

1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

OCT 09 2017

BUREAU OF REAL ESTATE

By *Sydney Hanner*

8 **BEFORE THE BUREAU OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of

12
13 **TOMAS PIEDRA,**

14
15 **Respondent.**

No. H-03070 FR

STIPULATION AND AGREEMENT

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17 It is hereby stipulated by and between TOMAS PIEDRA ("PIEDRA"),
18 represented by Frank M. Buda, Esq. and the Complainant, acting by and through Julie L. To,
19 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the
20 Accusation ("Accusation") filed on December 13, 2016 in Case No. H-03070 FR, in this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
23 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
24 shall instead and in place thereof be submitted solely on the basis of the provisions of this
25 Stipulation and Agreement ("Stipulation").
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1 2. Respondent has received, read and understands the Statement to Respondent,
2 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in
3 this proceeding.

4 3. On January 30, 2016, Respondent filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws his Notice of
7 Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
8 Defense he thereby waives his right to require the Commissioner to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that he
10 will waive other rights afforded to him in connection with the hearing such as the right to
11 present evidence in defense of the allegations in the Accusation and the right to cross-examine
12 witnesses.

13 4. This Stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expedience and economy, Respondent chooses not to contest
15 these allegations, but to remain silent and understands that, as a result thereof, these factual
16 allegations, without being admitted or denied, will serve as a prima facie basis for the
17 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
18 provide further evidence to prove said factual allegations.

19 5. This Stipulation is made for the purpose of reaching an agreed disposition of
20 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
21 which the Bureau of Real Estate ("Bureau") or another licensing agency of this state, another
22 state or if the federal government is involved, and otherwise shall not be admissible in any other
23 criminal or civil proceeding.

24 6. It is understood by the parties that the Real Estate Commissioner may adopt
25 this Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
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1 sanctions on Respondent's real estate license and license rights as set forth in the below
2 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation and
3 Agreement, the Stipulation shall be void and of no effect, and Respondent shall retain the right
4 to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not
5 be bound by any admission or waiver made herein.

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

10 8. Respondent understands that by agreeing to this Stipulation and Agreement,
11 Respondent agrees to pay, pursuant to Section 10148 of the Code, the cost of the audit which
12 resulted in the determination that Respondent committed the violations found in the
13 Determination of Issues. The amount of said costs for the original audit (Audit No.FR-14-0005)
14 is \$3,118.48. Respondent agrees to pay, pursuant to Section 10148 of the Code, \$3,118.48 for
15 the cost of Audit No. FR-14-0005.

16 9. Respondent has received, read, and understands the "Notice Concerning Costs
17 of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the
18 findings set forth below in the Determination of Issues become final, and the Commissioner may
19 charge Respondent for the cost of any subsequent audits conducted pursuant to Business and
20 Professions Code Section 10148 to determine if the violations have been corrected. The
21 maximum cost of the follow-up audits will not exceed one hundred twenty percent (120%) of the
22 cost of the original audits. In the instant case, the total cost of the original audit FR-14-0005
23 \$3,118.48, and the maximum cost of the follow-up audits will not exceed \$3,742.18. Therefore,
24 Respondents may be charged a maximum of \$3,742.18 in the event of a subsequent audit.

25 10. Respondent understands that by agreeing to this Stipulation and Agreement,
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1 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions
2 Code ("Code"), the cost of the investigation and enforcement which resulted in the
3 determination that Respondents committed the violations found in the Determination of Issues.
4 The amount of said costs is \$2,498.40; therefore, Respondent agrees to pay, pursuant to Section
5 10106 of the Code, \$2,498.40.

6 **DETERMINATION OF ISSUES**

7 By reason of the foregoing stipulations, admissions and waivers and solely for
8 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
9 agreed that the following determination of issues shall be made:

10 The conduct, acts or omissions of Respondent TOMAS PIEDRA as described in
11 Paragraph 4, herein above, are [Audit FR-14-0005] in violation of: Business and Professions
12 Code ("Code") Section 10145 and Regulation 2831; Code Section 10145 and Regulation 2831.1;
13 and Code Section 10145 and Regulation 2831.2, and are bases for the suspension or revocation
14 of Respondent PIEDRA's license and license rights as a violation of the Real Estate Law
15 pursuant to Code Sections 10177(d) and 10177(g).

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

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

5. All licenses and licensing rights of Respondent are indefinitely suspended
unless or until Respondent pays the sum of \$2,498.40 for the Commissioner's reasonable cost of
the investigation and enforcement which led to this disciplinary action. Said payment shall be in
the form of a cashier's check or certified check made payable to the Bureau of Real Estate. The
investigation and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section
at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and
Order.

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1 6. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
2 \$3,118.48 for the Commissioner's cost of the audit which led to this disciplinary action.
3 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
4 Commissioner. Payment of audit costs should not be made until Respondent receives the
5 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
6 Respondent's real estate license shall automatically be suspended until payment is made in full,
7 or until a decision providing otherwise is adopted following a hearing held pursuant to this
8 condition.

9 DATED: 9-6-17



10 Julie L. To, Counsel for Complainant

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12 I have read the Stipulation and Agreement, have discussed it with my counsel,
13 and its terms are understood by me and are agreeable and acceptable to me. I understand that I
14 am waiving rights given to me by the California Administrative Procedure Act (including, but
15 not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I
16 willingly, intelligently and voluntarily waive those rights, including the right of requiring the
17 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
18 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
19 the charges.

20 Respondent shall send a hard copy of the original signed Stipulation and
21 Agreement to: Julie To, Bureau of Real Estate, 320 West Fourth Street, Suite 350, Los Angeles,
22 CA 90013. In the event of time constraints before an administrative hearing, Respondent can
23 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
24 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
25 Bureau counsel assigned to this case. Respondent agrees, acknowledges and understands that by
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1 electronically sending the Bureau a scan of Respondent's actual signature as it appears on the
2 Stipulation and Agreement, that receipt of the scan by the Bureau shall be binding on
3 Respondent as if the Bureau had received the original signed Stipulation and Agreement.

4 DATED: 08-27-17


TOMAS PIEDRA, Respondent

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6 *I have reviewed the Stipulation and Agreement as to form and content and have
7 advised my client accordingly.*

8 DATED: 9-1-17


FRANK M. BUDA, Attorney for Respondent
TOMAS PIEDRA

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11 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
12 this matter and shall become effective at 12 o'clock noon on OCT 30 2017

13 IT IS SO ORDERED 9/28/2017

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15 REAL ESTATE COMMISSIONER

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17 WAYNE S. BELL
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