

FILED

JUN 26 2006

DEPARTMENT OF REAL ESTATE

By Juan Arant

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-3826 SAC

IRINA SINIY,

Respondent.

ORDER GRANTING UNRESTRICTED LICENSE

On November 4, 2003, a Decision was rendered herein denying the Respondent's application for real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on December 23, 2003, and Respondent has operated as a restricted licensee since that time.

On June 20, 2005, Respondent petitioned for the removal of restrictions attaching to her real estate salesperson license.

I have considered Respondent's Petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that she meets the requirements of law for the
2 issuance to her of an unrestricted real estate salesperson
3 license and that it would not be against the public interest to
4 issue said license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's
6 petition for removal of restrictions is granted and that a real
7 estate salesperson license be issued to Respondent subject to the
8 following understanding and conditions:

9 1. The license issued pursuant to this order shall be
10 deemed to be the first renewal of respondent's real estate
11 salesperson license for the purpose of applying the provisions of
12 Section 10153.4.

13 2. Within nine (9) months from the date of this order
14 respondent shall:

15 (a) Submit a completed application and pay the
16 appropriate fee for a real estate salesperson license, and

17 (b) Submit evidence of having taken and successfully
18 completed the courses specified in subdivisions (a) (1), (2), (3)
19 and (4) of Section 10170.5 of the Real Estate Law for renewal of
20 a real estate license.

21 3. Upon renewal of the license issued pursuant to this
22 order, respondent shall submit evidence of having taken and
23 successfully completed the continuing education requirements of
24 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
25 real estate license.

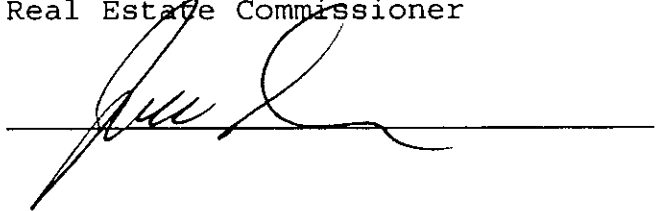
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1 This Order shall become effective immediately.

2 IT IS SO ORDERED 6-21, 2006.

3 _____
4 JEFF DAVI
5 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

IRINA SINIY,

Respondent

) No. H- 3826 SAC

) **STIPULATION AND**
) **WAIVER**

It is hereby stipulated by and between IRINA SINIY, (hereinafter "Respondent") and Respondent's attorney, Matthew V. Brady, and the Complainant, acting by and through Larry A. Alamao, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on May 24, 2003, in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meet all the requirements for issuance of a real estate salesperson license. Respondent further understands that by entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner

1 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
2 to Respondent of an unrestricted real estate salesperson license.

3 Respondent hereby admits that the allegations of the Statement of Issues filed against
4 Respondent are true and correct and requests that the Real Estate Commissioner in her discretion issue a
5 restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the
6 Business and Professions Code. Respondent understands that any such restricted license will be issued
7 subject to and be limited by Section 10153.4 of the Business and Professions Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving
9 Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish
10 Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson license if this
11 Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is not waiving
12 Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted license if
13 this Stipulation and Waiver is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions
15 will attach to a restricted license issued by the Department of Real Estate pursuant hereto:

16 1. The license shall not confer any property right in the privileges to be exercised
17 including the right of renewal, and the Real Estate Commissioner may by appropriate
18 order suspend the right to exercise any privileges granted under this restricted license
19 in the event of:

20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime
21 which bears a substantial relationship to Respondent's fitness or capacity as a
22 real estate licensee; or

23 b. The receipt of evidence that Respondent has violated provisions of the
24 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
25 Estate Commissioner, or conditions attaching to this restricted license.

26 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate
27 license nor the removal of any of the conditions, limitations or restrictions attaching to

1 the restricted license until two years have elapsed from the date of issuance of the
2 restricted license to Respondent.

3 3. With the application for license, or with the application for transfer to a new
4 employing broker, Respondent shall submit a statement signed by the prospective
5 employing broker on a form approved by the Department of Real Estate wherein the
6 employing broker shall certify as follows:

7 a. That broker has read the Statement of Issues which is the basis for the issuance
8 of the restricted license; and

9 b. That broker will carefully review all transaction documents prepared by the
10 restricted licensee and otherwise exercise close supervision over the licensee's
11 performance of acts for which a license is required.

