

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

**Tatyana Sevostyanov and
Sergey Sevostyanov,**
Petitioner

v.

Docket No. OC-25-0426

Department of Early Education and Care,
Respondent

Appearance for Petitioner:

Vitaliy Yusenko, Esq.

Appearance for Respondent:

Nicole Munroe, Esq.

Administrative Magistrate:

Kenneth J. Forton

SUMMARY

The Department of Early Education and Care's decision finding a day care operator's husband unsuitable as a household member should be upheld because the husband had a supported 51B on file with DCF that credibly accused him of punching his wife in the chest and fighting with police when they came to investigate that night, and he received a "guilty filed" disposition on a charge of Assault and Battery on a Police Officer. The husband also has a drinking problem that significantly affects his home life.

RECOMMENDED DECISION

Petitioner Tatyana Sevostyanov requested an adjudicatory hearing to challenge Respondent Department of Early Education and Care's (EEC) decision that her husband, Sergey Sevostyanov, is not suitable for affiliation with an EEC-licensed program. See 102

CMR 1.07(4)(a)(1); 606 CMR 7.00. The parties filed a joint pre-hearing memorandum and 16 proposed exhibits. On January 22, 2026, I held an evidentiary hearing by Webex video platform. It was digitally recorded. I entered the 16 proposed exhibits into evidence as marked. (Exs. 1-16.) EEC called one witness, EEC Background Record Check Reviewer Edward Riggs. Tatyana testified on her own behalf and also called Sergey.^{1, 2} The parties filed closing briefs.

FINDINGS OF FACT

Based on the testimony and documents in the record, and reasonable inferences drawn from it, I make the following findings of fact:

1. Tatyana Sevostyanov has been licensed as a family childcare provider for nine years. (Ex. 1; Tatyana Testimony.)
2. She currently operates a family childcare program out of her home in Westfield, Massachusetts. (Tatyana Testimony.)
3. Tatyana married her husband, Sergey Sevostyanov, in 2011. Tatyana and Sergey lived together in Westfield with their five children. In November of 2023, Sergey moved out of the Westfield home. He continues to live separately in West Springfield, Massachusetts today. (Ex. 15; Tatyana Testimony; Sergey Testimony.)

¹ For clarity, I refer to the couple as Tatyana and Sergey.

² At the hearing, Tatyana and Sergey testified through a Russian interpreter. On several occasions, Petitioners challenged his interpretation, but on each occasion the interpreter re-interpreted the testimony to the parties' satisfaction. After reviewing the hearing recording, I am satisfied that neither party has been prejudiced.

4. Since 2019, Sergey has worked as a family childcare (FCC) assistant at Tatyana's program. (Sergey Testimony; Tatyana Testimony.)

5. On November 12, 2023, the Sevostyanovs' oldest daughter, age 11, called her grandfather, Tatyana's father, who lives in North Carolina, to say that she was afraid after her parents had a fight. The grandfather then called 9-1-1. Police officers responded to the reported domestic disturbance at the Sevostyanov residence. (Ex. 4.)

6. According to the police report, upon arriving at the residence, the responding officer knocked on the front door. Sergey initially opened the door, but he then immediately closed the door and locked it. (Ex. 4.)

7. A few moments later, while the officer was attempting to gain entry, Sergey opened the front door again. The officer asked Sergey to step outside to speak with him. Sergey refused and attempted to close the door, but the officer had placed his foot inside the door to prevent it from being shut. The door slammed into the officer's boot. When the officer entered the residence, Sergey unsuccessfully attempted to push the officer back through the door. (Ex. 4.)

8. Once inside the residence, the officer repeatedly instructed Sergey to place his hands behind his back. Sergey refused. The officer drew his taser and informed Sergey that if he did not comply with the officer's request he would be tased. (Ex. 4.)

9. Sergey advanced toward the officer. Consequently, the officer tased him. Sergey continued to ignore the officer's request to place his hands behind his back. The

officer tased Sergey a second time. Sergey then lowered himself to the ground, and the officer placed him under arrest. (Ex. 4.)

