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8 California

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SACRAMENTO

12
13 **PEOPLE OF THE STATE OF CALIFORNIA,**

14
15 v.

16 Plaintiff,

17 1. **SVITLANA KYBYCH,**
(DOB 5/9/1965) (Xref # 4142281)

18 2. **SERHIY KYBYCH,**
(DOB 9/23/1962) (Xref # 4942476)

19 3. **OLEH KYBYCH,**
(DOB 3/16/1986) (Xref # 4284479)

20
21
22 Defendants.

Case No.

FILED
ENDORSED
DEC 6
By K. PETERS
Deputy Clerk

FELONY COMPLAINT

23
24 The Attorney General of the State of California hereby accuses **SVITLANA KYBYCH,**
25 **SERHIY KYBYCH,** and **OLEH KYBYCH** of the following criminal offenses:

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COUNT ONE
(Conspiracy)

On or about January 1, 2012 through June 21, 2016, in the County of Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, committed the crime of conspiracy, in violation of Penal Code section 182, (a)(1), a felony, when they willfully and unlawfully conspired together, with another person, and persons whose identity is unknown, to commit the crimes of possessing for sale a counterfeit mark in violation of Penal Code section 350, possession for sale of a schedule IV narcotic in violation of Health and Safety Code section 11378, and sales tax evasion, in violation of Revenue and Taxation Code section 7152; pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, defendants committed the following overt act(s):

Overt Act 1

On or about January 10, 2012, **SVITLANA KYBYCH** obtained a seller's permit from the Board of Equalization for Victoria's Massage & Health Products, INC, DBA Elena's Health Products.

Overt Act 2

On or between January 1, 2013 and June 21, 2016, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH** operated an unlicensed pharmacy under seller's permit SR Y JHF 102-178245 at Elena's Health Products located at 910 Sacramento Ave., West Sacramento, CA 95605.

Overt Act 3

On or between January 1, 2013 and June 21, 2016, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH** operated an unlicensed pharmacy under seller's permit SR Y JHF 102-178245 at Victoria's Health Products located at 6041 Greenback Lane, Citrus Heights, CA 95621.

Overt Act 4

On or between January 1, 2013 and June 21, 2016, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH** operated an unlicensed pharmacy under seller's permit SR Y

1 JHF 102-178245 at Fashion Moda located at 7117 Walerga Road, Unit #1, Sacramento, CA
2 95842.

3 Overt Act 5

4 On or between January 1, 2013 and June 21, 2016, **SVITLANA KYBYCH** and **SERHIY**
5 **KYBYCH** imported, from Russia, numerous pharmaceuticals including Augmentin, Flemoxin,
6 Phenobarbital, Amoxil, and Erythromycin.

7 Overt Act 6

8 On or between January 1, 2013 and June 21, 2016, **SVITLANA KYBYCH**, **SERHIY**
9 **KYBYCH**, and **OLEH KYBYCH** displayed for sale, numerous pharmaceuticals requiring a
10 prescription, including Augmentin, Flemoxin, Phenobarbital, Amoxil, Erythromycin at the three
11 store locations listed above.

12 Overt Act 7

13 On or about May 22, 2015, **SVITLANA KYBYCH** shipped \$160,000 in counterfeit
14 clothing to the United States from Turkey.

15 Overt Act 8

16 On or about April 13, 2016, **OLEH KYBYCH** sold antibiotics to an undercover agent
17 without a prescription for \$70.

18 Overt Act 9

19 On or about June 21, 2016, **SVITLANA KYBYCH** and **SERHIY KYBYCH** stored
20 hundreds of boxes of pharmaceuticals at their home.

21 Overt Act 10

22 On or about June 21, 2016, **OLEH KYBYCH** stored hundreds of boxes of pharmaceuticals
23 at his home.

24 Overt Act 11

25 On or about June 21, 2016, **SVITLANA KYBYCH**, **SERHIY KYBYCH**, and **OLEH**
26 **KYBYCH** displayed for sale, \$309,910.00 in counterfeit merchandise including Chanel, Gucci,
27 Louis Vuitton, Michael Kors, Burberry, La Coste, Ralph Lauren, and Prada at the three store
28 locations listed above.

Overt Act 12

On or about January 1, 2013 through December 31, 2015, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH** underreported sales of merchandise to the California Department of Tax and Fee Administration for 12 consecutive quarters.

