

FILED

MAY 12 2015

BUREAU OF REAL ESTATE

By *[Signature]*

1 Bureau of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982
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9 **BEFORE THE BUREAU OF REAL ESTATE**
10 **STATE OF CALIFORNIA**

11 * * *

11	In the Matter of the Accusation of)	DRE No. H-37899 LA
)	OAH No. L-2012080600
12	GABLE REAL ESTATE INC., doing business as)	
13	R R Gable Inc, Gable Real Estate Inc.,)	<u>STIPULATION</u>
14	California Homes, Gable Commercial, Gable)	<u>AND</u>
15	Mortgage, and California Short Sale Pros; and)	<u>AGREEMENT</u>
16	<u>ROGER DALE HANCE</u> , individually and)	
17	as designated officer of Gable Real Estate Inc.,)	
	Respondents,)	

18 It is hereby stipulated by and between Respondent ROGER DALE HANCE,
19 individually and as designated officer of Gable Real Estate Inc., (sometimes referred to as
20 "Respondent"), represented by Robert J. Carlson, Esq. and the Complainant, acting by and
21 through Elliott Mac Lennan, Counsel for the Bureau of Real Estate, as follows for the purpose of
22 settling and disposing of the First Amended Accusation ("Accusation") filed on April 4, 2012, in
23 this matter:

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

1 Stipulation and Agreement ("Stipulation.")

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

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

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

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
25 Respondent's real estate license and license rights as set forth in the "Order" herein below. In the
26 event that the Commissioner in the Commissioner's discretion does not adopt the Stipulation, it
27 shall be void and of no effect and Respondent shall retain the right to a hearing and proceeding

1 on the Accusation under the provisions of the APA and shall not be bound by any stipulation or
2 waiver made herein.

3 7. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
6 which were not specifically alleged to be causes for Accusation in this proceeding but do
7 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusation
8 against Respondent herein.

9 8. Respondent understands that by agreeing to this Stipulation, Respondent agrees
10 to pay, jointly with Gable Real Estate Inc., pursuant to Business and Professions Code Section
11 10148, the cost of the audit. The amount of said cost for the original audit of Gable Real Estate
12 Inc. is \$8,023.50.

13 9. Respondent has received, read, and understands the "Notice Concerning Costs
14 of Subsequent Audit". Respondent further understands that by agreeing to this Stipulation, the
15 findings set forth below in the Determination of Issues become final, and the Commissioner may
16 charge Respondent, jointly with Gable Real Estate Inc., for the cost of any subsequent audit
17 conducted pursuant to Business and Professions Code Section 10148 to determine if the
18 violations have been corrected. The maximum cost of the follow-up audit will not exceed
19 \$8,023.50.

20 10. Respondent understands that by agreeing to this Stipulation, Respondent,
21 jointly with Gable Real Estate Inc., agrees to pay, pursuant to Business and Professions Code
22 Section 10106, the cost of the investigation and enforcement of this matter. The amount of said
23 cost is \$2,383.00.

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing, it is stipulated and agreed that the following
3 determination of issues shall be made:

4 I.

5 The conduct, acts or omissions of ROGER DALE HANCE, as described in
6 Paragraph 4, herein above, are in violation of Section 10177(h) of the Business and Professions
7 Code ("Code") and is a basis for discipline of Respondent's license and license rights as a
8 violation of the Real Estate Law pursuant to Code Section 10177(h).

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 I.

12 All licenses and licensing rights of Respondent ROGER DALE HANCE, under
13 the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this

14 Decision:

15 A. Provided, however, that if Respondent requests, the initial thirty (30) days of
16 said suspension (or a portion thereof) shall be stayed for two (2) years upon condition that:

17 1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the
18 Business and Professions Code at the rate of \$166.66 per day for each day of the suspension for a
19 total monetary penalty of \$5,000.

20 2. Said payment shall be in the form of a cashier's check or certified check made
21 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
22 Bureau prior to the effective date of the Decision in this matter.

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

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1 4. If Respondent fails to pay the monetary penalty in accordance with the terms of
2 the Decision, the Commissioner may, without a hearing, order the immediate execution of all or
3 any part of the stayed suspension, in which event the Respondent shall not be entitled to any
4 repayment nor credit, prorated or otherwise, for money paid to the Bureau under the terms of this
5 Decision.

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

9 B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed
10 for two (2) years upon the following terms and conditions:

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

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

23 Pursuant to Section 10148 of the Business and Professions Code, Respondent
24 ROGER DALE HANCE, jointly with Gable Real Estate Inc., shall pay the Commissioner's
25 reasonable cost for (a) the cost of the Gable Real Estate Inc. audit which led to this disciplinary
26 action and (b) a subsequent audit to determine if Gable Real Estate Inc. is now in compliance
27

1 with the Real Estate Law. The cost of the audit which led to this disciplinary action is \$8,023.50.
2 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
3 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
4 include an allocation for travel time to and from the auditor's place of work. Said amount for the
5 prior and subsequent audits shall not exceed \$16,047.10. Respondent, jointly with Gable Real
6 Estate Inc., shall pay such cost within 60 days of receiving an invoice from the Commissioner
7 detailing the activities performed during the audit and the amount of time spent performing those
8 activities.