10. Following his arrest, Sergey was transported to the police station. (Ex. 4.)

11. According to the police report, Tatyana refused to provide a written statement. However, she did inform the officers that she and Sergey had been arguing and that when she tried to bring the children upstairs, Sergey became upset and punched her with a closed fist in the chest. (Ex. 4.)

12. Sergey was charged and arraigned on three offenses: Assault & Battery on a Family/Household Member; Assault & Battery on a Police Officer; and Assault & Battery with a Dangerous Weapon. (Ex. 4.)

13. At arraignment, the court ordered that Sergey stay away from Tatyana. However, he was allowed to communicate with his children. (Sergey Testimony.)

14. While the charges were pending, Sergey lived at a separate residence. He continues to live separately today. (Sergey Testimony.)

15. Ultimately, the charge of Assault & Battery on a Police Officer received a “guilty filed” disposition. The Commonwealth declined to pursue the charge of Assault & Battery with a Dangerous Weapon and nol prossed it. The charge of Assault & Battery on a Family/Household Member was dismissed by the court. (Ex. 7.)

16. On November 12, 2023, the Department of Children and Families (DCF) received a 51A report regarding the domestic disturbance at the Sevostyanovs’ residence. DCF subsequently opened an investigation. (Ex. 2.)

17. On November 27, 2023, a DCF investigator visited the Sevostyanovs' residence. The DCF investigator interviewed Tatyana. The investigator summarized Tatyana's statements during the interview as follows: Sergey typically drinks every other weekend, and his drinking affects his behavior. On the night of the incident, Sergey was drinking. When Tatyana and Sergey began to argue, Tatyana told the children to go upstairs. This upset Sergey. He then punched Tatyana in the chest with a closed fist. (Ex. 2.)

18. The DCF investigator also interviewed the Sevostyanovs' children. The investigator summarized the oldest daughter's statements during the interview as follows: Her father was drinking in the basement on the date of the incident. When he came upstairs, he began to yell. While the children did not see their parents fighting, they did hear banging noises downstairs. Afraid her mother might get hurt, the oldest daughter called her grandfather, who then called 9-1-1. (Ex. 2.)

19. On December 4, 2023, the DCF investigator interviewed Sergey. The DCF investigator summarized Sergey's statements during the interview as follows: Sergey acknowledged that he drinks occasionally. He will take a shot of Cognac if he believes his blood pressure is too low. He explained that he knows when his blood pressure is low because his hands will get cold. He reported that typically he drinks between 200-300 ml (6.8-10.1 ounces)³ of Cognac. However, he may drink more if he is "in good company." Sergey insisted that he does not drink to the point of intoxication, and he

³ A standard shot of liquor is 1.5 ounces, or 44 ml. See [About Standard Drink Sizes](#) (last visited Apr. 8, 2026).

does not believe that his drinking impairs his behavior. He denied drinking on the date of the incident. On the date of the incident, Tatyana told him that she would be stepping out and that she was leaving the children at the house. This upset Sergey, and he started to yell. When Tatyana sent the children upstairs, they began to argue. When asked, Sergey admitted that he punched Tatyana in the chest. (Ex. 2.)

20. On December 5, 2023, DCF issued its 51B report regarding the incident. Based on its investigation, DCF concluded that the allegations of neglect by Sergey were supported. (Ex. 2.)

21. As part of Tatyana's application to renew her family childcare license, Sergey consented to a background record check (BRC) as a household member and FCC assistant. (Riggs Testimony; Ex. 12.)

22. As part of Sergey's background check, EEC found information that triggered its discretionary review process: the supported 51B report and his related criminal charges. (Ex. 1; Riggs Testimony.)

23. Edward Riggs, an EEC Background Record Check Unit Specialist, conducted Sergey's discretionary review. Mr. Riggs has worked as a reviewer at EEC for two years. (Riggs Testimony.)

24. In conducting his review, Mr. Riggs considered the court docket, police report, and DCF 51B report regarding the domestic disturbance in November 2023. He also reviewed the candidate statement and letters of support submitted on behalf of Sergey. (Riggs Testimony.)

