

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

**FILED**

DEC 05 2019

DEPT. OF REAL ESTATE

By *Jmi J*

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-41243LA

12 R E SETTLEMENT CORP; )

STIPULATION

13 R E ADVISORS CORP; and )

AND  
AGREEMENT

14 RICHARD GARY MOORE, )  
15 individually and as designated officer of )  
16 R E Settlement Corp and as designated officer )  
17 of R E Advisors Corp, )  
18 )  
19 )  
20 Respondents. )

21 It is hereby stipulated by and between Respondents R E SETTLEMENT CORP  
22 ("RESC"), R E ADVISORS CORP ("REAC"), and RICHARD GARY MOORE ("MOORE"),  
23 represented by Jean Cha, Esq. of Manning & Kass, Ellrod, Ramirez, Trester LLP, and the  
24 Complainant, acting by and through Julie L. To, Counsel for the Department of Real Estate  
25 ("Department" or "DRE"), as follows for the purpose of settling and disposing of the First  
26  
27

1 Amended Accusation (“Accusation”) filed on March 8, 2019<sup>1</sup> in Case No. H-41243 LA, in this  
2 matter.

3           1. All issues which were to be contested and all evidence which was to be  
4 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing  
5 was to be held in accordance with the provisions of the Administrative Procedure Act (“APA”),  
6 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
7 Stipulation and Agreement (“Stipulation”).

8           2. Respondents have received, read and understand the Statement to Respondent,  
9 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate  
10 (“Department”) in this proceeding.

11           3. On January 30, 2019, Respondents timely filed Notices of Defense pursuant to  
12 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations  
13 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.  
14 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they  
15 thereby waive their right to require the Commissioner to prove the allegations in the Accusation  
16 at a contested hearing held in accordance with the provisions of the APA and that they will waive  
17 other rights afforded to them in connection with the hearing such as the right to present evidence  
18 in their defense and the right to cross-examine witnesses.

19 ///

20 ///

21 ///

22 ///

23 ///

24

---

25 <sup>1</sup> The original Accusation was filed on or about December 10, 2018.  
26

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

7                   5. This Stipulation is made for the purpose of reaching an agreed disposition of  
8 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
9 which the Department or another licensing agency of this state, another state, or if the federal  
10 government is involved, and otherwise shall not be admissible in any other criminal or civil  
11 proceeding.

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

19                   7. The Order or any subsequent Order of the Real Estate Commissioner made  
20 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
21 administrative or civil proceedings by the Department of Real Estate with respect to any matters  
22 which were not specifically alleged to be causes for Accusation in this proceeding but do  
23 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations  
24 against Respondents herein.

1                   8. Respondents understand that by agreeing to this Stipulation, Respondents agree  
2 to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the audit  
3 which resulted in the determination that Respondents committed the violations found in the  
4 Determination of Issues. The amount of said costs for the original audit (LA 170065) is  
5 \$4,837.28. Respondents agree to pay, pursuant to Code Section 10148, \$4,837.28 for the cost of  
6 Audit LA 170065.

7                   9. Respondents have received, read, and understand the "Notice Concerning  
8 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,  
9 the findings set forth below in the Determination of Issues become final, and the Commissioner  
10 may charge Respondents for the cost of any subsequent audits conducted pursuant to Code  
11 Section 10148 to determine if the violations have been corrected. The maximum cost of the  
12 follow-up audits will not exceed one-hundred twenty-five percent (125%) of the cost of the  
13 original audit; in the instant case, the cost of the original audit is \$4,837.28, and the maximum  
14 cost of the follow-up audit ( $\$4,837.28 \times 125\%$ ) will not exceed \$6,046.60. Therefore,  
15 Respondents agree to pay, pursuant to Code Section 10148, a maximum of \$6,046.60 for the cost  
16 of any follow-up audits to determine if the violations in the original audit have been corrected.

17                   10. Respondents understand that by agreeing to this Stipulation, Respondents  
18 agree to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and  
19 enforcement which resulted in the determination that Respondents committed the violations  
20 found in the Determination of Issues. The amount of said investigation and enforcement costs is  
21 \$3,418.70; therefore, Respondents agree to pay, pursuant to Code Section 10106, the amount  
22 \$3,418.70.

23 ///

24 ///

25 ///

1 DETERMINATION OF ISSUES

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

5 The conduct, acts or omissions of Respondents RESC, REAC and MOORE, as  
6 described in Paragraph 4, herein above, are in violation of: Code Section 10086(a) and Financial  
7 Code Section 17006(a)(4)(b); Regulation 2950(h); and [as to MOORE only] Code Section  
8 10159.2 and are bases for the suspension or revocation of the licenses and license rights of  
9 Respondents RESC, REAC, and MOORE as a violation of the Real Estate Law pursuant to Code  
10 Sections 10177(d), 10177(g) and [MOORE only] 10177(h).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I.