COUNT TWO
Possession for Sale of a Controlled Substance

For a further and separate cause of action, being a different offense from but connected in its commission as the causes set forth above: On or about June 21, 2016, in the County of Yolo, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, unlawfully possessed, for the purpose of sale, a controlled substance in violation of Health and Safety Code section 11378, a felony, to wit: phenobarbital, a schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d) (26), at Elena's Health Products located at 910 Sacramento Ave., West Sacramento, CA 95605.

COUNT THREE
Possession for Sale of a Controlled Substance

For a further and separate cause of action, being a different offense from but connected in its commission as the causes set forth above: On or about June 21, 2016, in the County of Yolo, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, unlawfully possessed, for the purpose of sale, a controlled substance in violation of Health and Safety Code section 11378, a felony, to wit: phenobarbital, a schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d) (26), at Victoria's Health Products located at 6041 Greenback Lane, Citrus Heights, CA 95621.

COUNT FOUR
Possession for Sale of a Controlled Substance

For a further and separate cause of action, being a different offense from but connected in its commission as the causes set forth above: On or about June 21, 2016, in the County of Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, unlawfully

1 possessed, for the purpose of sale, a controlled substance in violation of Health and Safety Code
2 section 11378, a felony, to wit: phenobarbital, a schedule IV controlled substance pursuant to
3 Health and Safety Code section 11057, subdivision (d) (26), at Fashion Moda located at 7117
4 Walerga Road, Unit #1, Sacramento, CA 95842.

5
6 **COUNT FIVE**
Counterfeit of Registered Mark

7 For a further and separate cause of action, being a different offense from but connected in
8 its commission as the causes set forth above: On or about June 21, 2016, in the County of
9 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
10 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
11 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
12 the Principal Register of the United States Patent and Trademark Office, merchandise with a
13 collective retail value or fair market value of over \$950, to wit: Adidas sweat suits and track suits
14 with a total manufacturer's suggested retail price of \$1,260 offered for sale at Fashion Moda.

15
16 **COUNT SIX**
Counterfeit of Registered Mark

17 For a further and separate cause of action, being a different offense from but connected in
18 its commission as the causes set forth above: On or about June 21, 2016, in the County of
19 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
20 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
21 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
22 the Principal Register of the United States Patent and Trademark Office, merchandise with a
23 collective retail value or fair market value of over \$950, to wit: Burberry jeans, shirts, and sweat
24 suits with a total manufacturer's suggested retail price of \$13,700 offered for sale at Fashion
25 Moda.

26
27 **COUNT SEVEN**
Counterfeit of Registered Mark

28 For a further and separate cause of action, being a different offense from but connected in

1 its commission as the causes set forth above: On or about June 21, 2016, in the County of
2 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
3 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
4 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
5 the Principal Register of the United States Patent and Trademark Office, merchandise with a
6 collective retail value or fair market value of over \$950, to wit: Bvlgari earrings, hair clip, and
7 rings with a total manufacturer's suggested retail price of \$80,200 offered for sale at Fashion
8 Moda.

9
10 **COUNT EIGHT**
Counterfeit of Registered Mark

11 For a further and separate cause of action, being a different offense from but connected in
12 its commission as the causes set forth above: On or about June 21, 2016, in the County of
13 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
14 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
15 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
16 the Principal Register of the United States Patent and Trademark Office, merchandise with a
17 collective retail value or fair market value of over \$950, to wit: Chanel belts, bracelets, dresses,
18 earrings, hair clips, pants, rings, shirts, sweat suits, and sweater with a total manufacturer's
19 suggested retail price of \$49,375 offered for sale at Fashion Moda.

20 **COUNT NINE**
21 **Counterfeit of Registered Mark**

22 For a further and separate cause of action, being a different offense from but connected in
23 its commission as the causes set forth above: On or about June 21, 2016, in the County of
24 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
25 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
26 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
27 the Principal Register of the United States Patent and Trademark Office, merchandise with a
28 collective retail value or fair market value of over \$950, to wit: Christian Dior earrings with a

1 total manufacturer's suggested retail price of \$1,200 offered for sale at Fashion Moda.

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3 **COUNT TEN**
Counterfeit of Registered Mark

4 For a further and separate cause of action, being a different offense from but connected in
5 its commission as the causes set forth above: On or about June 21, 2016, in the County of
6 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
7 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
8 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
9 the Principal Register of the United States Patent and Trademark Office, merchandise with a
10 collective retail value or fair market value of over \$950, to wit: Gucci shirts with a total
11 manufacturer's suggested retail price of \$1,200 offered for sale at Fashion Moda.

