

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0781

FILED

FEB 14 2008

DEPARTMENT OF REAL ESTATE

By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-3685 SD
)	
STEVE LANCE ARAGON,)	<u>STIPULATION AND</u>
)	<u>AGREEMENT</u>
Respondent.)	
)	

It is hereby stipulated by and between STEVE LANCE ARAGON (hereinafter "Respondent") and his attorney, Frank Buda, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusation filed on April 12, 2007 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

1 Stipulation and Agreement.

2 2. Respondent has received, read and understands the
3 Statement to Respondent, and the Discovery Provisions of the APA
4 filed by the Department of Real Estate in this proceeding.

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

17
18 4. Respondent, pursuant to the limitations set forth
19 below, although not admitting or denying the truth of the
20 allegations, in the interest of expediency and economy,
21 Respondent will not contest the factual allegations in the
22 Accusation filed in this proceeding and the Real Estate
23 Commissioner shall not be required to provide further evidence of
24 such allegations. Said factual allegations shall serve as prima
25 facie basis for the "Determination of Issues" and "Order" set
26 forth below.

27

1 5. This Stipulation and Respondent's decision not to
2 contest the Accusation are made for the purpose of reaching an
3 agreed disposition of this proceeding and are expressly limited
4 to this proceeding and any other proceeding or case in which the
5 Department of Real Estate (herein "the Department"), the state or
6 federal government, an agency of this state, or an agency of
7 another state is involved, and otherwise shall not be binding and
8 final in any other criminal or civil proceeding.

9 6. It is understood by the parties that the Real
10 Estate Commissioner may adopt the Stipulation and Agreement as
11 his decision in this matter thereby imposing the penalty and
12 sanctions on the real estate licenses and license rights of
13 Respondent as set forth in the below "Order". In the event that
14 the Commissioner in his discretion does not adopt the Stipulation
15 and Agreement, it shall be void and of no effect, and Respondent
16 shall retain the right to a hearing and proceeding on the
17 Accusation under all the provisions of the APA and shall not be
18 bound by any admission or waiver made herein.

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

* * *

DETERMINATION OF ISSUES

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

I

The acts and omissions of Respondent STEVE LANCE ARAGON as described in the Accusation are grounds for the suspension or revocation of Respondent licenses and license rights under Section 2801.5 of chapter 6, Title 10, California Code of Regulations (hereinafter "Regulations") and Section 11018.2 of the California Business and Professions Code (hereinafter "the Code") in conjunction with Section 10177(d) of the Code.

* * *

ORDER

All licenses and licensing rights of Respondent STEVE LANCE ARAGON under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Order; provided, however, that:

1) Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

- a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and,

1 b) That no final subsequent determination be made, after
 2 hearing or upon stipulation, that cause for disciplinary
 3 action occurred within two (2) years from the effective date
 4 of this Order. Should such a determination be made, the
 5 Commissioner may, in his discretion, vacate and set aside
 6 the stay order and reimpose all or a portion of the stayed
 7 suspension. Should no such determination be made, the stay
 8 imposed herein shall become permanent.

9 2) Respondent shall refrain from selling or leasing, offering for
 10 sale or lease, soliciting purchasers or lessees, or
 11 negotiating for the sale or lease of lots, units or parcels in
 12 the subdivision commonly called Tract No 4515 located in the
 13 County of San Diego, San Diego (hereinafter "subdivision") to
 14 the public until Respondent has filed with the Department a
 15 notice of intention and a completed questionnaire for the
 16 subdivision and until you have obtained a public report
 17 covering the subdivision.

18 a) The Order to Desist and Refrain bearing case number H-3686
 19 SD shall remain in effect until such time as a final public
 20 report is issued for the subdivision.

21 b) Any public report obtained for the subdivision shall include
 22 Parcels A through D, and the Complainant shall not deny
 23 issuance of any public report based upon Respondent not
 24 being the owner of said parcels.

25
 26 16-Jan-08
 DATED

25
 26 
 27 TRULY SOGHRUE
 Counsel for Complainant

1
2
3 I have read the Stipulation and Agreement, discussed it
4 with my counsel, and its terms are understood by me and are
5 agreeable and acceptable to me. I understand that I am waiving
6 rights given to me by the California Administrative Procedure
7 Act, and I willingly, intelligently and voluntarily waive those
8 rights, including the right of requiring the Commissioner to
9 prove the allegations in the Accusation at a hearing at which I
10 would have the right to cross-examine witnesses against me and to
11 present evidence in defense and mitigation of the charges.

