

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 (213)576-6982

FILED

DEC 17 2014

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-39272 LA
)	L-2014 030 246
12	HOWARD M. STACHER,)	
)	<u>STIPULATION AND AGREEMENT</u>
13)	
	Respondent.)	
14)	

15 It is hereby stipulated by and between HOWARD M.
16 STACHER ("Respondent") and his attorney of record, Vincent J. La
17 Barbera, Jr., and the Complainant acting by and through James R.
18 Peel, Counsel for the Bureau of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation filed on
20 January 15, 2014, in this matter:

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

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

6 3. On January 28, 2014, Respondent filed a Notice of
7 Defense pursuant to Section 11506 of the Government Code for the
8 purpose of requesting a hearing on the allegations in the
9 Accusation. Respondent hereby freely and voluntarily withdraws
10 said Notice of Defense. Respondent acknowledges that he
11 understands that by withdrawing said Notice of Defense he will
12 thereby waive his right to require the Commissioner to prove the
13 allegations in the Accusation at a contested hearing held in
14 accordance with the provisions of the APA and that he will waive
15 other rights afforded to him in connection with the hearing such
16 as the right to present evidence in defense of the allegations
17 in the Accusation and the right to cross-examine witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, hereby admits that the factual allegations (or findings
20 of fact as set forth below) in Paragraphs II, III, IV, and V, of
21 the Accusation filed in this proceeding are true and correct and
22 the Real Estate Commissioner shall not be required to provide
23 further evidence of such allegations.

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

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

15 DETERMINATION OF ISSUES

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

20 The conduct of Respondent, as described in the
21 Accusation is grounds for the suspension or revocation of all of
22 the real estate licenses and license rights of Respondent under
23 the provision of Sections 490 and 10177(b) of the California
24 Business and Professions Code.

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ORDER

The license and license rights of Respondent HOWARD M. STACHER under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

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1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions of
4 a restricted license until two (2) years have elapsed from the
5 effective date of this Decision.

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

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

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

18 5. Respondent shall, within nine months from the
19 effective date of this Decision, present evidence satisfactory
20 to the Real Estate Commissioner that Respondent has, since the
21 most recent issuance of an original or renewal real estate
22 license, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the Real
24 Estate Law for renewal of a real estate license. If Respondent
25 fails to satisfy this condition, the Commissioner may order the
26 suspension of the restricted license until the Respondent
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1 presents such evidence. The Commissioner shall afford
2 Respondent the opportunity for a hearing pursuant to the
3 Administrative Procedure Act to present such evidence.

4 6. Respondent shall notify the Commissioner in
5 writing within 72 hours of any arrest by sending a certified
6 letter to the Commissioner at Bureau of Real Estate, Post Office
7 Box 137000, Sacramento, CA 95813-7000. The letter shall set
8 forth the date of Respondent's arrest, the crime for which
9 Respondent was arrested, and the name and address of the
10 arresting law enforcement agency. Respondent's failure to
11 timely file written notice shall constitute an independent
12 violation of the terms of the restricted license and shall be
13 grounds for the suspension or revocation of that license.

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15 DATED: _____

11-25-14

James R. Peel
James R. Peel
Counsel for the
Bureau of Real Estate

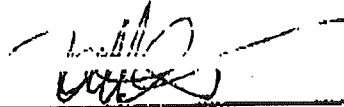
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18 * * *

19 I have read the Stipulation and Agreement, and its
20 terms are understood by me and are agreeable and acceptable to
21 me. I understand that I am waiving rights given to me by the
22 California Administrative Procedure Act (including but not
23 limited to Sections 11506, 11508, 11509 and 11513 of the
24 Government Code), and I willingly, intelligently and voluntarily
25 waive those rights, including the right of requiring the
26 Commissioner to prove the allegations in the Accusation at a
27 hearing at which I would have the right to cross-examine

1 witnesses against me and to present evidence in defense and
2 mitigation of the charges.

3 Respondent hereby certifies, attests and approval of the
4 terms and conditions of this Stipulation and Agreement by faxing
5 a copy of the signature page, as actually signed by Respondent,
6 to the Bureau at the following telephone/fax number. (213) 570-
7 6917. Respondent agrees, acknowledges and understands that by
8 electronically sending to the Bureau a fax copy of his actual
9 signature as it appears on the Stipulation and Agreement, that
10 receipt of the faxed copy by the Bureau shall constitute
11 receipt of the original signed by Respondent as if the Bureau had received the original signed
12 Stipulation and Agreement.

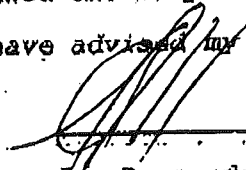
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14 DATED: 11/24/14



Howard M. Bratcher
Respondent

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

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20 DATED: 11/24/14



For Respondent

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1 witnesses against me and to present evidence in defense and
2 mitigation of the charges.

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

13

14 DATED: _____
15 _____
16 HOWARD M. STACHER
17 Respondent

18

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

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22 DATED: _____
23 _____
24 Vincent J. La Barbera, Jr., Attorney
25 for Respondent

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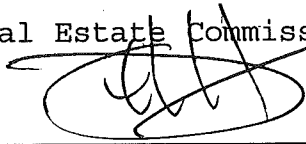
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter, and shall become
effective at 12 o'clock noon on ~~JAN 06 2015~~

IT IS SO ORDERED DEC 09 2014

Real Estate Commissioner



By: JEFFREY MASON
Chief Deputy Commissioner