

1 OREGON REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER

3  
4 In the Matter of the Real Estate License of

5  
6 EUGENE PETRUSHA

7 ) NOTICE OF INTENT TO SUSPEND  
8 )  
9 )

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

13 1.

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

17 1.1 At all times mentioned herein, Petrusha was licensed as a principal broker doing  
18 business under the registered business name of America's Best Realty LLC.

19 1.2 On June 24, 2010, OREA received a complaint from Steven Lucas (Lucas), Deli  
20 Busher (Busher) and Vadim Bazzubets (Bezzubets) of Oregon Realty Co., alleging that  
21 Petrusha used Bezzubets' name without his permission to try to take advantage of a lender in a  
22 short sale of property located at 12233 SE Gladstone St., Portland, Oregon, which was owned  
23 by Stepan Sadovnik (Sadovnik). The subsequent investigation found the following violations.

24 1.3 Petrusha allowed two copies to be made of the sale agreement, where Petrusha  
25 represented both buyer and seller in one version and Petrusha represented the buyers and  
26 Bezzubets represented the seller in the second version.

27 1.4 Petrusha allowed two copies to be made of the seller's counter offer, where  
28 Petrusha represented both buyer and seller in one version and Bezzubets represented the  
29 buyers and Petrusha represented the seller in the second version. Additionally, in the second  
30 version, a stipulation of "buyer to pay \$3,000 at closing to *Florence Designs* for loan negotiation"

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

3 1.5 Petrusha allowed two copies of Addendum A to be made, where Petrusha  
4 represented both buyer and seller in one version and Petrusha represented the buyers and  
5 Bezzubets represented the sellers in the second version. Petrusha prepared the first copy and  
6 Petrusha's father, Yuriy, prepared the second copy at Petrusha's request. Petrusha did not  
7 review the second copy before it was sent out of the office.

8 1.6 Petrusha allowed two copies of the "short payoff" letter from GMAC to Sadovnik to  
9 be made, where both Petrusha and Bezzubets were due a selling broker commission of \$3,587  
10 in one version and only Petrusha was due the selling broker commission of \$3,587 in the  
11 second version. Petrusha prepared the first copy and Petrusha's father, Yuriy, prepared the  
12 second copy at Petrusha's request. Petrusha did not review the second copy before it was sent  
13 out of the office.

14 **Violations:** ORS 696.301(12) & (14) (2009 Edition), which state that a real estate  
15 licensee may be disciplined, including being suspended, if they have demonstrated  
16 incompetence or untrustworthiness in performing any act for which the licensee is required to  
17 hold a license and/or committed an act of fraud or engaged in dishonest conduct substantially  
18 related to the fitness of the licensee to conduct professional real estate activity; and OAR 863-  
19 015-0140(3) (2009 Edition), which states that a principal real estate broker must supervise and  
20 control the professional real estate activity at any main or branch office registered by the  
21 principal broker. (4 counts)

22 2.

23 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.  
24 OREA proposes to suspend Petrusha's real estate license for 60 days.

25 2.2 Per ORS 696.396(2)(c)(B) and (C), a real estate license may be suspended if the  
26 material facts establish that the licensee exhibits incompetence in the performance of  
27 professional real estate activity, and/or exhibits dishonest or fraudulent conduct.

28 3.

29 3.1 OREA reserves the right to investigate and pursue additional complaints that may  
30 be received in the future regarding this licensee.