12
13 1/16/2008
14 DATED

15 
16 STEVE LANCE ARAGON
17 Respondent

18 I have reviewed the Stipulation and Agreement as to
19 form and content and have advised my client accordingly.

20
21 1-16-08
22 DATED

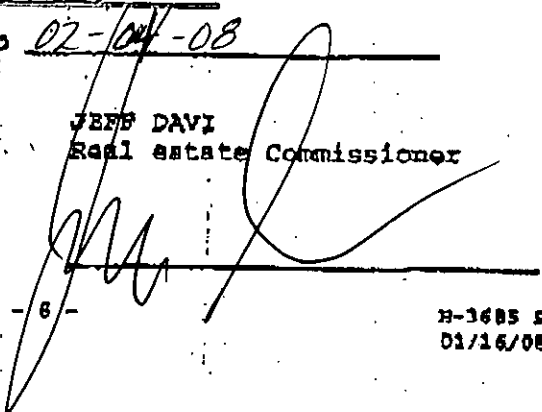
23 
24 FRANK BUDA
25 Attorney for Respondent

26
27 The foregoing Stipulation and Agreement is hereby
28 adopted as my Decision and shall become effective at 12 o'clock

29 MAR 6 2008
30 Done on

31 IT IS SO ORDERED 02-04-08

32
33 JEFF DAVIS
34 Real estate Commissioner

35 

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED
APR 12 2007

DEPARTMENT OF REAL ESTATE

By Anne Shaver

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 STEVE LANCE ARAGON,) No. H-3685 SD
13 Respondents.) ACCUSATION
14)
15)

16 The Complainant, JOSEPH AIU, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against STEVE LANCE ARAGON (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 The Complainant, JOSEPH AIU, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity.

24 II

25 At all times herein mentioned, Respondent was and now
26 is licensed and/or has license rights under the Real Estate Law
(Part 1 of Division 4 of the Business and Professions Code)
(hereinafter "the Code") as a real estate broker.

27 \\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

III

At all times herein mentioned, Respondent acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Sections 10131(a) of the Code, including the operation and conduct of a real estate brokerage business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent sold and offered to sell, solicited prospective sellers and purchasers of, and negotiated the purchase and sale of real property.

IV

At all times mentioned herein Respondent was the owner or subdivider, or agents of the owner or subdivider of subdivided lands as defined in Sections 11000, 11003, and 11004.5 of the Code.

V

Said subdivided lands are known as or commonly called Tract No. 4515, and are located in or near the County of San Diego, State of California (hereinafter "subdivision").

VI

On or about May 19, 2003, the San Diego 1484, A California Limited Partnership transferred it's interest in the subdivision to Respondent, Lissa Lynn Aragon, Daniel Wildfong, Kregg Kohl, and Debra Kohl.

VII

At all times herein mentioned, the Department has never issued any conditional public report or any final public report authorizing any person to offer for sale or lease, negotiate the sale or lease, or sell or lease of any lots, units or parcels in the subdivision.

VIII

Beginning on or about May 6, 2005, Respondent solicited prospective purchasers, offered for sale, and sold lots, units or parcels in the subdivision, including but not limited to Parcels A through D.

IX

On or about the dates tabulated below, Respondents offered for sale and sold the lots tabulated below in said Subdivision to the purchasers tabulated below:

Date	Purchaser(s)	Parcel
5/20/2005	Luis Corral	Parcel A (APN 596-211-27)
5/17/2005	Michael Allen	Parcel B (APN 596-211-36)
5/12/2005	Donald Diffenbaugh and Kimberly Patterson	Parcel D (APN 596-211-38)
5/06/2005	Thomas B. Huntington III and Alicia A. Huntington	Parcel C (APN 596-211-37)

X

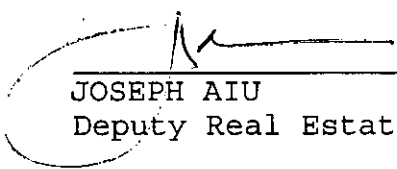
Respondents sold and offered for sale lots, units, or parcels in said Subdivision, as described in Paragraphs VIII and IX, above, without having first obtained a public report as required by Section 11018.2 of the Business and Professions Code

1 of the State of California (hereinafter "the Code") and Section
2 2801.5 of Chapter 6, Title 10, California Code of Regulations
3 (hereinafter "the Regulations").

4 XI

5 The acts and omissions of Respondent described in
6 Paragraph X, above, constitute cause for the suspension or
7 revocation of the licenses and license rights of Respondent under
8 Section 10177(d) of the Code in conjunction with Section 2801.5
9 of the Regulations and Section 11018.2 of the Code.

10 WHEREFORE, Complainant prays that a hearing be
11 conducted on the allegations of this Accusation and that upon
12 proof thereof a decision be rendered imposing disciplinary action
13 against all licenses and license rights of Respondent under the
14 Real Estate Law (Part 1 of Division 4 of the Business and
15 Professions Code) and for such other and further relief as may be
16 proper under other provisions of law.
17

18
19 
20 JOSEPH AIU
Deputy Real Estate Commissioner

21 Dated at Oakland, California,
22 this 10 day of April, 2007
23
24
25
26
27