

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED
JUN 27 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 IGOR DUBROVSKY,) NO. H-9098 SF
13 Respondent.) STIPULATION AND AGREEMENT
14)

15 It is hereby stipulated by and between IGOR DUBROVSKY
16 (hereafter Respondent), represented by Robert W. Stewart,
17 Attorney at Law, and the Complainant, acting by and through
18 Deidre L. Johnson, Counsel for the Department of Real Estate,
19 as follows for the purpose of settling and disposing the
20 Accusation in this case filed on January 27, 2005.

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

1 2. Respondent has received, read and understands the
2 Statement to Respondent, and the Discovery Provisions of the APA
3 filed by the Department of Real Estate in these proceedings.

4 3. On February 7, 2005, Respondent filed a Notice of
5 Defense pursuant to Section 11505 of the Government Code, for
6 the purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his rights to require the Commissioner to prove
11 the allegations in the Accusation at a contested hearing held
12 in accordance with the provisions of the APA, and that he will
13 waive other rights afforded to him in connection with the
14 hearing, such as the right to present evidence in defense of the
15 allegations and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations pertaining to
18 him in the Accusation filed in this proceeding are true and
19 correct and the Real Estate Commissioner shall not be required
20 to provide further evidence of such allegations.

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 the decision in this matter, thereby imposing the penalty and
24 sanctions on the real estate license(s) and license rights of
25 Respondent, and as set forth in the below "Order". In the event
26 that the Commissioner in his discretion does not adopt the
27 Stipulation and Agreement, it shall be void and of no effect,

1 and Respondent shall retain the right to a hearing and proceeding
2 on the Accusation under all the provisions of the APA and shall
3 not be bound by any admission or waiver made herein.

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

10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations, admissions,
12 and waivers, and for the purpose of settlement of the pending
13 Accusation without a hearing, it is stipulated and agreed that
14 the following determinations of issues shall be made:

15 The acts and/or omissions of Respondent IGOR DUBROVSKY
16 as stipulated above constitute grounds for disciplinary action
17 against the real estate broker license(s) and license rights of
18 Respondent under the provisions of Sections 490 and 10177(b) of
19 the Code.

20 * * *

21 ORDER

22 A. All real estate license(s) and license rights of Respondent
23 IGOR DUBROVSKY are hereby revoked.

24 B. A restricted real estate broker license shall be issued to
25 Respondent pursuant to Section 10156.6 of the Code, if he
26 makes application therefor and pays to the Department of
27 Real Estate the appropriate fee for said license within
ninety (90) days from the effective date of the Decision.

1 C. The restricted broker license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following limitations,
4 conditions, and restrictions imposed under authority of
5 Section 10156.6 of that Code:

6 (1) The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner in the event of Respondent's conviction or
9 plea of nolo contendere to a crime which is substantially
10 related to Respondent's fitness or capacity as a real
11 estate licensee.

12 (2) The restricted license issued to Respondent may be
13 suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner
15 that Respondent has violated provisions of the California
16 Real Estate Law, the Subdivided Lands Law, Regulations
17 of the Real Estate Commissioner, or conditions attaching
18 to the restricted license.

19 (3) Respondent shall not be eligible to apply for the
20 issuance of an unrestricted real estate license, nor
21 the removal of any of the conditions of the restricted
22 license, until two (2) years have elapsed from the
23 effective date of this Decision.

24 (4) Respondent shall, within nine (9) months from the
25 effective date of this Decision, present evidence
26 satisfactory to the Real Estate Commissioner that
27 Respondent has, since the most recent issuance of an

1 original or renewal real estate license, taken and
2 successfully completed the continuing education
3 requirements of Article 2.5 of Chapter 3 of the Real
4 Estate Law for renewal of a real estate license. If
5 Respondent fails to satisfy this condition, the
6 Commissioner may order the suspension of the restricted
7 license until the Respondent presents such evidence.
8 The Commissioner shall afford Respondent the opportunity
9 for hearing pursuant to the Administrative Procedure
10 Act to present such evidence.

11
12 May 17, 2005
13 DATED

12 Deidre L. Johnson
13 DEIDRE L. JOHNSON
14 Counsel for the Complainant

15 I have read the Stipulation and Agreement, have
16 discussed it with my counsel, and its terms are understood by me
17 and are agreeable and acceptable to me. I understand that I am
18 waiving rights given to me by the California Administrative
19 Procedure Act, and I willingly, intelligently and voluntarily
20 waive those rights, including but not limited to the right of
21 requiring the Commissioner to prove the allegations in the
22 Accusation at a hearing at which I would have the right to cross-
23 examine witnesses against me and to present evidence in defense
24 and mitigation of the charges.

25
26 5/6/05
27 DATED

25 Igor Dubrovsky
26 IGOR DUBROVSKY, Respondent

1 APPROVED AS TO FORM:

2
3 May 16, 2005
4 DATED

Robert W. Stewart
ROBERT W. STEWART
Attorney for Respondent

6 * * *

7 The foregoing Stipulation and Agreement is hereby
8 adopted as my Decision and shall become effective at 12 o'clock
9 noon on July 18, 2005.

10 IT IS SO ORDERED 5-31, 2005.

11
12 JEFF DAVI
13 Real Estate Commissioner

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15 Jeff Davi
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1 DEIDRE L. JOHNSON, Counsel
2 State Bar No. 66322
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7

FILED
JAN 27 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Accusation of)
13 IGOR DUBROVSKY,) NO. H-9098 SF
14 Respondent.) ACCUSATION
15)

16 The Complainant, LES R. BETTENCOURT, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against IGOR DUBROVSKY (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 The Complainant, LES R. BETTENCOURT, a Deputy Real
22 Estate Commissioner of the State of California, makes this
23 Accusation in his official capacity.

24 II

25 Respondent is presently licensed and/or has license
26 rights under the Real Estate Law (Part 1 of Division 4 of the
27 Business and Professions Code) (Code) as a real estate broker.

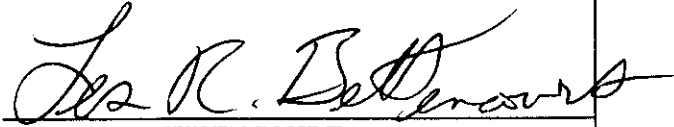
1 III

2 On or about August 12, 2002, in the California Superior
3 Court, County of San Mateo, Respondent was convicted of a
4 violation of Section 484/490.5 of the California Penal Code
5 (Willfully and Unlawfully Take/Steal/Carry Away Certain Personal
6 Property), a crime involving moral turpitude and/or a crime which
7 bears a substantial relationship under Section 2910, Title 10,
8 California Code of Regulations, to the qualifications, functions,
9 or duties of a real estate licensee.

10 IV

11 The facts alleged above constitute cause under Sections
12 490 and/or 10177(b) of the Code for suspension or revocation
13 of all licenses and license rights of Respondent under the Real
14 Estate Law.

15 WHEREFORE, Complainant prays that a hearing be
16 conducted on the allegations of this Accusation and that upon
17 proof thereof, a decision be rendered imposing disciplinary
18 action against all licenses and license rights of Respondent
19 under the Real Estate Law (Part 1 of Division 4 of the Business
20 and Professions Code), and for such other and further relief as
21 may be proper under the provisions of law.

22
23 
24 LES R. BETTENCOURT
25 Deputy Real Estate Commissioner

26 Dated at Oakland, California,
27 this 23rd day of November, 2004