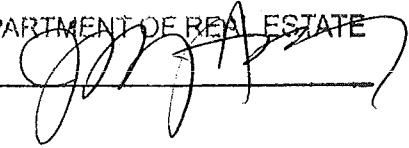


1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982

**FILED**

MAR 21 2013

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-37905 LA
12	BARRY RICHARD DANTAGNAN, )	OAH No. 2012040049
13	Respondent. )	
14	)	<u>STIPULATION AND AGREEMENT</u>
15	)	

16 It is hereby stipulated by and between  
17 BARRY RICHARD DANTAGNAN (hereinafter "Respondent") and his  
18 attorney, Frank M. Buda, and the Complainant, acting by and  
19 through Julie L. To, Counsel for the Department of Real Estate,  
20 as follows for the purpose of settling and disposing of the  
21 Accusation filed on February 22, 2012, in this matter:

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondent  
25 at a formal hearing on the Accusation, which hearing was to be  
26 held in accordance with the provisions of the Administrative

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1 Procedure Act (APA), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement.

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

8 3. On March 9, 2012, Respondent filed a Notice of  
9 Defense pursuant to Section 11506 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondent hereby freely and voluntarily withdraws  
12 said Notice of Defense. Respondent acknowledges that he  
13 understands that by withdrawing said Notice of Defense he will  
14 thereby waive his right to require the Commissioner to prove the  
15 allegations in the Accusation at a contested hearing held in  
16 accordance with the provisions of the APA and that he will waive  
17 other rights afforded to her in connection with the hearing such  
18 as the right to present evidence in defense of the allegations  
19 in the Accusation and the right to cross-examine witnesses.

21 4. Respondent, pursuant to the limitations set forth  
22 below, hereby admits that the factual allegations of the  
23 Accusation filed in this proceeding are true and correct and the  
24 Real Estate Commissioner shall not be required to provide  
25 further evidence of such allegations.

26 5. It is understood by the parties that the Real  
27

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

10 6. The Order or any subsequent Order of the Real  
11 Estate Commissioner made pursuant to this Stipulation and  
12 Agreement shall not constitute an estoppel, merger or bar to any  
13 further administrative or civil proceedings by the Department of  
14 Real Estate with respect to any matters which were not  
15 specifically alleged to be causes for accusation in this  
16 proceeding.

#### 17 DETERMINATION OF ISSUES

18  
19 By reason of the foregoing stipulations, admissions  
20 and waivers and solely for the purpose of settlement of the  
21 pending Accusation without a hearing, it is stipulated and  
22 agreed that the following determination of issues shall be made:

23 The conduct of Respondent, as set forth in the  
24 Accusation constitutes grounds for suspension or revocation of  
25 Respondent's real estate salesperson license under the  
26 provisions of Sections 490 and 10177(b) of the Business and  
27

1 Professions Code.

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 All licenses and licensing rights of Respondent BARRY  
5 RICHARD DANTAGNAN under the Real Estate Law are revoked;  
6 provided, however, a restricted real estate salesperson license  
7 shall be issued to Respondent pursuant to Section 10156.5 of the  
8 Business and Professions Code if Respondent makes application  
9 therefor and pays to the Department of Real Estate the  
10 appropriate fee for the restricted license within 90 days from  
11 the effective date of this Decision. The restricted license  
12 issued to Respondent shall be subject to all of the provisions  
13 of Section 10156.7 of the Business and Professions Code and to  
14 the following limitations, conditions and restrictions imposed  
15 under authority of that Code:

16 1. The restricted license issued to Respondent may be  
17 suspended prior to hearing by Order of the Real Estate  
18 Commissioner in the event of Respondent's conviction or plea of  
19 nolo contendere to a crime which is substantially related to  
20 Respondent's fitness or capacity as a real estate licensee.

22 2. The restricted license issued to Respondent may be  
23 suspended prior to hearing by Order of the Real Estate  
24 Commissioner on evidence satisfactory to the Commissioner that  
25 Respondent has violated provisions of the California Real Estate  
26 Law, the Subdivided Lands Law, Regulations of the Real Estate  
27

1 Commissioner, or conditions attaching to this restricted  
2 license.

3 3. Respondent shall not be eligible to apply for the  
4 issuance of an unrestricted real estate license nor for the  
5 removal of any of the conditions, limitations or restrictions  
6 of a restricted license until three (3) years have elapsed from  
7 the date of issuance of the restricted license to Respondent.

