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**FILED**

DEC 06 2016

BUREAU OF REAL ESTATE

By B. Nicholas

9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
)  
13 ADVANCED GLOBAL REAL ESTATE, ) NO. H-6454 SAC  
)  
14 and ALEX KOSTYUK, ) ACCUSATION  
)  
15 Respondents. )  
)

16 The Complainant, TRICIA D. PARKHURST, a Supervising Special Investigator  
17 of the State of California for cause of Accusation against ADVANCED GLOBAL REAL  
18 ESTATE (AGRE) and ALEX KOSTYUK (KOSTYUK) collectively, RESPONDENTS, is  
19 informed and alleges as follows:

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21 The Complainant makes this Accusation in her official capacity.

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23 At all times herein mentioned, AGRE was and is presently licensed and/or has  
24 license rights under the Real Estate Law, Part I of Division 4 of the California Business and  
25 Professions Code (the Code) by the Bureau of Real Estate (the Bureau) as a corporate real estate  
26 broker.

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At all times herein mentioned, KOSTYUK was and is presently licensed and/or has license rights as a real estate broker.

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At all times herein mentioned, KOSTYUK was licensed by the Bureau as the designated broker/officer of AGRE. As the designated broker/officer, KOSTYUK was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real estate licensees and employees of AGRE for which a real estate license is required.

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RESPONDENTS engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a residential resale brokerage wherein RESPONDENTS bought, sold, or offered to buy or sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or business opportunities, all for or in expectation of compensation.

FIRST CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 6 above, and incorporate the same, herein by reference.

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On or about February 26, 2014, AGRE by and through KOSTYUK, agreed to represent Lyudmyla B., seller, to sell her residence commonly known as 7437 Danfield Circle, North Highlands, California. (Danfield Property)

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KOSTYUK listed the Danfield Property at \$190,000.00.

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On or about March 10, 2014, a potential sale of the Danfield Property fell through and potential seller's salesperson notified KOSTYUK that an inspection of the roof revealed the need for \$1,400.00 in repairs.

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On or about March 10, 2014, Andrey and Elena Y, buyers, made an offer to purchase the Danfield Property for \$210,000.00, which the sellers accepted.

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Kateryna Zabara was a salesperson for AGRE and knew buyers, but her role regarding the Danfield Property transaction was that of a loan officer, through her employment with Wells Fargo Bank.

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From the time that the offer from Buyers was accepted through the close of escrow, KOSTYUK failed to advise Buyers of the need for roof repairs or provide them a copy of the roof repair estimate.

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From the time that the offer from Buyers was accepted through the close of escrow, RESPONDENTS failed to provide the Transfer Disclosure Statement to Buyers for their signature.

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Escrow on the Danfield Property closed on April 15, 2014.

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The acts and or omission of AGRE and KOSTYUK, alleged above. constitute violations of Sections 10176(a) (substantial misrepresentation) and 10176(i) (other act constituting fraud or dishonest dealing) are grounds for the suspension or revocation of the licenses and license rights of AGRE and KOSTYUK under Section 10176(a), 10176(i), 10177(d)

1 (willful disregard/violation of Real Estate Law) and 10177(g) (negligence/incompetence real  
2 estate licensee) of the Code.

3 SECOND CAUSE OF ACTION

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5 Complainant refers Paragraphs 1 through 16, above, and incorporates the same  
6 herein.

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8 At all times herein above mentioned, KOSTYUK, was responsible as the  
9 supervising broker for AGRE, for the supervision and control of the activities conducted on  
10 behalf of AGRE's business by its employees. KOSTYUK failed to exercise reasonable  
11 supervision and control over the property management activities of AGRE. In particular,  
12 KOSTYUK permitted, ratified and/or caused the conduct described above, to occur, and failed to  
13 take reasonable steps, including but not limited to handling of trust funds, supervision of  
14 employees, and the implementation of policies, rules, and systems to ensure the compliance of  
15 the business with the Real Estate Law and the Regulations.

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17 The above acts and/or omissions of KOSTYUK violate Section 10159.2  
18 (responsibility/directing officer) of the Code and Section 2725 (broker supervision) of the  
19 Regulations and constituted grounds for disciplinary action under the provisions of Sections  
20 10177(g) and 10177(h) (broker supervision) of the Code.

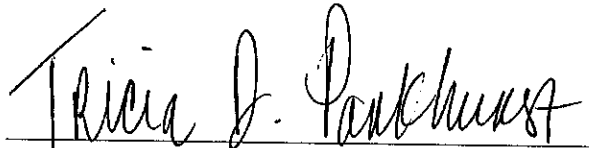
21 20

22 COSTS

23 Section 10106 of the Code provides, in pertinent part, that in any order issued  
24 in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the  
25 administrative law judge to direct a licensee found to have committed a violation of this part to  
26 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.  
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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 Respondents under the Code, and for such other and further relief as may be proper under other provisions of law.

  
TRICIA D. PARKHURST  
Supervising Special Investigator

Dated at Sacramento, California,  
this 5<sup>th</sup> day of December, 2016.