

BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

In the Matter of the Accusation of BOZHENA-ANNA KOLESNIKOV.

No. H-3525 SD

Posnondont

DECISION

Respondent.

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 December 29, 2006, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On May 24, 2006, J. Chris Graves made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on June 1, 2006 and July 18, 2006.

On December 6, 2006, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent is presently licensed an

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 (hereinafter "Code") as a real estate salesperson.

III

On or about March 10, 2006, in the Superior Court, County of San Bernardino (Case TBA045590), Respondent was convicted of a violation of Section 23152(A) of the California Vehicle Code (Driving Under the Influence), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

On or about March 10, 2006, in the Superior Court, County of San Bernardino (Case RBA045742), Respondent was convicted of a violation of Section 23152(A) of the California Vehicle Code (Driving Under the Influence with prior), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

V

On or about March 10, 2006, in the Superior Court, County of San Bernardino (Case TBA045784), Respondent was convicted of a violation of Section 23152(A) of the California Vehicle Code (Driving Under the Influence with 2 Priors), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490 and 10177(b).

ΙΙ

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

- 2 -

ORDER

												ondent	
BOZHENA-A													
Division	4	of	the	Busin	ess	and	Prof	essi	ons	Code	are	revoke	d.

						_		
on <u>FEB 2 8 200</u>	nis Decision	n shall	become	effective	at	12	o'clock	noon
on FEB 2.6 Zul	<i>y</i> 1							
D <i>I</i>	ATED:	- [-	110	\mathcal{T}				

JEFF DAVI Real Estate Commissioner

DEPARTMENT OF REAL ESTATE

By anne Mauren

TRULY SUGHRUE, Counsel State Bar No. 223266 Department of Real Estate P.O. Box 187007 Sacramento, CA 95818-7007

Telephone: (916) 227-0781

7

8

9.

11

12

14

17

18

21

23

24 25

26

27

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

BOZHENA-ANNA KOLESNIKOV,

Respondent.

No. H-3525 SD

DEFAULT ORDER

Respondent, BOZHENA-ANNA KOLESNIKOV, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED December 6, 2006

JEFF DAVI

Real Estate Commissioner

oloren Weeks

DOLORES WEEKS

Regional Manager

TRULY SUGHRUE, Counsel State Bar No. 223266 Department of Real Estate P.O. Box 187007 Sacramento, CA 95818-7007 FJUN 0 1 2006

DEPARTMENT OF REAL ESTATE

By anne Shawen

Telephone: (916) 227-0781

6

7

8

9

10

10

11

12

13 14

15

16

17

18

19

20

22

23

24

25

26

27

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

BOZHENA-ANNA KOLESNIKOV,

Respondent.

No. H-3525 SD

ACCUSATION

The Complainant, J. CHRIS GRAVES, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against BOZHENA-ANNA KOLESNIKOV (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, J. CHRIS GRAVES, a Deputy Real Estate

Commissioner of the State of California, makes this Accusation in

his official capacity.

111

111

111

///

ΙI

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

III

On or about March 10, 2006, in the Superior Court,

County of San Bernardino (Case #TBA045590), Respondent was

convicted of a violation of Section 23152(A) of the California

Vehicle Code (Driving Under the Influence), a crime involving

moral turpitude which bears a substantial relationship under

Section 2910, Title 10, California Code of Regulations, to the

qualifications, functions, or duties of a real estate licensee.

IV

On or about March 10, 2006, in the Superior Court, County of San Bernardino (Case #TBA045742), Respondent was convicted of a violation of Section 23152(A) of the California Vehicle Code (Driving Under the Influence with a Prior), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

V

On or about March 10, 2006, in the Superior Court,

County of San Bernardino (Case #TBA045784), Respondent was

convicted of a violation of Section 23152(A) of the California

Vehicle Code (Driving Under the Influence with 2 Priors), a crime

involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

VI

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under the provisions of law.

CHRIS GRAVES

Deputy Real Estate Commissioner

Dated at San Diego, California,

this 24th day of May, 200

2.4