

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

FEB 22 2019

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By R. Knapp

In the Matter of the Accusation of:)	DRE No. H-6523 SAC
)	
ALLA SAMCHUK,)	
)	
Respondent(s).)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on February 11, 2019, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, ALLA SAMCHUK ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses and/or license rights on grounds of conviction of crimes that are substantially related to the qualifications, functions or duties of a real estate licensee.

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On April 5, 2017, Tricia D. Parkhurst made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to

Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on April 06, 2017.

On February 11, 2019, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("the Code") as a real estate salesperson. Respondent's real estate salesperson license expired on August 28, 2017. Pursuant to Code Section 10103, the Department retains jurisdiction.

3.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on April 06, 2017, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

The allegations contained in the Accusation, constitute cause under Sections 490, 10177(b) (conviction of a crime substantially related to the qualifications, functions or duties of a real estate licensee) and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

2.

The allegation in in the Accusation, constitutes cause under Sections 10186.2 (a) (conviction reporting requirements) of the Code, and are grounds under sections 10177(d) (willful disregard or violation of Real Estate Law) and 10186.2 (b) (failure to report) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

3.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent ALLA SAMCHUK under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

MAR 15 2019

This Decision shall become effective at 12 o'clock noon on _____.

DATED: February 20, 2019.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER




FILED

1 Department of Real Estate
1651 Exposition, Blvd.
2 Sacramento, CA, 95815

February 11, 2019

3 DEPARTMENT OF REAL ESTATE

4
5 By 

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

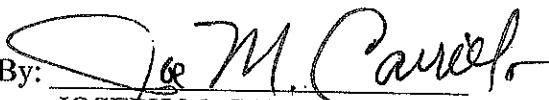
10 * * *

11 In the Matter of the Accusation of:) DRE NO. H-6523 SAC
12 ALLA SAMCHUK,) DEFAULT ORDER
13 Respondent.)
14)

15 Respondent ALLA SAMCHUK, having failed to file a Notice of Defense
16 within the time required by Section 11506 of the Government Code, is now in default. It is,
17 therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED FEBRUARY 11, 2019.

19 DANIEL J. SANDRI
20 ACTING REAL ESTATE COMMISSIONER

21
22 By: 
23 JOSEPH M. CARRILLO
24 Managing Deputy Commissioner IV
25
26
27

FILED

APR 06 2017

BUREAU OF REAL ESTATE

By M. Roberts

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2 Bureau of Real Estate
3 P.O. BOX 137007
4 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670
5 (916) 263-3767 (Fax)
6 (916) 263-7303 (Direct)

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 ALLA SAMCHUK,) NO. H-6523 SAC
13))
14 Respondent.) ACCUSATION

15 The Complainant, TRICIA PARKHURST, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Accusation against ALLA
17 SAMCHUK ("Respondent"), is informed and alleges as follows:

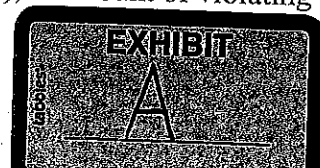
18 1

19 Respondent is presently licensed and/or has license rights under the Real Estate
20 Law, Part 1 of Division 4 of the Business and Professions Code ("the Code") as a real estate
21 salesperson.

22 CRIMINAL CONVICTION

23 2

24 On or about February 24, 2017, in the United States District Court, Eastern
25 District of California, case No. 2:12CR00066-1, Respondent was convicted of six counts of
26 violating section 1344 of title 18 of the United States Code (bank fraud), six counts of violating
27 section 1014 of title 18 of the United States Code (false statement), one count of violating section



1 1957 of title 18 of the United States Code (money laundering), and one count of violating
2 section 1028A(a)(1) of title 18 of the United States Code (aggravated identity theft), felonies and
3 crimes that bear a substantial relationship to the qualifications, functions or duties of a real estate
4 licensee pursuant to section 2910, title 10, of the California Code of Regulations.

5 FAILURE TO NOTIFY BUREAU OF CRIMINAL CONVICTION

6 3

7 On February 10, 2016, a diligent search was made of the records of the Bureau of
8 Real Estate ("Bureau") relating to Respondent's real estate salesperson license No. 01452260.
9 No record or written notice was received from Respondent notifying the Bureau, in writing, of
10 any arrest, conviction, indictment or license disciplinary action.

11 GROUND FOR DISCIPLINE

12 4

13 The facts alleged above in Paragraph 2 constitute cause under sections 490
14 (conviction of substantially related crime), 10177(b) (conviction of substantially related crime),
15 and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing) of the Code for
16 the suspension or revocation of all licenses and license rights of Respondent under the Real
17 Estate Law.

18 5

19 The facts alleged above in Paragraphs 2 and 3, constitute a violation section
20 10186.2 (a) (conviction reporting requirements) of the Code, and are grounds under sections
21 10177(d) (willful disregard or violation of Real Estate Law) and 10186.2 (b) (failure to report) of
22 the Code for suspension or revocation of all licenses and license rights of Respondent under the
23 Real Estate Law.

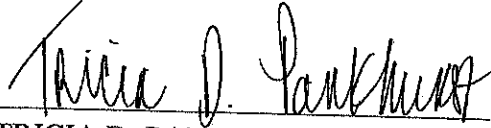
24 COST RECOVERY

25 6

26 The Bureau will seek to recover cost of the investigation and prosecution of this
27 case pursuant to section 10106 of the Code which provides, in pertinent part, that in any order

1 issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may
2 request the administrative law judge to direct a licensee found to have committed a violation of
3 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
4 the case.

5 WHEREFORE, the Complainant prays that the above-entitled matter be set for
6 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
7 authorize the issuance of, and deny the issuance of, a real estate salesperson/broker license to
8 Respondent, and for such other and further relief as may be proper under applicable provisions of
9 law.

10 
11 TRICIA D. PARKHURST
12 Supervising Special Investigator

13 Dated at Sacramento, California,
14 this 5th day of April, 2017.

15
16
17 DISCOVERY DEMAND

18 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
19 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
20 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
21 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
22 Administrative Hearings deems appropriate.