

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

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FILED

DEC 22 2009

DEPARTMENT OF REAL ESTATE

By H. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	NO. H-5208 SAC
)	
13 TANYA TATYANA ROMANISHIN,)	<u>STIPULATION AND AGREEMENT</u>
)	<u>IN SETTLEMENT AND ORDER</u>
14 Respondent.)	
15)	

16
17 It is hereby stipulated by and between TANYA TATYANA ROMANISHIN
18 (hereinafter "Respondent"), represented in this matter by attorney Howard Stagg, and the
19 Complainant, acting by and through Daniel E. Kehew, Counsel for the Department of Real
20 Estate (hereinafter the "Department"), as follows for the purpose of settling and disposing of the
21 Accusation filed on April 29, 2009, in this matter:

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
24 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
25 shall instead and in place thereof be submitted solely on the basis of the provisions of this
26 Stipulation and Agreement in Settlement.

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1 2. Respondent has received, read and understands the Statement to Respondent,
2 the Discovery Provisions of the APA and the Accusation filed by the Department in this
3 proceeding.

4 3. A Notice of Defense was filed on July 8, 2009 by Respondent, pursuant to
5 Section 11505 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of
8 Defense she will thereby waive her right to require the Commissioner to prove the allegations in
9 the Accusation at a contested hearing held in accordance with the provisions of the APA and
10 that she will waive other rights afforded to her in connection with the hearing such as the right
11 to present evidence in defense of the allegations in the Accusation and the right to cross-
12 examine witnesses.

13 4. This Stipulation and Agreement in Settlement is based on the factual
14 allegations contained in the Accusation. In the interests of expedience and economy,
15 Respondent chooses not to contest these allegations, but to remain silent and understands that,
16 as a result thereof, these factual allegations, without being admitted or denied, will serve as a
17 prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner
18 (herein the "Commissioner") shall not be required to provide further evidence to prove said
19 factual allegations.

20 5. It is understood by the parties that the Commissioner may adopt the
21 Stipulation and Agreement in Settlement as his decision in this matter thereby imposing the
22 penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the
23 below "Order". In the event that the Commissioner in his discretion does not adopt the
24 Stipulation and Agreement in Settlement, it shall be void and of no effect, and Respondent shall
25 retain the right to a hearing and proceeding on the Accusation under all the provisions of the
26 APA and shall not be bound by any admission or waiver made herein.

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6. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation and Agreement in Settlement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

I

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the acts and omissions of Respondent ROMANISHIN as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent ROMANISHIN under Sections 123 and 10177(a) & (d) of the California Business and Professions Code (herein the "Code") and Section 2763(a)(1) of Chapter 6, Title 10, California Code of Regulations.

ORDER

I

All licenses and licensing rights of Respondent TANYA TATYANA
ROMANISHIN under the Real Estate Law are suspended for a period of six (6) days from the
effective date of this Order; provided, however, that:

1. Six (6) days of said suspension shall be stayed upon the condition that
Respondent petition pursuant to Section 10175.2 of the Code and pays a
monetary penalty pursuant to Section 10175.2 of the Code at a rate of
\$250.00 for each day of the suspension for a total monetary penalty of
\$1,500.00:
- A. Said payment shall be in the form of a cashier's check or certified check
made payable to the Recovery Account of the Real Estate Fund. Said
check must be delivered to the Department prior to the effective date of
the Order in this matter.

1 B. No further cause for disciplinary action against the real estate licenses of
2 Respondent occurs within one (1) year from the effective date of the
3 decision in this matter.

4 C. If Respondent fails to pay the monetary penalty as provided above prior to
5 the effective date of this Order, the stay of the suspension shall be vacated
6 as to Respondent and the order of suspension shall be immediately
7 executed, under this Paragraph I of this Order, in which event Respondent
8 shall not be entitled to any repayment nor credit, prorated or otherwise,
9 for the money paid to the Department under the terms of this Order.

10 D. If Respondent pays the monetary penalty and any other moneys due under
11 this Stipulation and Agreement and if no further cause for disciplinary
12 action against the real estate licenses of Respondent occurs within one (1)
13 year from the effective date of this Order, the entire stay hereby granted
14 under Paragraph I shall become permanent.

15 2. Respondent shall, within one (1) year from the effective date of this Decision,
16 take and pass the Professional Responsibility Examination administered by
17 the Department including the payment of the appropriate examination fee. If
18 Respondent fails to satisfy this condition, the Commissioner may order
19 suspension of Respondent's license until Respondent passes the examination.

20
21 DATED: 10/27/09

Daniel E. Kehew
DANIEL E. KEHEW, Counsel
DEPARTMENT OF REAL ESTATE

22
23 * * *

24 I have read the Stipulation and Agreement, and its terms are understood by me
25 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
26 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
27 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive


1 those rights, including the right of requiring the Commissioner to prove the allegations in the
2 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
3 and to present evidence in defense and mitigation of the charges

4
5 DATED:

10-29-09

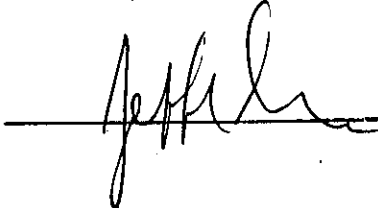

TANYA TATYANA ROMANISHIN
Respondent6
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8 APPROVED AS TO FORM:9
10 October 28, 2009

11 DATED


HOWARD STAGG
Counsel to Respondent12
13 ***

14 The foregoing Stipulation and Agreement in Settlement is hereby adopted by the
15 Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock
16 noon on January 11, 2010

17 IT IS SO ORDERED

18 JEFF DAVI
Real Estate Commissioner19
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1 DANIEL E. KEHEW, Counsel
2 State Bar No. 231550
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0425

FILED

APR 29 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11 TANYA TATYANA ROMANISHIN,)
12 Respondent.)

NO. H-5208 SAC

ACCUSATION

13
14 The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of
15 the State of California, for cause of Accusation against Respondent TANYA TATYANA
16 ROMANISHIN ("Respondent"), is informed and alleges as follows:

17 1

18 The Complainant makes this Accusation against Respondent in his official
19 capacity.

20 2

21 At all times herein mentioned, Respondent was and now is licensed by the
22 Department as a real estate salesperson.

23 3

24 On or about May 22, 2008, Respondent submitted to the Department of Real
25 Estate (Department) a Broker Examination Application, signed by Respondent, and including
26 the acknowledgement, "I understand that subverting the examination will subject me to the
27 penalties of Section 123 of the [Business & Professions] Code."

On November 12, 2008, Respondent appeared for and took the Broker Examination. Upon screening of examinees' materials at the commencement of the examination, proctors found that Respondent's calculator had notes relating to the content of the examination written upon its casing and confiscated Respondent's calculator. Respondent submitted written acknowledgement to the Department that she wrote the information on her calculator, that the information was to help her remember an answer for the examination, and that the attempt "is cheating & it is wrong."

Respondent's attempt to subvert the license examination process and procure a license via such fraud or deceit is in violation of Section 123 of the Business and Professions Code ("Code") and of Section 2763(a)(1), Title 10, California Code of Regulations, and grounds for the revocation or suspension of Respondent's real estate license or license rights under Section 10177(a) and (d) of the Code.

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 TANYA TATYANA ROMANISHIN under the Code and for such other and further relief as may be proper under other provisions of law.


JOE M. CARRILLO
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 7th day of April, 2009.