12
13 **COUNT ELEVEN**
Counterfeit of Registered Mark

14 For a further and separate cause of action, being a different offense from but connected in
15 its commission as the causes set forth above: On or about June 21, 2016, in the County of
16 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
17 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
18 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
19 the Principal Register of the United States Patent and Trademark Office, merchandise with a
20 collective retail value or fair market value of over \$950, to wit: Lacoste polo shirts with a total
21 manufacturer's suggested retail price of \$1,760 offered for sale at Fashion Moda.

22
23 **COUNT TWELVE**
Counterfeit of Registered Mark

24 For a further and separate cause of action, being a different offense from but connected in
25 its commission as the causes set forth above: On or about June 21, 2016, in the County of
26 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
27 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
28 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on

1 the Principal Register of the United States Patent and Trademark Office, merchandise with a
2 collective retail value or fair market value of over \$950, to wit: Louis Vuitton earrings, hair clips,
3 pants, sweat suits, and sweatshirts with a total manufacturer's suggested retail price of \$88,050
4 offered for sale at Fashion Moda.

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6 **COUNT THIRTEEN**
Counterfeit of Registered Mark

7 For a further and separate cause of action, being a different offense from but connected in
8 its commission as the causes set forth above: On or about June 21, 2016, in the County of
9 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
10 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
11 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
12 the Principal Register of the United States Patent and Trademark Office, merchandise with a
13 collective retail value or fair market value of over \$950, to wit: Michael Kors shirts sweat pants,
14 and watches with a total manufacturer's suggested retail price of \$1,275 offered for sale at
15 Fashion Moda.

16
17 **COUNT FOURTEEN**
Counterfeit of Registered Mark

18 For a further and separate cause of action, being a different offense from but connected in
19 its commission as the causes set forth above: On or about June 21, 2016, in the County of
20 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
21 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
22 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
23 the Principal Register of the United States Patent and Trademark Office, merchandise with a
24 collective retail value or fair market value of over \$950, to wit: Prada jeans and shirts with a total
25 manufacturer's suggested retail price of \$7,300 offered for sale at Fashion Moda.

26
27 **COUNT FIFTEEN**
Counterfeit of Registered Mark

28 For a further and separate cause of action, being a different offense from but connected in

1 its commission as the causes set forth above: On or about June 21, 2016, in the County of
2 Sacramento, **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation
3 of section 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly
4 possessed for sale, a counterfeit of a mark registered with the Secretary of State or registered on
5 the Principal Register of the United States Patent and Trademark Office, merchandise with a
6 collective retail value or fair market value of over \$950, to wit: Ralph Lauren polo shirts with a
7 total manufacturer's suggested retail price of \$975 offered for sale at Fashion Moda.

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9 **COUNT SIXTEEN**
Counterfeit of Registered Mark

10 For a further and separate cause of action, being a different offense from but connected in
11 its commission as the causes set forth above: On or about June 21, 2016, in the County of Yolo,
12 **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation of section
13 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly possessed
14 for sale, a counterfeit of a mark registered with the Secretary of State or registered on the
15 Principal Register of the United States Patent and Trademark Office, merchandise with a
16 collective retail value or fair market value of over \$950, to wit: Chanel dresses, hair clips, and
17 sweat suits, with a total manufacturer's suggested retail price of \$53,250 offered for sale at
18 Elena's Health Products.

19
20 **COUNT SEVENTEEN**
Counterfeit of Registered Mark

21 For a further and separate cause of action, being a different offense from but connected in
22 its commission as the causes set forth above: On or about June 21, 2016, in the County of Yolo,
23 **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, in violation of section
24 350, subdivision (a)(2) of the Penal Code, committed a felony, in that they knowingly possessed
25 for sale, a counterfeit of a mark registered with the Secretary of State or registered on the
26 Principal Register of the United States Patent and Trademark Office, merchandise with a
27 collective retail value or fair market value of over \$950, to wit: Louis Vuitton hair clips and shawl
28 with a total manufacturer's suggested retail price of \$2,950 offered for sale at Elena's Health

1 Products.

2
3 **COUNT EIGHTEEN**
4 **Sales Tax Evasion**

5 For a further and separate cause of action, being a different offense from but connected in
6 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
7 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
8 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers
9 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
10 unlawfully filed false or fraudulent sales tax returns for the first quarter of 2013, with the intent to
11 defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue
12 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
13 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
14 amount of \$3,112.57.

15 **COUNT NINETEEN**
16 **Sales Tax Evasion**

17 For a further and separate cause of action, being a different offense from but connected in
18 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
19 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
20 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers
21 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
22 unlawfully filed false or fraudulent sales tax returns for the second quarter of 2013, with the intent
23 to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue
24 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
25 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
26 amount of \$2,335.54.

