

1 BUREAU OF REAL ESTATE
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3 Sacramento, CA 95813-7007

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FILED

APR 10 2018

BUREAU OF REAL ESTATE
By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11
12 In the Matter of the Accusation of) BRE No. H-6454 SAC
13)
14 ADVANCED GLOBAL REAL ESTATE and)
ALEX KOSTYUK,)
15) STIPULATION AND AGREEMENT
Respondents.) IN SETTLEMENT AND ORDER
16)

17 It is hereby stipulated by and between ADVANCED GLOBAL REAL ESTATE
18 (AGRE), ALEX KOSTYUK (KOSTYUK), collectively Respondents, their counsel, Karen
19 Goodman, and the Complainant, acting by and through Richard K. Uno, Counsel for the Bureau
20 of Real Estate (Bureau); as follows for the purpose of settling and disposing of the Accusation
21 filed on December 6, 2016, in this matter:

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondents 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 and Order (Stipulation).

27 2. Respondents have received, read, and understand the Statement to

1 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real
2 Estate in this proceeding.

3 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
4 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
5 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
6 acknowledge that they understand that by withdrawing said Notice of Defense they will thereby
7 waive their right to require the Real Estate Commissioner (Commissioner) to prove the
8 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
9 APA and that they will waive other rights afforded to them in connection with the hearing such
10 as the right to present evidence in defense of the allegations in the Accusation and the right to
11 cross-examine witnesses.

12 4. This Stipulation is based on the factual allegations contained in the
13 Accusation, which is entered into without a factual determination by a trier of fact. In the interest
14 of expediency and economy, Respondents chose not to contest these factual allegations, but to
15 remain silent and understands that, as a result thereof, these factual statements in the Accusation
16 will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below.
17 The Commissioner shall not be required to provide further evidence to prove such allegations.

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

25 6. The Order or any subsequent Order of the Commissioner made pursuant to
26 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
27 civil proceedings by the Bureau of Real Estate with respect to any matters which were not

1 specifically alleged to be causes for accusation in this proceeding. Moreover, this Order shall not
2 be admissible in any civil proceeding initiated by the complaining parties against Respondents.

3 7. Respondents understand that by agreeing to this Order, Respondents agree
4 to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost of the
5 investigation which resulted in the determination that Respondents committed the violations
6 found in the Determination of Issues. The amount of said costs is \$3,584.50.

7
8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations, admissions and waivers, and solely for
10 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
11 that the acts and/or omissions of Respondents, as described in the Accusation, constitute grounds
12 for the suspension or revocation of the licenses and license rights of Respondents under the
13 provisions of Section 10177(g) of the Code.

14 ORDER

15 ADVANCED GLOBAL REAL ESTATE

16 All licenses and licensing rights of AGRE, under the Real Estate Law are
17 revoked; provided, however, a restricted corporate real estate broker license shall be issued to
18 AGRE, pursuant to Section 10156.5 of the Code, if AGRE makes application therefore and pays
19 to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the
20 effective date of this Stipulation. The restricted license issued to AGRE shall be subject to all of
21 the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
22 restrictions imposed under authority of Section 10156.6 of the Code:

23 1. The restricted license issued to AGRE may be suspended prior to hearing
24 by Order of the Commissioner in the event of AGRE's conviction or plea of nolo contendere to a
25 crime which is substantially related to AGRE's fitness or capacity as a real estate licensee.

26 2. The restricted license issued to AGRE may be suspended prior to hearing
27 by Order of the Commissioner on evidence satisfactory to the Commissioner that AGRE has

1 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of
2 the Commissioner or conditions attaching to the restricted license.

3 3. AGRE shall not be eligible to apply for the issuance of any unrestricted
4 real estate license nor the removal of any of the conditions, limitations, or restrictions of a
5 restricted until two (2) years have elapsed from the effective date of this Stipulation. AGRE shall
6 not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license
7 have been removed.

8 ALEX KOSTYUK

9 All licenses and licensing rights of KOSTYUK, under the Real Estate Law are
10 revoked; provided, however, a restricted real estate broker license shall be issued to KOSTYUK,
11 pursuant to Section 10156.5 of the Code, if KOSTYUK makes application therefore and pays to
12 the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the
13 effective date of this Stipulation. The restricted license issued to KOSTYUK shall be subject to
14 all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions,
15 and restrictions imposed under authority of Section 10156.6 of the Code:

16 1. The restricted license issued to KOSTYUK may be suspended prior to
17 hearing by Order of the Commissioner in the event of KOSTYUK's conviction or plea of nolo
18 contendere to a crime which is substantially related to KOSTYUK's fitness or capacity as a real
19 estate licensee.

20 2. The restricted license issued to KOSTYUK may be suspended prior to
21 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
22 KOSTYUK has violated provisions of the California Real Estate Law, the Subdivided Lands
23 Law, Regulations of the Commissioner or conditions attaching to the restricted license.

24 3. KOSTYUK shall not be eligible to apply for the issuance of any
25 unrestricted real estate license nor the removal of any of the conditions, limitations, or
26 restrictions of a restricted until two (2) years have elapsed from the effective date of this
27 Stipulation. KOSTYUK shall not be eligible to apply for any unrestricted licenses until all


1 restrictions attaching to the license have been removed.

2 4. KOSTYUK shall, within nine (9) months from the effective date of this
3 Stipulation, present evidence satisfactory to the Commissioner that KOSTYUK has, since the
4 most recent issuance of an original or renewal real estate license, taken and successfully
5 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
6 Law for renewal of a real estate license. If KOSTYUK fails to satisfy this condition,
7 KOSTYUK's real estate license shall automatically be suspended until KOSTYUK presents
8 evidence satisfactory to the Commissioner of having taken and successfully completed the
9 continuing education requirements. Proof of completion of the continuing education courses
10 must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013, Sacramento,
11 CA 95813-7013.

12 ADVANCED GLOBAL REAL ESTATE AND ALEX KOSTYUK

13 All licenses and licensing rights of Respondents are indefinitely suspended
14 unless or until Respondents pay the sum of \$3,584.50 for the Commissioner's reasonable cost of
15 the investigation which led to this disciplinary action. Said payment shall be in the form of a
16 cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement
17 costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
18 Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

19
20
21 3/23/18
22 DATED


23 RICHARD K. UNO, Counsel III
24 BUREAU OF REAL ESTATE

25 * * *

26 I have read the Stipulation and Agreement in Settlement and Order and its terms
27 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,

1 intelligently, and voluntarily waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
3 right to cross-examine witnesses against me and to present evidence in defense and mitigation
4 of the charges. I understand that I must sign and return this Stipulation by fax to (916) 263-
5 3767 or by email to Richard.Uno@dre.ca.gov. I further agree to mail the original Stipulation
6 no later than five days after signing it to: Bureau of Real Estate, Legal Section, P.O. Box
7 137007, Sacramento, California 95813-7007. I understand that failure to mail the original
8 back may result in this matter going to hearing.

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3/19/18

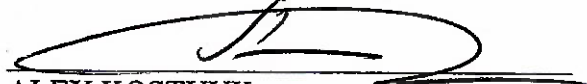
DATED



ADVANCED GLOBAL REAL ESTATE
By: ALEX KOSTYUK, D.O.

3/19/18

DATED



ALEX KOSTYUK

I have reviewed this Stipulation and Agreement as to form and content and have advised my clients accordingly.

3/20/18

DATED



KAREN GOODMAN

The foregoing Stipulation and Agreement In Settlement and Order is hereby

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adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
at 12 o'clock noon on MAY 01 2018

IT IS SO ORDERED April 5, 2018

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner