officer, director, associate, partner,
22 qualifying manager, or responsible managing employee of a registered company, and
23 the employment, election or association of such person by a registered company is a
24 ground for disciplinary action.

18 6. Code section 8641 states:

19 Failure to comply with the provisions of this chapter, or any rule or
20 regulation adopted by the board, or the furnishing of a report of inspection without
21 the making of a bona fide inspection of the premises for wood destroying pests or
22 organisms, or furnishing a notice of work completed prior to the completion of the
23 work specified in the contract, is a ground for disciplinary action.

22 7. Code section 8593 states:

23 The board shall require as a condition to the renewal of each operator's
24 and field representative's license that the holder submit proof satisfactory to the board
25 that he or she has informed himself or herself of developments in the field of pest
26 control either by completion of courses of continuing education in pest control
27 approved by the board or equivalent activity approved by the board.

26 In lieu of submitting that proof, the licenseholder, if he or she so desires,
27 may take and successfully complete an examination given by the board, designed to
28 test his or her knowledge of developments in the field of pest control since the
issuance of his or her license.

1 The board shall develop a correspondence course or courses with any
2 educational institution or institutions as it deems appropriate. This course may be
used to fulfill the requirements of this section. The institution may charge a
reasonable fee for each course.

3 The board may charge a fee for the taking of an examination in each
4 branch of pest control pursuant to this section in an amount sufficient to cover the
cost of administering each examination, provided, however, that in no event shall the
5 fee exceed fifty dollars (\$ 50) for each examination.

6 8. California Code of Regulations, title 16, section ("Regulation") 1950 states, in
7 pertinent part:

8 (a) Except as provided in section 1951, every licensee is required, as a
9 condition to renewal of a license, to certify that he or she has completed the
continuing education requirements set forth in this article. A licensee who cannot
10 verify completion of continuing education by producing certificates of activity
completion, whenever requested to do so by the Board, may be subject to disciplinary
11 action under section 8641 of the code.

12 (b) Each licensee is required to gain a certain number of continuing
education hours during the three year renewal period. The number of hours required
13 depends on the number of branches of pest control in which licenses are held. The
subject matter covered by each activity shall be designated as "technical" or "general"
14 by the Board when the activity is approved. Hour values shall be assigned by the
Board to each approved educational activity, in accordance with the provisions of
15 section 1950.5.

16

17 (d) Field representatives licensed in one branch of pest control shall have
completed 16 continuing education hours, field representatives licensed in two
18 branches of pest control shall have completed 20 continuing education hours, field
representatives licensed in three branches of pest control shall have completed 24
19 continuing education hours during each three year renewal period. In each case, a
minimum of four continuing education hours in a technical subject directly related to
20 each branch of pest control held by the licensee must be gained for each branch of
pest control licensed and a minimum of eight hours must be gained from Board
21 approved courses on the Structural Pest Control Act, the Rules and Regulations, or
structural pest control related agencies' rules and regulations . . .

22 **COST RECOVERY**

23 9. 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 (Failure to Verify Completion of Continuing Education)

3 10. In or about July 2012, Respondent submitted a license renewal application to the
4 Board. On or about July 2, 2012, Respondent certified under penalty of perjury on the application
5 that he successfully completed 16 hours of continuing education during his last renewal period.

6 11. On November 28, 2012, January 9, 2013, and October 23, 2013, a representative of
7 the Board sent Respondent written requests for copies of his continuing education certificates for
8 the renewal period of July 1, 2009, through June 30, 2012. Respondent was advised that his
9 failure to verify the continuing education requirements could subject his field representative's
10 license to disciplinary action.

11 12. Respondent is subject to disciplinary action pursuant to Code section 8641 in that
12 Respondent failed to comply with Regulation 1950 by failing to verify that he completed courses
13 of continuing education in pest control approved by the Board. Specifically, Respondent failed to
14 submit copies of his continuing education certificates for the renewal period of July 1, 2009,
15 through June 30, 2012, as requested by the Board's representative.

16 OTHER MATTERS

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

22 14. Pursuant to Code section 8654, if discipline is imposed on Field Representative's
23 License Number FR 40803, issued to Yuri Sychev, Yuri Sychev shall be prohibited from serving
24 as an officer, director, associate, partner, qualifying manager, or responsible managing employee
25 for any registered company during the time the discipline is imposed, and any registered company
26 which employs, elects, or associates Yuri Sychev shall be subject to disciplinary action.

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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:

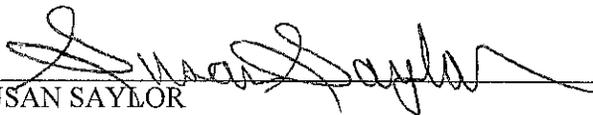
1. Revoking or suspending Field Representative's License Number FR 40803, issued to Yuri Sychev;

2. Prohibiting Yuri Sychev 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 Field Representative's License Number FR 40803, issued to Yuri Sychev;

3. Ordering Yuri Sychev 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: 10/9/14


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

SA2014117813