25. Mr. Riggs reviewed, but did not consider, Sergey's quite significant and mostly out-of-state criminal history. Between 2001 and 2003, Sergey was charged on four separate occasions for Driving Under the Influence. Between 2001 and 2008, he was charged with four counts of Driving with a Suspended/Revoked License. He was found not guilty on one of these charges. Between 2006 and 2008, on three occasions he was charged with Ignition Interlock Violations. (He was found not guilty on one of these charges.) In 2007, he was charged with Assault. In 2008, he was charged with Attempt to Elude and Refusal to Comply with Police. Finally, in 2009, he was charged with three counts of Noncompliance with Conditions of Sentence. (Riggs Testimony; Ex. 13.)

26. While the records do not provide dispositions for most of the out-of-state charges, I can infer from the fact that Sergey was charged with Ignition Interlock Violations, Driving with a Suspended/Revoked License, and offenses related to violating conditions on a license, that he was found guilty on at least one of the charges of Driving Under the Influence. (Ex. 13.)

27. After reviewing these earlier charges in 2015, EEC determined that Sergey was "suitable," as none of them directly involved caring for children. Mr. Riggs obtained a copy of EEC's 2015 discretionary review. However, Mr. Riggs's review focused on the 2023 criminal charges and DCF supported findings. (Riggs Testimony.)

28. Mr. Riggs determined that Sergey is unsuitable to be a household member of a home-based daycare program. His determination was reviewed and approved by his supervisors. (Ex. 1; Riggs Testimony.)

29. On June 12, 2025, EEC notified the Sevostyanovs of its determination.
(Ex. 15.)

30. On July 7, 2025, Sergey filed a Notice of Claim requesting a hearing regarding EEC’s determination. He included a one-page letter prepared by his attorney. The letter stated that, since the incident, Sergey has rehabilitated himself and has complied with the law, DCF’s directives, and EEC’s protocols. (Ex. 16; Sergey Testimony.)

31. Sergey’s Notice of Claim stated that he had attended a rehabilitation center. At the hearing, Sergey explained that he actually has *not* received substance-abuse treatment or rehabilitation subsequent to the November 2023 incident. However, he did attend “classes” while on probation for previous criminal charges. (Ex. 16; Sergey Testimony.)

CONCLUSION AND RECOMMENDATION

Early education and care programs in Massachusetts may operate only under licenses from the department. G.L. c. 15D, §§ 6-7. The department is authorized to promulgate regulations about the circumstances in which it will deny licenses to applicants. *Id.* § 10. Under those regulations, the department must run background checks both on applicants and on their “household members.” See 606 CMR 14.05(2)(b); 606 CMR 7.02.

There is no dispute that Sergey must submit to a BRC because he seeks to live with Tatyana and his children while Tatyana continues to operate the childcare business. It also appears that she wants Sergey to help in the business again.

Sergey's BRC revealed that he has a discretionary disqualifying background, because of his DCF supported 51B report. See 606 CMR 14.10(6)(c) (being a "person responsible for the abuse or neglect of a child . . . as appearing on any check of any state . . . child welfare or child abuse and neglect registry or database" is a discretionary disqualifying background). Sergey was also charged with Assault and Battery on a Police Officer on the night that the police investigated the domestic call they received from the children's grandparents. The court imposed a "guilty filed" on that charge. See Mass. R. Crim. Pro. 28(e). That disposition requires an admission or finding of guilt, and results in a conviction on the defendant's record. *Id.*

In the case of discretionary disqualifications, the regulations direct the department to consider the following factors:

1. Time since the incident(s);
2. Age of the candidate at the time of the incident(s);
3. Seriousness and specific circumstances surrounding the incident(s);
4. Relationship of the incident(s) to the ability of the candidate to care for children;
5. Number of criminal offenses or findings of abuse/neglect;
6. Dispositions of criminal offenses and findings of abuse/neglect;
7. Relevant evidence of rehabilitation or lack thereof; and
8. Other relevant information, including information submitted by the candidate.

