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BUREAU OF REAL ESTATE
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FILED

NOV 04 2014

BUREAU OF REAL ESTATE
By S. Black

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	BRE No. H-11733 SF
)	
LIDIA GRONSKI,)	
)	
Respondent.)	<u>STIPULATION AND AGREEMENT</u>
)	<u>IN SETTLEMENT AND ORDER</u>
)	

It is hereby stipulated by and between LIDIA GRONSKI (Respondent) and the Complainant, acting by and through Richard K. Uno, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on July 2, 2014, in this matter:

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

2. Respondent has received, read and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real

1 Estate in this proceeding.

2 3. On or about July 16, 2013, Respondent filed a Notice of Defense pursuant
3 to Section 11505 of the Government Code for the purpose of requesting a hearing on the
4 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
5 of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of
6 Defense she will thereby waive her right to require the Commissioner to prove the allegations in
7 the Accusation at a contested hearing held in accordance with the provisions of the APA and that
8 she will waive other rights afforded to her in connection with the hearing such as the right to
9 present evidence in defense of the allegations in the Accusation and the right to cross-examine
10 witnesses.

11 4. This Stipulation is based on the factual allegations contained in the
12 Accusation. In the interest of expediency and economy, Respondent chose not to contest these
13 factual allegations, but to remain silent and understand that, as a result thereof, these factual
14 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
15 forth below. The Real Estate Commissioner shall not be required to provide further evidence to
16 prove such allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may
18 adopt the Stipulation and Agreement In Settlement and Order as his Decision in this matter,
19 thereby imposing the penalty and sanctions on Respondent's real estate licenses and license
20 rights as set forth in the below "Order". In the event that the Commissioner in his discretion
21 does not adopt the Stipulation and Agreement In Settlement and Order, it shall be void and of no
22 effect, and Respondent shall retain the rights to a hearing and proceeding on the First Amended
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 Real Estate Commissioner made
26 pursuant to this Stipulation and Agreement In Settlement and Order shall not constitute an
27 estoppel, merger or bar to any further administrative or civil proceedings by the Bureau of

1 Real Estate with respect to any matters which were not specifically alleged to be causes for
2 accusation in this proceeding.

3 7. Respondent understands that by agreeing to this Stipulation and
4 Agreement in Settlement and Order, Respondent agrees to pay, pursuant to Section 10106 of the
5 Business and Professions Code (Code), the cost of the investigation and enforcement which
6 resulted in the determination that Respondent committed the violations found in the
7 Determination of Issues. The amount of said costs is \$2,078.50.

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 First Amended Accusation without a hearing, it is
11 stipulated and agreed that the acts and/or omissions of Respondent, as described in the First
12 Amended Accusation, constitute grounds for the suspension or revocation of the licenses and
13 license rights of Respondent under the provisions of Sections 10185.5, 10145, 10176(a),
14 10176 (b), 10176 (i), 10177 (d) and 10177 (g) of the Code.

15 ORDER

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

23 a. The license shall not confer any property right in the privileges to
24 be exercised, and the Real Estate Commissioner may by appropriate order suspend, prior to a
25 hearing, the right to exercise any privileges granted under this restricted license in the event of:

26 (1) The conviction of Respondent (including a plea
27 of nolo contendere) of a crime which is substantially related to Respondent's fitness or

1 capacity as a real estate licensee; or

2 (2) The receipt of evidence that Respondent has
3 violated Provisions of the California Real Estate Law, the Subdivided Lands Law,
4 Regulations of the Real Estate Commissioner, or conditions attaching to this restricted
5 license.

6 b. Respondent shall not be eligible to apply for the issuance of an
7 unrestricted real estate license nor the removal of any of the conditions, limitations, or
8 restrictions attaching to the restricted license until four (4) years have elapsed from the date of
9 issuance of the restricted license to Respondent.

10 c. With the application for license, or with the application for transfer
11 to a new employing broker, Respondent shall submit a statement signed by the prospective
12 employing real estate broker on a form approved by the Bureau which shall certify as follows:

13 (1) That the employing broker has read the Decision which is
14 the basis for the issuance of a restricted license; and

15 (2) That the employing broker will carefully review all
16 transaction documents prepared by the restricted licensee and otherwise exercise close
17 supervision over the licensee's performance of acts for which a license is required.

18 d. Respondent shall, within nine (9) months from the effective date of
19 this Order, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
20 since the most recent issuance of an original or renewal real estate license, taken and successfully
21 completed the continuing education requirements as specified in subdivision (a) of Section
22 10170.5 of the Business and Professions Code. If Respondent fails to satisfy this condition, the
23 Commissioner shall order the suspension of the restricted license until Respondent presents such
24 evidence.

25 e. Respondent shall, within six (6) months from the effective date of
26 this Order, take and pass the Professional Responsibility Examination administered by the
27 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy

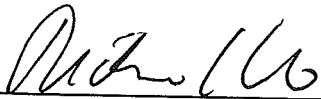
1 this condition, Respondent's real estate license shall automatically be suspended until
2 Respondent passes the examination.

3
4 2. All licenses and licensing rights of Respondent are indefinitely suspended
5 unless or until Respondent pays the sum of \$2,078.50 for the Commissioner's reasonable cost
6 of the investigation and enforcement which led to this disciplinary action. Said payment shall
7 be in the form of a cashier's check made payable to the Bureau of Real Estate, Flag Section at
8 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

9 6. All licenses and licensing rights of Respondent are indefinitely suspended
10 unless or until Respondent provides proof satisfactory to the Commissioner, of having paid
11 \$5,065.00 to Natallia Yermalovich as restitution. Proof of satisfaction of this requirement
12 includes: a certified copy of the satisfaction of judgment; a letter from an attorney or certified
13 public accountant testifying under penalty of Perjury to the fact that said judgment has been paid
14 by Respondent; a copy of a cancelled check to the victim(s); and/or a letter from the victim(s)
15 attesting that repayment of funds has been received. Proof of payment should be delivered to
16 the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by
17 fax at 916-263-3767.

18
19
20 10/28/14

DATED



RICHARD K. UNO, Counsel III
BUREAU OF REAL ESTATE

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23 * * *

24 I have read the Stipulation and Agreement in Settlement and Order and its terms
25 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
26 rights given to me by the California Administrative Procedure Act (including but not limited
27 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.

6 * * *

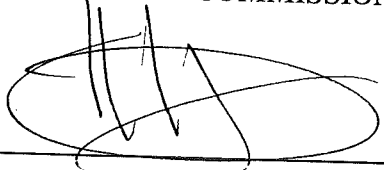
9 10/17/14
10 DATED

L. Growsky
11 Lidia Growsky

12
13 The foregoing Stipulation and Agreement In Settlement and Order is hereby
14 adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
15 at 12 o'clock noon on NOV 25 2014

16 IT IS SO ORDERED NOVEMBER 2, 2014

18 REAL ESTATE COMMISSIONER

19 

20
21 By: JEFFREY MASON
22 Chief Deputy Commissioner