

**FILED**

JUN 15 2016

BUREAU OF REAL ESTATE

By                     *h dw*                    

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3 Sacramento, CA 95813-7007

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9 BEFORE THE BUREAU OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) BRE No. H-2972 FR  
13 )  
14 DAVID PAUL JANCA and, ) STIPULATION AND AGREEMENT  
15 CRAIG HUGH BARTON ) IN SETTLEMENT AND ORDER  
Respondents. )  
AS TO DAVID PAUL JANCA ONLY

16 It is hereby stipulated by and between DAVID PAUL JANCA (Respondent),  
17 and the Complainant, acting by and through Richard K. Uno, Counsel for the Bureau of Real  
18 Estate; as follows for the purpose of settling and disposing of the Accusation filed on November  
19 5, 2015, in this matter:

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

25 2. Respondent has received, read, and understands the Statement to  
26 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real  
27 Estate in this proceeding.

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

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

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

23           6.       The Order or any subsequent Order of the Real Estate Commissioner made  
24 pursuant to this Stipulation and Agreement In Settlement and Order shall not constitute an  
25 estoppel, merger, or bar to any further administrative or civil proceedings by the Bureau of  
26 Real Estate with respect to any matters which were not specifically alleged to be causes for  
27 accusation in this proceeding.



1 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
2 license.

3 3. Respondent shall not be eligible to apply for the issuance of an  
4 unrestricted real estate license nor the removal of any of the conditions, limitations, or  
5 restrictions attaching to the restricted license until two (2) years have elapsed from the date of  
6 issuance of the restricted license to Respondent.

7 4. Respondent shall submit with any application for license under an  
8 employing broker, or any application for transfer to a new employing broker, a statement signed  
9 by the prospective employing real estate broker on a form approved by the Bureau which shall  
10 certify:

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

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

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17 d. Respondent shall, within nine (9) months from the effective date of  
18 this Order, present evidence satisfactory to the Commissioner that Respondent has, since the  
19 most recent issuance of an original or renewal real estate license, taken and successfully  
20 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
21 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
22 Respondent's real estate license shall automatically be suspended until Respondent presents  
23 evidence satisfactory to the Commissioner of having taken and successfully completed the  
24 continuing education requirements. Proof of completion of the continuing education courses  
25 must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013, Sacramento,  
26 CA 95813-7013.

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1                    5. Respondent shall, before the effective date, pay \$5,092.00 for the  
2 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
3 payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate.  
4 The investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag  
5 Section at P.O. Box 137013, Sacramento, CA 95813-7013. If Respondent fails to satisfy this  
6 condition in a timely manner as provided herein, Respondent's real estate license shall  
7 automatically be suspended until payment is made in full.

8                    6. Respondent shall, within six (6) months from the effective date of this  
9 Stipulation, take and pass the Professional Responsibility Examination administered by the  
10 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy  
11 this condition, Respondent's real estate license shall automatically be suspended until  
12 Respondent passes the examination.

13  
14  
15                    5/4/16

16                    DATED

15                    Richard K. Uno

16                    RICHARD K. UNO, Counsel III  
17                    BUREAU OF REAL ESTATE

18                    \* \* \*

19                    I have read the Stipulation and Agreement in Settlement and Order and its terms  
20 are understood by me and are agreeable and acceptable to me. I understand that I am waiving  
21 rights given to me by the California Administrative Procedure Act (including but not limited  
22 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,  
23 intelligently, and voluntarily waive those rights, including the right of requiring the  
24 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the  
25  
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1 right to cross-examine witnesses against me and to present evidence in defense and mitigation  
2 of the charges.

3  
4 5-2-2016

5 DATED


  
6 DAVID PAUL JANCA

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9 The foregoing Stipulation and Agreement In Settlement and Order is hereby  
10 adopted by the Real Estate Commissioner as his Decision and Order and shall become effective  
11 at 12 o'clock noon on JUL 06 2016.

12 IT IS SO ORDERED

  
13 WAYNE S. BELL  
14 REAL ESTATE COMMISSIONER

  
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17 By: JEFFREY MASON  
18 Chief Deputy Commissioner  
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