606 CMR 14.12(2)(f). For purposes of its analysis, the department is authorized to collect police reports, docket sheets, candidate statements, reference letters, and other materials. 606 CMR 14.12(2)(c). Ultimately, the department must determine whether

the individual at issue has presented “clear and convincing evidence demonstrating his suitability for licensure . . . in light of the concern for children’s safety.” 606 CMR 14.12(2)(e).

Most of the eight regulatory factors weigh against Sergey’s suitability. Just one, in fact, evidence of rehabilitation (factor 7), weighs in his favor. Sergey’s letters of support describe him as professional and as a caring husband and father. DCF has also indicated in a letter that Sergey is currently in compliance with all recommendations that it made after its investigation.

The remaining factors weigh against suitability. Sergey was 49 years old (factor 2) when he got into an argument with his wife in the basement of their home while their children were upstairs. Both Sergey and Tatiana reported to investigators that the situation got heated enough that he punched his wife in the chest. It also caused their 11-year-old daughter to call relatives because she was scared. This is very serious because he used strong violence against his wife. On top of that, he did it while their children were at home (factors 3 and 4). And, this all happened less than three years ago (factor 1).

Then, when the police arrived, Sergey tried to push the police officer outside and slammed the door on his boot. Sergey was unruly enough that he was tased by the officer twice and arrested. His actions resulted in a charge of Assault and Battery on a Police Officer and a disposition of “guilty filed,” which means he was found guilty of or admitted to assaulting the officer (factors 5 and 6). This is a serious charge, as it means that Sergey was willing to use violence to resolve a dispute (factor 3). At the hearing,

Sergey and Tatyana twisted this event by turning the police into the real cause of their children's fear. There is no doubt that having their father arrested likely made the children more afraid, but it was Sergey himself who began the chain of events in the first place (factor 4). He could have let the officer do his job and answered his basic questions or at least refrained from physical aggression. Instead, Sergey resorted to violence to resolve a dispute, knowing that his children were at home and could likely hear the ruckus.

Sergey and Tatyana testified that he never punched her—he merely brushed by her shoulder—in the context of a not very loud argument. They also testified that Sergey was compliant with the police after the police “intruded upon Sergey’s privacy” and that “miscommunication” led to the police overreacting and ultimately arresting him. (Petitioner’s Closing Statement.) They also maintain that the statements they made to the police, DCF, and EEC were misconstrued because they were forced to speak in English and could have explained themselves more accurately in their native language, Russian. I do not discount that communicating in one’s non-native tongue can be challenging, but all of the accounts of what happened on that night in November 2023 are largely consistent with each other, while the parties’ self-serving testimonial account of that night is the outlier. I therefore do not credit the Sevostyanovs’ testimony.

Finally, under “other relevant information” (factor 8), it must be stated that Sergey has a fairly obvious problem with alcohol. I do not come to this conclusion lightly. As far back as 2001, his drinking has affected his judgment. While it is true that

EEC did not find his four charges for Driving Under the Influence (along with related counts of Driving with a Suspended or Revoked License, three Ignition Interlock violations, Assault, and Attempt to Elude and Refusal to Comply with Police) disqualifying when it reviewed his application in 2015 because the violations did not directly relate to children, it is clear that *now* alcohol is clouding Sergey's judgment enough that he has abused his wife, and his daughter has to call out-of-state relatives because she is so afraid of what is happening in her own home. Sergey's own account of his drinking has vacillated between frank admissions that he still drinks hard liquor, in fairly serious quantities in isolation in the basement, to near denials that he drinks at all. He also uses alcohol as "medicine" to control his blood pressure. Sergey's use of alcohol exemplifies his poor judgment and weighs heavily against his suitability.

For the above-stated reasons, Sergey has failed to present clear and convincing evidence of his suitability to be a household member, or eventually work at the family childcare business again. I therefore recommend that EEC find Sergey unsuitable.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

Kenneth J. Forton
Administrative Magistrate

DATED: April 15, 2026