9 The Commissioner may suspend the license of Respondent ROGER DALE
10 HANCE pending a hearing held in accordance with Section 11500, et seq., of the Government
11 Code, if payment is not timely made as provided for herein, or as provided for in a subsequent
12 agreement between the Respondent and the Commissioner. The suspension shall remain in
13 effect until payment is made in full or until Respondent enters into an agreement satisfactory to
14 the Commissioner to provide for payment, or until a decision providing otherwise is adopted
15 following a hearing held pursuant to this condition.

16 III.

17 All licenses and licensing rights of Respondent ROGER DALE HANCE are
18 indefinitely suspended unless or until Respondent, jointly with Gable Real Estate Inc., pays the
19 sum of \$2,383.00 for the Commissioner's reasonable cost of the investigation and enforcement
20 which led to this disciplinary action herein. Said payment shall be in the form of a cashier's
21 check made payable to the Bureau of Real Estate. The investigative costs shall be sent to Elliott
22 Mac Lennan, Counsel, Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los
23 Angeles, California 90013-1105, prior to the effective date of the Decision.

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IV.

All licenses and licensing rights of Respondent are indefinitely suspended unless
or until Respondent provides proof satisfactory to the Commissioner, of having taken and
successfully completed the continuing education course on trust fund accounting and handling
specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
Code. Proof of satisfaction of this requirement includes evidence that respondent has
successfully completed the trust fund account and handling continuing education course within
120 days prior to the effective date of the Decision.

V.

Respondent shall within six (6) months from the effective date of the Decision
herein, take and pass the Professional Responsibility Examination administered by the
Department including the payment of the appropriate examination fee. If Respondent fails to
satisfy this condition, the Commissioner may order suspension of Respondent's license until
Respondent passes the examination.

VI.

Respondent shall, within nine (9) months from the effective date of this Decision,
present evidence satisfactory to the Real Estate 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, the
Commissioner may order the suspension of the restricted license until Respondent presents such
evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to
the Administrative Procedure Act to present such evidence.

VII.

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2 During the two year period above, Respondent shall not serve as the designated
3 officer at any corporate real estate broker unless and until Respondent is the sole owner of record
4 of the shares of the corporation.

VIII.

6 All proof required by this Order, shall be sent to the attention of Elliott Mac
7
8 Lennan, Counsel, Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los
9 Angeles, California 90013-1105.

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12 DATED: 4/27/15

12 EJL
13 ELLIOTT MAC LENNAN, Counsel for
14 Bureau of Real Estate

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15 EXECUTION OF THE STIPULATION

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

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1 MAILING AND FACSIMILE

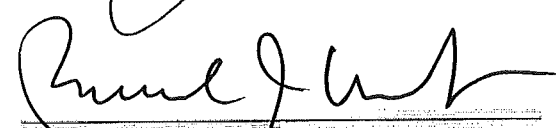
2 Respondent (1) shall mail the original signed signature page of the stipulation
3 herein to Elliott Mac Lennan: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
4 St., Suite 350, Los Angeles, California 90013-1105. Respondent shall also (2) facsimile a copy
5 of signed signature page, to the Bureau at the following telephone/fax number: (213) 576-6917,
6 Attention: Elliott Mac Lennan, Esq.

7 A facsimile constitutes acceptance and approval of the terms and conditions of
8 this stipulation. Respondent agrees, acknowledge and understand that by electronically sending
9 to the Bureau a facsimile copy of Respondent's actual signature as it appears on the stipulation
10 that receipt of the facsimile copy by the Bureau shall be as binding on Respondent as if the
11 Bureau had received the original signed stipulation.

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14 DATED: 1-13-15


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16 ROGER DALE HANCE, Respondent,

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18 DATED: 1/18/15


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20 ROBERT J. CARLSON, ESQ.
21 Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent ROGER DALE HANCE, and shall become effective at 12 o'clock noon on
June 11, 2015.

IT IS SO ORDERED MM 2, 2015.

Real Estate Commissioner



By: JEFFREY MASON
Chief Deputy Commissioner

FILED

MAY 12 2015

BUREAU OF REAL ESTATE

By 

1 Bureau of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

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7 **BEFORE THE BUREAU OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

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10 In the Matter of the Accusation of)
11)
12 GABLE REAL ESTATE INC., doing business as)
13 R R Gable Inc, Gable Real Estate Inc.,)
14 California Homes, Gable Commercial, Gable)
15 Mortgage, and California Short Sale Pros; and)
16)
17 ROGER DALE HANCE, individually and)
18 as designated officer of Gable Real Estate Inc.,)
19)
20 Respondents.)