8 4. Respondent shall submit with any application for  
9 license under an employing broker, or any application for  
10 transfer to a new employing broker, a statement signed by the  
11 prospective employing real estate broker on a form approved by  
12 the Department of Real Estate which shall certify:

13 (a) That the employing broker has read the Decision of  
14 the Commissioner which granted the right to a restricted  
15 license; and

16 (b) That the employing broker will exercise close  
17 supervision over the performance by the restricted licensee  
18 relating to activities for which a real estate license is  
19 required.  
20


21 5. Respondent shall, within nine months from the  
22 effective date of this Decision, present evidence satisfactory to  
23 the Real Estate Commissioner that Respondent has, since the most  
24 recent issuance of an original or renewal real estate license,  
25 taken and successfully completed the continuing education  
26 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
27

1 for renewal of a real estate license. If Respondent fails to  
2 satisfy this condition, the Commissioner may order the suspension  
3 of the restricted license until the Respondent presents such  
4 evidence. The Commissioner shall afford Respondent the  
5 opportunity for a hearing pursuant to the Administrative  
6 Procedure Act to present such evidence.

7 6. Respondent shall notify the Commissioner in writing  
8 within 72 hours of any arrest by sending a certified letter to  
9 the Commissioner at the Department of Real Estate, Post Office  
10 Box 187000, Sacramento, CA 95818-7000. The letter shall set  
11 forth the date of Respondent's arrest, the crime for which  
12 Respondent was arrested and the name and address of the arresting  
13 law enforcement agency. Respondent's failure to timely file  
14 written notice shall constitute an independent violation of the  
15 terms of the restricted license and shall be grounds for the  
16 suspension or revocation of that license.

17  
18  
19 DATED:

2-27-13



JULIE L. TO, Counsel for Complainant

20 \* \* \*

21  
22 I have read the Stipulation and Agreement, have  
23 discussed it with my counsel, and its terms are understood by me  
24 and are agreeable and acceptable to me. I understand that I am  
25 waiving rights given to me by the California Administrative  
26 Procedure Act (including but not limited to Sections 11506,  
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1 11508, 11509 and 11513 of the Government Code), and I willingly,  
2 intelligently and voluntarily waive those rights, including the  
3 right of requiring the Commissioner to prove the allegations in  
4 the Accusation at a hearing at which I would have the right to  
5 cross-examine witnesses against me and to present evidence in  
6 defense and mitigation of the charges.

7 Respondent can signify acceptance and approval of the  
8 terms and conditions of this Stipulation and Agreement by faxing  
9 a copy of the signature page, as actually signed by Respondent,  
10 to the Department at fax number (213) 576-6917. Respondent  
11 agrees, acknowledges and understands that by electronically  
12 sending to the Department a fax copy of his actual signature as  
13 it appears on the Stipulation and Agreement, that receipt of the  
14 faxed copy by the Department shall be as binding on Respondent  
15 as if the Department had received the original signed  
16 Stipulation and Agreement.  
17

18  
19  
20 DATED: 2/26/2013   
BARRY RICHARD DANTAGNAN, Respondent

21  
22 I have reviewed the Stipulation and Agreement as to  
23 form and content and have advised my client accordingly.  
24

25  
26 DATED: 2-26-13   
FRANK M. BUDA, Attorney for Respondent

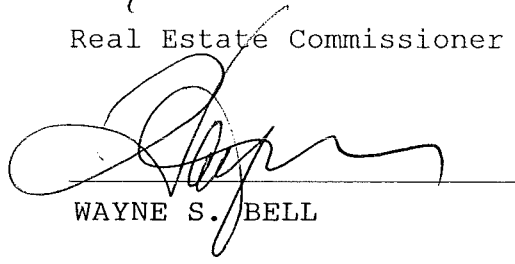
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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on APR 10 2013.

IT IS SO ORDERED 3/13/2013

Real Estate Commissioner



WAYNE S. BELL