

1 Department of Real Estate  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone (213) 576-6982

RECEIVED

JUL 24 2012

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-36171 LA  
12 JHCN ENTERPRISE, INC.; ) L-2010060119  
13 JOHN B. SPEAR, individually, ) STIPULATION AND  
14 And as designated officer ) AGREEMENT AND DECISION  
15 Of the corporation; and ) AFTER REMAND  
16 JEROME FARD NALBANDIAN, )  
17 Respondents. )

17 It is hereby stipulated by and between Respondent  
18 JEROME FARD NALBANDIAN (sometimes referred to as "Respondent"),  
19 and Respondent's attorney, Eric S. Jacobson, Esq., and the  
20 Complainant, acting by and through Cheryl D. Keily, Counsel for  
21 the Department of Real Estate, as follows:

22 I acknowledge that I have received, read and  
23 understand the Accusation filed by the Department of Real  
24 Estate against me on August 12, 2009, and the Statement to  
25 Respondent and the Discovery Provisions of the APA sent to me  
26 in connection with the Accusation.  
27

1 In the interest of expedience and economy, I choose not  
2 to contest these allegations, but to remain silent and understand  
3 that, as a result thereof, these factual allegations, without  
4 being admitted or denied, will serve as a prima facie basis for  
5 the disciplinary action stipulated to herein. The Real Estate  
6 Commissioner shall not be required to provide further evidence to  
7 prove said factual allegations.

8 I further acknowledge that the Real Estate  
9 Commissioner held a hearing on this Accusation on June 20,  
10 2011, before the Office of Administrative Hearings for the  
11 purpose of proving the allegations therein. I was present at  
12 the hearing and represented by counsel, Eric S. Jacobson, Esq.,  
13 and participated therein. Further, I have had an opportunity  
14 to read and review the Proposed Decision of the Administrative  
15 Law Judge.

16 I understand that pursuant to Government Code Section  
17 11517(c), the Real Estate Commissioner has rejected the  
18 Proposed Decision of the Administrative Law Judge and ordered  
19 the case referred back to the Office of Administrative Hearings  
20 for further proceedings, and the preparation of a revised  
21 Proposed Decision.

22 I understand that pursuant to Government Code Section  
23 11517(c), the Real Estate Commissioner may reject any revised  
24 Proposed Decision of the Administrative Law Judge. I further  
25 understand that pursuant to the same Section 11517(c), the Real  
26 Estate Commissioner may then decide this case upon the record,  
27

1 including the transcript, without taking any additional  
2 evidence, after affording me the opportunity to present written  
3 argument to the Real Estate Commissioner.

4 I understand that by signing this Stipulation and  
5 Agreement, I am waiving my right to obtain a dismissal of the  
6 Accusation through proceedings under Government Code Section  
7 11517(c) if this Stipulation and Agreement is accepted by the  
8 Real Estate Commissioner. However, I also understand that I am  
9 not waiving my rights to further proceedings to obtain a  
10 dismissal of the Accusation if this Stipulation and Agreement  
11 is not accepted by the Real Estate Commissioner.

12 I hereby request that the Real Estate Commissioner in  
13 his discretion suspend my real estate salesperson license for a  
14 period of sixty (60) days from the effective date of this  
15 Decision, and that if I request, the initial thirty (30) days  
16 of said suspension (or a portion thereof) shall be stayed upon  
17 condition that I pay a monetary penalty pursuant to Section  
18 10175.2 of the Business and Professions Code ("Code") at the  
19 rate of \$50.00 per day for each day of the suspension for a  
20 total monetary penalty of \$1,500.

21  
22 By reason of the foregoing and solely for the purpose  
23 of settlement of the Accusation without further administrative  
24 proceedings, it is stipulated and agreed that the Commissioner  
25 shall adopt the following Order:

ORDER

1  
2 WHEREFORE, THE FOLLOWING ORDER is hereby made:

3 All licenses and license rights of Respondent JEROME  
4 FARD NALBANDIAN under the Real Estate Law are suspended for a  
5 period of sixty (60) days from the effective date of this  
6 Decision.

7 A. Provided, however, that if Respondent requests, the  
8 initial thirty (30) days of said suspension (or a portion  
9 thereof) shall be stayed upon condition that:

10 1. Respondent pays a monetary penalty pursuant to  
11 Section 10175.2 of the Code at the rate of \$50.00 per day for  
12 each day of the suspension for a total monetary penalty of  
13 \$1,500.

14 2. Said payment shall be in the form of a cashier's  
15 check or certified check made payable to the Recovery Account of  
16 the Real Estate Fund. Said check must be received by the  
17 Department prior to the effective date of the Decision in this  
18 matter.

19 3. No further cause for disciplinary action against the  
20 real estate license of Respondent occurs within two (2) years  
21 from the effective date of the Decision in this matter.

22 4. If Respondent fails to pay the monetary penalty in  
23 accordance with the terms of the Decision, the Commissioner may,  
24 without a hearing, order the immediate execution of all or any  
25 part of the stayed suspension, in which event the Respondent  
26

1 shall not be entitled to any repayment or credit, prorated or  
2 otherwise, for money paid to the Department under the terms of  
3 this Decision.

4 5. If Respondent pays the monetary penalty and if no  
5 further cause for disciplinary action against the real estate  
6 license of Respondent occurs within two (2) years from the  
7 effective date of the Decision, the stay hereby granted shall  
8 become permanent.

9 B. The remaining thirty (30) days of the sixty (60)  
10 days suspension shall be stayed for two (2) years upon the  
11 following terms and conditions:

12 1. Respondent JEROME FARD NALBANDIAN shall obey all  
13 laws, rules and regulations governing the rights, duties and  
14 responsibilities of a real estate licensee in the State of  
15 California; and

16 2. No final subsequent determination be made, after  
17 hearing or upon stipulation, that cause for disciplinary action  
18 occurred within two (2) years of the effective date of this  
19 Decision. Should such a determination be made, the Commissioner  
20 may, in his discretion, vacate and set aside the stay order and  
21 reimpose all or a portion of the stayed suspension. Should no  
22 such determination be made, the stay imposed herein shall become  
23 permanent.  
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DATED: May 17, 2012

*Cheryl D. Keily*  
CHERYL D. KEILY, Counsel  
DEPARTMENT OF REAL ESTATE


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

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

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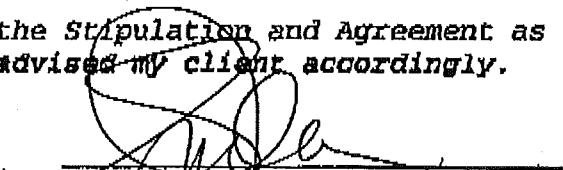
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DATED: 5-16-12

  
JEROME FARD NALBANDIAN,  
Respondent

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

DATED: 5-16-12

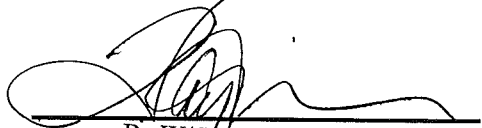
  
ERIC S. JACOBSON, Esq.  
Attorney for Respondent  
JEROME FARD NALBANDIAN

\* \* \*

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on AUG 13 2012, 2012.

IT IS SO ORDERED July 18, 2012.

REAL ESTATE COMMISSIONER

  
By WAYNE S. BELL  
Chief Counsel