DRE No. H-37899 LA
OAH No. L-2012080600

STIPULATION
AND
AGREEMENT

21 It is hereby stipulated by and between Respondent GABLE REAL ESTATE INC.
22 (sometimes referred to as "Respondent") represented by Frank M. Buda, Esq. and the
23 Complainant, acting by and through Elliott Mac Lennan, Counsel for the Bureau of Real Estate
24 as follows for the purpose of settling and disposing of the First Amended Accusation
25 ("Accusation") filed on April 4, 2012, in this matter:

26 1. All issues which were to be contested and all evidence which was to be
27 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
Stipulation and Agreement ("Stipulation.")

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

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

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

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

1 waiver made herein.

2 7. The Order or any subsequent Order of the Real Estate Commissioner made
3 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
5 which were not specifically alleged to be causes for Accusation in this proceeding but do
6 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusation
7 against Respondent herein.

8 8. Respondent understands that by agreeing to this Stipulation, Respondent agrees
9 to pay, jointly with Roger Dale Hance pursuant to Business and Professions Code Section 10148,
10 the cost of the audit. The amount of said cost for the original audit of Gable Real Estate Inc. is
11 \$8,023.50.

12 9. Respondent has received, read, and understands the "Notice Concerning Costs
13 of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation the
14 findings set forth below in the Determination of Issues become final and the Commissioner may
15 charge Respondent, jointly with Roger Dale Hance, for the cost of any subsequent audit
16 conducted pursuant to Business and Professions Code Section 10148 to determine if the
17 violations have been corrected. The maximum cost of the follow-up audit will not exceed
18 \$8,023.50.

19 10. Respondent understands that by agreeing to this Stipulation, Respondent,
20 jointly with Roger Dale Hance, agrees to pay, pursuant to Business and Professions Code Section
21 10106, the cost of the investigation and enforcement of this matter. The amount of said cost is
22 \$2,383.00.

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Respondent occurs within two (2) years from the effective date of the Decision in this matter.

4. If Respondent fails to pay the monetary penalty in accordance with the terms of
the Decision, the Commissioner may, without a hearing, order the immediate execution of all or
any part of the stayed suspension, in which event the Respondent shall not be entitled to any
repayment nor credit, prorated or otherwise, for money paid to the Bureau under the terms of this
Decision.

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

B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed
for two (2) years upon the following terms and conditions:

1. 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

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

II.

Pursuant to Section 10148 of the Business and Professions Code Respondent
GABLE REAL ESTATE INC., jointly with Gable Real Estate Inc., shall pay the Commissioner's
reasonable cost for (a) the cost of the audit which led to this disciplinary action and (b) a

1 subsequent audit to determine if GABLE REAL ESTATE INC. is now in compliance with the
2 Real Estate Law. The cost of the audit which led to this disciplinary action is \$8,023.50. In
3 calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
4 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
5 include an allocation for travel time to and from the auditor's place of work. Said amount for the
6 prior and subsequent audits shall not exceed \$16,047.10. Respondent, jointly with Roger Dale
7 Hance, shall pay such cost within 60 days of receiving an invoice from the Commissioner
8 detailing the activities performed during the audit and the amount of time spent performing those
9 activities.

10 The Commissioner may suspend the license of Respondent GABLE REAL
11 ESTATE INC. pending a hearing held in accordance with Section 11500, et seq. of the
12 Government Code, if payment is not timely made as provided for herein, or as provided for in a
13 subsequent agreement between the Respondent and the Commissioner. The suspension shall
14 remain in effect until payment is made in full or until Respondent enters into an agreement
15 satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise
16 is adopted following a hearing held pursuant to this condition.

17 III.

18 All licenses and licensing rights of Respondent GABLE REAL ESTATE INC. are
19 indefinitely suspended unless or until Respondent, jointly with Roger Dale Hance, pays the sum
20 of \$2,383.00 for the Commissioner's reasonable cost of the investigation and enforcement which
21 led to this disciplinary action herein. Said payment shall be in the form of a cashier's check
22 made payable to the Bureau of Real Estate. Said payment must be received by the Bureau prior to
23 the effective date of the Order in this matter.

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IV.

All proof required by this Decision, shall be sent to the attention of Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013. All checks, unless otherwise specified, are payable to the Bureau of Real Estate. All proof required by this Decision, and all payments required herein, may be made by either cashier's check or made by credit card. Credit card payments shall be accompanied by Form RE 909. Proof and payments shall be sent to the attention of Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013.

DATED: 4/27/15

E L L
ELLIOTT MAC LENNAN, Counsel for
Bureau of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation and Agreement and discussed it with my attorney. 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.

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