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COUNT TWENTY
Sales Tax Evasion

For a further and separate cause of action, being a different offense from but connected in its commission as the causes set forth above: On or about January 1, 2013 through December 31, 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc., unlawfully filed false or fraudulent sales tax returns for the third quarter of 2013, with the intent to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an amount of \$2,637.30.

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COUNT TWENTY ONE
Sales Tax Evasion

For a further and separate cause of action, being a different offense from but connected in its commission as the causes set forth above: On or about January 1, 2013 through December 31, 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc., unlawfully filed false or fraudulent sales tax returns for the fourth quarter of 2013, with the intent to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an amount of \$4,504.08.

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COUNT TWENTY TWO
Sales Tax Evasion

For a further and separate cause of action, being a different offense from but connected in

1 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
2 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
3 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers
4 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
5 unlawfully filed false or fraudulent sales tax returns for the first quarter of 2014, with the intent to
6 defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue
7 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
8 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
9 amount of \$4,488.83.

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11 **COUNT TWENTY THREE**
12 **Sales Tax Evasion**

13 For a further and separate cause of action, being a different offense from but connected in
14 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
15 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
16 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers
17 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
18 unlawfully filed false or fraudulent sales tax returns for the second quarter of 2014, with the intent
19 to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue
20 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
21 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
22 amount of \$4,327.02.

23 **COUNT TWENTY FOUR**
24 **Sales Tax Evasion**

25 For a further and separate cause of action, being a different offense from but connected in
26 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
27 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
28 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers

1 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
2 unlawfully filed false or fraudulent sales tax returns for the third quarter of 2014, with the intent
3 to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue
4 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
5 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
6 amount of \$4,508.73.

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8 **COUNT TWENTY FIVE**
9 **Sales Tax Evasion**

10 For a further and separate cause of action, being a different offense from but connected in
11 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
12 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
13 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers
14 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
15 unlawfully filed false or fraudulent sales tax returns for the fourth quarter of 2014, with the intent
16 to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue
17 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
18 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
19 amount of \$4,605.21.

20 **COUNT TWENTY SIX**
21 **Sales Tax Evasion**

22 For a further and separate cause of action, being a different offense from but connected in
23 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
24 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
25 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers
26 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
27 unlawfully filed false or fraudulent sales tax returns for the first quarter of 2015, with the intent to
28 defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue

1 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
2 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
3 amount of \$5,776.89.

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5 **COUNT TWENTY SEVEN**
6 **Sales Tax Evasion**

7 For a further and separate cause of action, being a different offense from but connected in
8 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
9 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
10 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers
11 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
12 unlawfully filed false or fraudulent sales tax returns for the second quarter of 2015, with the intent
13 to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue
14 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
15 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
16 amount of \$4,698.17.

17 **COUNT TWENTY EIGHT**
18 **Sales Tax Evasion**

19 For a further and separate cause of action, being a different offense from but connected in
20 its commission as the causes set forth above: On or about January 1, 2013 through December 31,
21 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH**
22 **KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers
23 permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc.,
24 unlawfully filed false or fraudulent sales tax returns for the third quarter of 2015, with the intent
25 to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue
26 and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax
27 owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an
28 amount of \$4,067.85.

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COUNT TWENTY NINE
Sales Tax Evasion

For a further and separate cause of action, being a different offense from but connected in its commission as the causes set forth above: On or about January 1, 2013 through December 31, 2015, in the County of Sacramento **SVITLANA KYBYCH, SERHIY KYBYCH, and OLEH KYBYCH**, being a person required to make, render, sign or verify a sales tax return for sellers permit number SR Y JHF 102-178245 issued to Victoria's Massage & Health Products, Inc., unlawfully filed false or fraudulent sales tax returns for the fourth quarter of 2015, with the intent to defeat or evade the reporting, assessment or payment of a tax liability, in violation of Revenue and Taxation Code section 7152(a), a misdemeanor to wit: Defendants underreported sales tax owed and failed to remit sales tax to the California Department of Tax and Fee Administration, an amount of \$4,885.13.

Pursuant to Penal Code Section 1054.5(b), the People hereby informally request that defense counsel provide the People with discovery as required by Penal Code section 1054.3.


DECLARATION

I verify under information and belief, pursuant to Penal Code section 806, that the forgoing is true and correct.

Dated: December 5th, 2017

Respectfully Submitted,

XAVIER BACERRA
Attorney General of California



RANDY M. MAILMAN
Deputy Attorney General
Attorneys for People