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FILED

1 Bureau of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013

APR - 1 2016

BUREAU OF REAL ESTATE

4 Telephone: (213) 576-6982

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-4736 SD
12)	L-2015 100 821
13)	
13 JESUS DAVID BOUBION,)	<u>STIPULATION AND AGREEMENT</u>
14)	
14 Respondent.)	
15)	

16 It is hereby stipulated by and between JESUS DAVID
17 BOUBION (sometimes referred to as Respondent), and his attorney,
18 Frank M. Buda, and the Complainant, acting by and through James
19 R. Peel, Counsel for the Bureau of Real Estate, as follows for
20 the purpose of settling and disposing of Accusation filed in
21 this matter.

22 1. All issues which were contested and all evidence
23 which was presented by Complainant and Respondent at a formal
24 hearing on the Accusation, which hearing is to be held in
25 accordance with the provisions of the Administrative Procedure
26 Act ("APA"), shall instead and in place thereof be submitted
27

1 solely on the basis of the provisions of this Stipulation and
2 Agreement ("Stipulation").

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the
5 Administrative Procedure Act ("APA") and the Accusation filed by
6 the Bureau of Real Estate in this proceeding.

7 3. On September 3, 2015, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing such
17 as the right to present evidence in defense of the allegations
18 in the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation filed in this
21 proceeding. In the interest of expedience and economy,
22 Respondent chooses not to contest these factual allegations, but
23 to remain silent and understands that, as a result thereof,
24 these factual statements, will serve as a prima facie basis for
25 the disciplinary action stipulated to herein. The Real Estate
26 Commissioner shall not be required to provide further evidence
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1 to prove such allegations.

2 5. This Stipulation is made for the purpose of
3 reaching an agreed disposition of this proceeding and is
4 expressly limited to this proceeding and any other proceeding or
5 case in which the Bureau of Real Estate ("Bureau"), the state or
6 federal government, or an agency of this state, another state or
7 the federal government is involved.

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

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

25 DETERMINATION OF ISSUES

26 By reason of the foregoing stipulations and waivers
27 and solely for the purpose of settlement of the pending

1 Accusation, it is stipulated and agreed that the following
2 determination of issues shall be made:

3 I

4 The conduct, acts and/or omissions of Respondent
5 JESUS DAVID BOUBIAN, as set forth in the Accusation, constitute
6 cause for the suspension or revocation of all of the real estate
7 licenses and license rights of Respondent under the provisions
8 of Section 10177(d) of the Business and Professions Code
9 ("Code") for violation of Code Section 10130.

10 ORDER

11 The license and licensing rights of Respondent JESUS
12 DAVID BOUBION under the Real Estate Law are suspended for a
13 period of sixty (60) days from the effective date of this
14 Decision; provided, however, that sixty days (60) days of said
15 suspension shall be stayed for two (2) years upon the following
16 terms and conditions:

17 1. Respondent shall obey all laws, rules and
18 regulations governing the rights, duties and responsibilities of
19 a real estate licensee in the State of California; and

20 2. That no final subsequent determination be made,
21 after hearing or upon stipulation that cause for disciplinary
22 action occurred within two (2) years of the effective date of
23 this Decision. Should such a determination be made, the
24 Commissioner may, in his discretion, vacate and set aside the
25 stay order and reimpose all or a portion of the stayed
26 suspension. Should no such determination be made, the stay
27

1 imposed herein shall become permanent.

2 3. Respondent understands that by agreeing to this
3 Stipulation and Agreement, Respondent agrees to pay, pursuant to
4 Section 10106 of the California Business and Professions Code
5 (Code), the cost of the investigation and enforcement which
6 resulted in the determination that Respondents committed the
7 violations found in the Determination of Issues. The amount of
8 said costs is \$2,647.35.

9 The license and licensing rights of Respondent are
10 indefinitely suspended unless or until Respondent pays the sum
11 of \$2,647.35 for the Commissioner's reasonable cost of the
12 investigation and enforcement which led to this disciplinary
13 action. Said payment shall be in the form of a cashier's check
14 or certified check made payable to the Bureau of Real Estate,
15 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
16 prior to the effective date of the Order.
17

18
19 DATED: 2-29-16

James R. Peel
20 JAMES R. PEEL, Counsel for the
Bureau of Real Estate

21 * * *

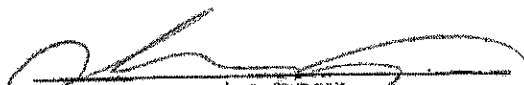
22 I have read the Stipulation and Agreement, and its
23 terms are understood by me and are agreeable and acceptable to
24 me. I understand that I am waiving rights given to me by the
25 California Administrative Procedure Act (including but not
26 limited to Sections 11506, 11508, 11509 and 11513 of the
27 Government Code), and I willingly, intelligently and voluntarily

1 waive those rights, including the right of requiring the
 2 Commissioner to prove the allegations in the Accusation at a
 3 hearing at which I would have the right to cross-examine
 4 witnesses against me and to present evidence in defense and
 5 mitigation of the charges.

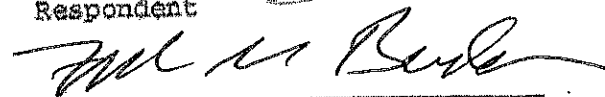
6 Respondent can signify acceptance and approval of the
 7 terms and conditions of this Stipulation and Agreement by faxing
 8 a copy of the signature page, as actually signed by Respondent,
 9 to the Bureau at the following telephone/fax number:
 10 (213) 576-6917. Respondent agrees, acknowledges and understands
 11 that by electronically sending to the Bureau a fax copy of his
 12 actual signature as it appears on the Stipulation and
 13 Agreement, that receipt of the faxed copy by the Bureau shall be
 14 as binding on Respondent as if the Bureau had received the
 15 original signed Stipulation and Agreement.

16 Further, if the Respondent is represented, the
 17 Respondent's counsel can signify his or her agreement to the
 18 terms and conditions of the Stipulation and Agreement by
 19 submitting that signature via fax.

20 DATED: 2/26/16


 JESUS DAVID BOUBION
 Respondent

22 DATED: 2-26-16


 FRANK M. BUDA
 Counsel for Respondents

24 ///
 25 ///
 26 ///
 27 ///

1 waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusation at a
3 hearing at which I would have the right to cross-examine
4 witnesses against me and to present evidence in defense and
5 mitigation of the charges.

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15 original signed Stipulation and Agreement.

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17 Respondent's counsel can signify his or her agreement to the
18 terms and conditions of the Stipulation and Agreement by
19 submitting that signature via fax.

20 DATED: _____

21 _____
22 JESUS DAVID BOUBION
23 Respondent

24 DATED: _____

25 _____
26 FRANK M. BUDA
27 Counsel for Respondents

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The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on April 21, 2016.

IT IS SO ORDERED MARCH 23, 2016

WAYNE S. BELL
Real Estate Commissioner


By: JEFFREY MASON
Chief Deputy Commissioner