14 All licenses and licensing rights of Respondents R E SETTLEMENT CORP, R E  
15 ADVISORS CORP and RICHARD GARY MOORE under the Real Estate Law are suspended  
16 for a period of fifteen (15) days from the effective date of this Decision and Order; provided,  
17 however, that:

18 1. All fifteen (15) days of said suspension shall be stayed for two (2) years upon  
19 the following terms and conditions:

20 a) Respondents shall obey all laws, rules and regulations governing the  
21 rights, duties and responsibilities of a real estate licensee in the State of  
22 California; and,

23 b) That no final subsequent determination be made, after hearing or upon  
24 stipulation, that cause of disciplinary action occurred within two (2) years  
25 from the effective date of this Decision and Order. Should such a  
26




1 determination be made, the Commissioner may, in his discretion, vacate  
2 and set aside the stay order and reimpose all or a portion of the stayed  
3 suspension. Should no such determination be made, the stay imposed  
4 herein shall become permanent.

5 2. Pursuant to Section 10148 of the Code, Respondents RESC, REAC and  
6 MOORE shall pay the sum of \$4,837.28 for the Commissioner's cost of the audit which led to  
7 this disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an  
8 invoice therefore from the Commissioner. Payment of audit costs should not be made until  
9 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner  
10 as provided for herein, Respondents' real estate licenses shall automatically be suspended until  
11 payment is made in full, or until a decision providing otherwise is adopted following a hearing  
12 held pursuant to this condition.

13 3. Pursuant to Section 10148 of the Code, Respondents RESC, REAC and  
14 MOORE shall pay the Commissioner's reasonable cost, not to exceed \$6,046.60 [or, 125% of the  
15 original audit cost], for a subsequent audit to determine if Respondents have corrected the  
16 violations found in the Determination of Issues. In calculating the amount of the  
17 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary  
18 for all persons performing audits of real estate brokers, and shall include an allocation for travel  
19 time to and from the auditor's place of work. Respondents shall pay such cost within sixty (60)  
20 days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should  
21 not be made until Respondents receive the invoice. If Respondents fail to satisfy this condition  
22 in a timely manner as provided for herein, Respondents' real estate licenses shall automatically  
23 be suspended until payment is made in full, or until a decision providing otherwise is adopted  
24 following a hearing held pursuant to this condition.

1                    4. All licenses and licensing rights of Respondents RESC, REAC and MOORE  
2 are indefinitely suspended unless or until Respondents RESC, REAC and MOORE jointly and  
3 severally pay the sum of \$3,418.70 for the Commissioner's reasonable cost of the investigation  
4 and enforcement which led to this disciplinary action. Said payment shall be in the form of a  
5 cashier's check or certified check made payable to the Department of Real Estate. The  
6 investigation and enforcement costs must be delivered to the Department of Real Estate, Flag  
7 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
8 Decision and Order.

9  
10 DATED: 11-4-19

  
\_\_\_\_\_  
Julie L. To, Counsel for  
Department of Real Estate

11  
12 \* \* \*

13                    EXECUTION OF THE STIPULATION

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

21                    MAILING AND FACSIMILE

22                    Respondents can signify acceptance and approval of the terms and conditions of  
23 this Stipulation and Agreement by sending a hard copy of the original signed signature page of  
24 the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth  
25 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an  
26




1 administrative hearing, Respondents can signify acceptance and approval of the terms and  
2 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,  
3 as actually signed by Respondents, to the Department counsel assigned to this case. Respondents  
4 agree, acknowledge, and understand that by electronically sending to the Department a scan of  
5 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of  
6 the scan by the Department shall be binding on Respondents as if the Department had received  
7 the original signed Stipulation and Agreement.


8  
9 DATED: 10/24/19

  
RICHARD GARY MOORE, Respondent

10  
11 DATED: 10/24/19

  
R E SETTLEMENT CORP, Respondent  
By: RICHARD GARY MOORE, Designated  
Officer

12  
13 DATED: 10/24/19

  
R E ADVISORS CORP, Respondent  
By: RICHARD GARY MOORE, Designated  
Officer

14  
15  
16  
17 \* \* \*

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

20  
21 DATED 10/29/19

  
Jean Cha, Esq.  
Attorney for Respondents

22 \* \* \*

23 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
24 Respondents RE SETTLEMENT CORP, R E ADVISORS CORP and RICHARD GARY  
25 MOORE, individually and as designated officer of R E SETTLEMENT CORP and of R E  
26



DEC 25 2019

1 ADVISORS CORP, and shall become effective at 12 o'clock noon on \_\_\_\_\_,  
2 2019.

3 IT IS SO ORDERED November 22, 2019.

4  
5 DANIEL J. SANDRI  
6 ACTING REAL ESTATE COMMISSIONER

7   
8 \_\_\_\_\_

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27