## OREGON REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

**EUGENE PETRUSHA** 

NOTICE OF INTENT TO SUSPEND

The Oregon Real Estate Agency (OREA) is the state agency responsible for licensing, disciplining and regulating real estate licensees in Oregon. Eugene Petrusha (Petrusha) is licensed by the OREA to conduct professional real estate activity in Oregon.

1.

OREA proposes to take disciplinary action against Petrusha's real estate license and alleges that the acts and conduct of Petrusha described below constitute violations of Oregon Revised Statutes and Oregon Administrative Rules as follows:

- 1.1 At all times mentioned herein, Petrusha was licensed as a principal broker doing business under the registered business name of America's Best Realty LLC.
- 1.2 On June 24, 2010, OREA received a complaint from Steven Lucas (Lucas), Deli Busher (Busher) and Vadim Bazzubets (Bezzubets) of Oregon Realty Co., alleging that Petrusha used Bezzubets' name without his permission to try to take advantage of a lender in a short sale of property located at 12233 SE Gladstone St., Portland, Oregon, which was owned by Stepan Sadovnik (Sadovnik). The subsequent investigation found the following violations.
- 1.3 Petrusha allowed two copies to be made of the sale agreement, where Petrusha represented both buyer and seller in one version and Petrusha represented the buyers and Bezzubets represented the seller in the second version.
- 1.4 Petrusha allowed two copies to be made of the seller's counter offer, where Petrusha represented both buyer and seller in one version and Bezzubets represented the buyers and Petrusha represented the seller in the second version. Additionally, in the second version, a stipulation of "buyer to pay \$3,000 at closing to *Florence Designs* for loan negotiation"

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 was removed, the other stipulations were renumbered one through three instead of one through four, and it was not signed by the buyers.

- 1.5 Petrusha allowed two copies of Addendum A to be made, where Petrusha represented both buyer and seller in one version and Petrusha represented the buyers and Bezzubets represented the sellers in the second version. Petrusha prepared the first copy and Petrusha's father, Yuriy, prepared the second copy at Petrusha's request. Petrusha did not review the second copy before it was sent out of the office.
- 1.6 Petrusha allowed two copies of the "short payoff" letter from GMAC to Sadovnik to be made, where both Petrusha and Bezzubets were due a selling broker commission of \$3,587 in one version and only Petrusha was due the selling broker commission of \$3,587 in the second version. Petrusha prepared the first copy and Petrusha's father, Yuriy, prepared the second copy at Petrusha's request. Petrusha did not review the second copy before it was sent out of the office.

Violations: ORS 696.301(12) & (14) (2009 Edition), which state that a real estate licensee may be disciplined, including being suspended, if they have demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license and/or committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the licensee to conduct professional real estate activity; and OAR 863-015-0140(3) (2009 Edition), which states that a principal real estate broker must supervise and control the professional real estate activity at any main or branch office registered by the principal broker. (4 counts)

2.

- 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301. OREA proposes to suspend Petrusha's real estate license for 60 days.
- 2.2 Per ORS 696.396(2)(c)(B) and (C), a real estate license may be suspended if the material facts establish that the licensee exhibits incompetence in the performance of professional real estate activity, and/or exhibits dishonest or fraudulent conduct.

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3.1 OREA reserves the right to investigate and pursue additional complaints that may be received in the future regarding this licensee.

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3.2 In establishing the violations alleged above, OREA may rely on one or more definitions contained in ORS 696.010.

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Petrusha is entitled to a hearing on this matter. The hearing is conducted by an Administrative Law Judge from the Office of Administrative Hearings on behalf of the Commissioner. In the event that Petrusha desires such a hearing, Petrusha must so notify the Commissioner, in writing, within 20 days from the date of the mailing of this notice. Submissions to OREA prior to the mailing date of this notice are not considered requests for hearing. At the hearing, Petrusha may be represented by an attorney and present evidence and witnesses on Petrusha's behalf. Hearings are conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. A Notice of Contested Case Rights and Procedures as required under ORS 183.413-415 is enclosed with this notice.

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If Petrusha fails to request a hearing within 20 days, waives his right to a hearing, withdraws a hearing request, notifies OREA or the Administrative Law Judge that he will not appear, or fails to appear at the hearing as scheduled, OREA may issue a final order by default and impose the above sanctions against Petrusha. Petrusha's submissions to OREA to date regarding the subject of this disciplinary case and all information in OREA's files relevant to the subject of this case automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case. ORS 183.415(6).

Dated this 12th day of July, 2012.

OREGON REAL ESTATE AGENCY

GENE BENTLEY

Real Estate Commissioner