

FILED

DEC - 4 2008

DEPARTMENT OF REAL ESTATE

[Signature]

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4
5 Telephone: (916) 227-0789
6

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA
9

10 *In the Matter of the Application of*

11 SERGEY YUSUPOV,
12

13 Respondent)
14)

) No. H- 5087 SAC
)

) STIPULATION AND
) WAIVER
)

15 I, SERGEY YUSUPOV, Respondent herein, do hereby affirm that I have applied to the Department of
16 Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of
17 the statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on OCTOBER 17, 2008, in connection with my application for a real
20 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
21 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
22 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
26 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
27

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

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

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

11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

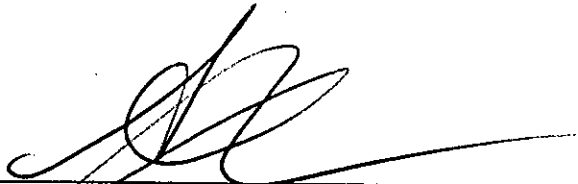
- 13 1. The license shall not confer any property right in the privileges to be exercised including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges granted under this restricted license in the event of:
 - 16 a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a
17 substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that Respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to Respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:
27

- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

11-26-2008

Dated



SERGEY YUSUPOV, Respondent

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* * *

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 SERGEY YUSUPOV 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 December 4, 2008

Jeff Davi
Real Estate Commissioner


CHARLES W. KOENIG
REGIONAL MANAGER

1 JOHN VAN DRIEL, Counsel (SBN 84056)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-0787

FILED

OCT 17 2008

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of
SERGEY YUSUPOV,
Respondent.

No. H-5087 SAC
STATEMENT OF ISSUES

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

1

Complainant makes this Statement of Issues in his official capacity.

2

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about January 3, 2008.

3

On or about May 28, 2004, in the Superior Court of the City and County of San Francisco, Respondent was convicted of a violation of Section 148.9(A) of the California Penal Code (false ID to peace officer), a crime involving moral turpitude and which bears a substantial


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1 relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications,
2 functions, or duties of a real estate licensee.

3 4

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

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

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12 
13 CHARLES W. KOENIG
14 Deputy Real Estate Commissioner

14 Dated at Sacramento, California,
15 this 14th day of October, 2008.

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