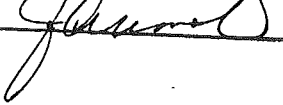


1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

FILED

MAY 06 2014

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

BRE No: H-39281 LA
OAH No: 2014020453

12)
13 TONY ROLANDO SERRANO,)

14 Respondent.)

STIPULATION AND
AGREEMENT

15 _____)
16 It is hereby stipulated by and between TONY ROLANDO
17 SERRANO, and the Complainant, acting by and through James A.
18 Demus, Counsel for the Bureau of Real Estate (Bureau), as follows
19 for the purpose of settling and disposing of the Accusation in
20 this matter, filed on January 23, 2014:

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
27

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

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

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

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation. In the interest of
21 expedience and economy, Respondent chooses not to contest these
22 allegations, but to remain silent and understands that, as a
23 result thereof, these factual allegations, without being admitted
24 or denied, will serve as a prima facie basis for the disciplinary
25 action stipulated to herein. The Real Estate Commissioner shall
26 not be required to provide further evidence to prove said factual
27 allegations.

1 5. This Stipulation is based on Respondent's decision
2 not to contest the allegations set forth in the Accusation as a
3 result of the agreement negotiated between the parties. This
4 Stipulation is expressly limited to this proceeding and any
5 further proceeding initiated by or brought before the Bureau of
6 Real Estate based upon the factual allegations in the Accusation
7 and is made for the sole purpose of reaching an agreed
8 disposition of this proceeding. The decision of Respondent not
9 to contest the allegations contained in the "Order" herein below,
10 is made solely for the purpose of effectuating this Stipulation.
11 It is the intent and understanding of the parties that this
12 Stipulation shall not be binding or admissible against
13 Respondents in any action against Respondent by third parties.

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

24 7. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation shall not
26 constitute an estoppel, merger or bar to any further
27 administrative or civil proceedings by the Bureau of Real Estate

1 with respect to any matters which were not specifically alleged
2 to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations and solely for
5 the purpose of settlement of the Accusation without a hearing, it
6 is stipulated and agreed that the following determination of
7 issues shall be made:

8 I

9 The conduct of TONY ROLANDO SERRANO, as described in
10 Paragraph 4, above, provides a basis for discipline of TONY
11 ROLANDO SERRANO's license and license rights pursuant to Section
12 10137 of the Code.

13 ORDER

14 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
15 WRITTEN STIPULATION OF THE PARTIES:

16 I.

17 All licenses and licensing rights of Respondent TONY
18 ROLANDO SERRANO under the Real Estate Law are suspended for a
19 period of thirty (30) days from the effective date of this
20 Decision; provided, however, that thirty (30) days of said
21 suspension, shall be stayed for two (2) years upon the
22 following terms and conditions:

- 23 1. Respondent shall obey all laws, rules and
24 regulations governing the rights, duties and responsibilities of
25 a real estate licensee in the State of California; and
26 2. That no final subsequent determination be made,
27 after hearing or upon stipulation that cause for disciplinary

1 action occurred within two (2) years of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7 II.

8 Respondent TONY ROLANDO SERRANO shall within six (6)
9 months from the effective date of the Decision herein, take and
10 pass the Professional Responsibility Examination administered by
11 the Bureau including the payment of the appropriate examination
12 fee. If Respondent fails to satisfy this condition,
13 the Commissioner shall order suspension of Respondent TONY
14 ROLANDO SERRANO's license until Respondent passes the
15 examination.

16 III.

17 Respondent TONY ROLANDO SERRANO shall within six (6)
18 months from the effective date of the Decision herein, provide
19 proof of attempting to pay restitution of \$5,000 to Farah
20 Ranjbaran as follows:

21 (a) Respondent shall deliver or mail the restitution
22 payment, by certified mail, return receipt requested, to Farah
23 Ranjbaran's last address on file with or known to Respondent.
24 (b) If the payment is returned by the Post Office marked
25 "unable to deliver," Respondent shall employ a locator service
26 (that may include or be limited to the Internet or other database
27 retrieval search) to try and locate Farah Ranjbaran. Repayment

1 shall then be made to the address recommended by the locator
2 service.

3 (c) If unable to effect repayment after using a locator
4 service, Respondent shall provide reasonable proof satisfactory
5 to the Commissioner of his efforts to comply with the provisions
6 of this Paragraph.

7 (d) If the Commissioner determines that proof to be
8 unsatisfactory, he shall so advise Respondent, and indicate what
9 additional reasonable efforts should be made to make repayment to
10 Farah Ranjbaran.

11 (e) If Respondent fails to satisfy this condition, the
12 Commissioner shall order suspension of Respondent's license until
13 Respondent effects compliance herein; and

14 (f) Restitution payments not made to Farah Ranjbaran shall
15 escheat to the State of California.

16
17
18 DATED: 4/9/14

James A. Demus
19 JAMES A. DEMUS, Counsel for
the Bureau of Real Estate

20
21 EXECUTION OF THE STIPULATION

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

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The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent TONY ROLANDO SERRANO and
shall become effective at 12 o'clock noon on

MAY 27 2014,

IT IS SO ORDERED APR 25 2014,

Real Estate Commissioner



JEFFREY MASON
Chief Deputy Commissioner