12 4. Respondent's restricted real estate salesperson license is issued subject to the
13 requirements of Section 10153.4 of the Business and Professions Code, to wit:
14 Respondent is required, within eighteen (18) months of the issuance of the restricted
15 license, to submit evidence satisfactory to the Commissioner of successful completion,
16 at an accredited institution, of two of the courses listed in Section 10153.2, other than
17 real estate principles, advanced legal aspects of real estate, advanced real estate
18 finance, or advanced real estate appraisal. If Respondent fails to timely present to the
19 Department satisfactory evidence of successful completion of the two required
20 courses, the restricted license shall be automatically suspended effective eighteen (18)
21 months after the date of its issuance. Said suspension shall not be lifted unless, prior to
22 the expiration of the restricted license, Respondent has submitted the required
23 evidence of course completion and the Commissioner has given written notice to
24 Respondent of the lifting of the suspension.

25 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an
26 unqualified license under Section 10153.4, Respondent shall not be entitled to renew
27 the restricted license, and shall not be entitled to the issuance of another license which

1 is subject to Section 10153.4 until four years after the date of the issuance of the
2 preceding restricted license.

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5 11/5/03

6 Dated

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LARRY A. ALAMAO

LARRY A. ALAMAO, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Sep. 8, 2003

Dated

IRINA

IRINA SINTY, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

Sept 10/2003

Dated

MATTHEW V. BRADY

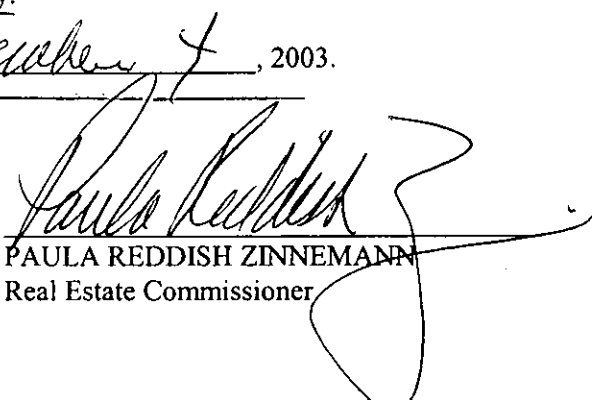
MATTHEW V. BRADY, Attorney for Respondent

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED November 4, 2003.


PAULA REDDISH ZINNEMANN
Real Estate Commissioner

FILED
JUL - 2 2003

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By *[Signature]*

In the Matter of the Application of

IRINA SINTY,

}

Case No. H-3826 SAC

OAH No. N-2003060589

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at

**THE OFFICE OF ADMINISTRATIVE HEARINGS
560 J STREET, SUITES 340/360
SACRAMENTO, CALIFORNIA 95814**

on **AUGUST 25, 2003**, at the hour of **11:00 AM**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: JUNE 27, 2003

By

[Signature]
LARRY A. ALMAO, Counsel

LARRY A. ALAMAO, Counsel
State Bar No. 47379
Department of Real Estate
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

FILED
MAY 24 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
IRINA SINIY,)	NO. H-3826 SAC
Respondent.)	<u>STATEMENT OF ISSUES</u>

The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against IRINA SINIY (hereinafter "Respondent"), is informed and alleges as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about December 20, 2002, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

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1 II

2 Complainant, CHARLES W. KOENIG, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity and not otherwise.

5 III

6 On or about December 27, 2001, in the Superior Court,
7 County of Sacramento, Respondent was convicted of a violation of
8 Section 273.5(a) of the California Penal Code (Infliction of
9 Corporal Injury on Spouse), a crime involving moral turpitude
10 which bears a substantial relationship under Section 2910, Title
11 10, California Code of Regulations, to the qualifications,
12 functions, or duties of a real estate licensee.

13 IV

14 The crime of which Respondent was convicted, as alleged
15 above, constitutes cause for denial of Respondent's application
16 for a real estate license under Sections 480(a) and 10177(b) of
17 the California Business and Professions Code.

18 WHEREFORE, the Complainant prays that the above-
19 entitled matter be set for hearing and, upon proof of the charges
20 contained herein, that the Commissioner refuse to authorize the
21 issuance of, and deny the issuance of, a real estate salesperson
22 license to Respondent, and for such other and further relief as
23 may be proper under other provisions of law.

24 
25 CHARLES W. KOENIG
26 Deputy Real Estate Commissioner

26 Dated at Sacramento, California,
27 this 13th day of May, 2003.