

FILED

SEP 17 2020

DEPT. OF REAL ESTATE
By *al silva*

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

5
6
7
8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of 12 PIONEER REAL ESTATE, INC.; 13 <u>LANCE ERIC MARTIN,</u> 14 individually and as designated officer of 15 Pioneer Real Estate, Inc., 16 Respondents.	}	DRE No. H-41571 LA OAH No. 2020030422 <u>STIPULATION AND AGREEMENT</u> <u>IN SETTLEMENT AND ORDER</u> As to Respondent Lance Eric Martin only
---	---	---

17
18 It is hereby stipulated by and between Respondent LANCE ERIC MARTIN
19 (sometimes referred to as "Respondent"), acting by and through his attorney, Edward O. Lear,
20 Esq. of Century Law Group LLP, and the Complainant, acting by and through Judith B. Vasan,
21 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
22 of the Accusation ("Accusation") filed on January 7, 2020, in this matter:

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

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

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 Department of Real Estate
3 (“Department”) in this proceeding.

4 3. Respondent 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 he understands that by withdrawing said Notice of Defense Respondent
8 thereby waives his right to require the Commissioner to prove the allegations in the Accusation
9 at a contested hearing held in accordance with the provisions of the APA and that Respondent
10 will waive other rights afforded to him in connection with the hearing such as the right to present
11 evidence in their defense, and the right to cross-examine witnesses.

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

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

22 6. The Order or any subsequent Order of the Real Estate Commissioner made
23 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
24 administrative or civil proceedings by the Department with respect to any matters which were
25 not specifically alleged to be causes for accusation in this proceeding.

26 ///

27 ///

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 The conduct, acts or omissions of Respondent LANCE ERIC MARTIN, as set
5 forth in the Accusation, are in violation of the Real Estate Law, Part 1 of Division 4 of the
6 California Business and Professions Code ("Code") section 10159.2 and Section 2725 of Title
7 10, Chapter 6, of the California Code of Regulations and are a basis for discipline of Respondent
8 LANCE ERIC MARTIN's licenses and license rights pursuant to Code sections 10177(d),
9 10177(g), and/or 10177(h).

10 ORDER

11 WHEREFORE, THE FOLLOWING ORDER is hereby made:

12 I.

13 All licenses and licensing rights of Respondent LANCE ERIC MARTIN under
14 the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall
15 be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if
16 Respondent makes application therefor and pays to the Department of Real Estate the
17 appropriate fee for the restricted license within 90 days from the effective date of this Decision.
18 The restricted license issued to Respondent shall be subject to all of the provisions of Section
19 10156.7 of the Business and Professions Code and to the following limitations, conditions and
20 restrictions imposed under authority of Section 10156.6 of that Code:

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

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

1 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
2 license.

3 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
4 real estate license nor for removal of any of the conditions, limitations or restrictions of a
5 restricted license until two (2) years have elapsed from the effective date of this Decision and
6 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
7 attaching to the license have been removed.

8 II.

9 Pursuant to Code section 10148, Respondent shall pay the Commissioner's
10 reasonable costs for the audit which led to this disciplinary action in the amount of \$19,338.41.
11 Respondent is jointly and severally responsible for the costs of the audit with Respondent
12 Pioneer Real Estate, Inc. Respondent shall pay such costs within ninety (90) days of receiving an
13 invoice therefore from the Commissioner. Payment of the audit costs should not be made until
14 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner
15 as provided for herein, Respondent's real estate licenses shall automatically be suspended until
16 payment is made in full, or until a decision providing otherwise is adopted following a hearing
17 held pursuant to this condition.

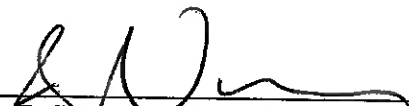
18 III.

19 All licenses and licensing rights of Respondent are indefinitely suspended unless
20 or until Respondent pays the sum of \$2,803.50 for the Commissioner's reasonable costs of
21 enforcement which led to this disciplinary action. Respondent is jointly and severally responsible
22 for the costs of enforcement with Respondent Pioneer Real Estate, Inc. Said payment shall be in
23 the form of a cashier's check made payable to the Department of Real Estate. Enforcement costs
24 must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
25 Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

26 ///

27 ///

1 DATED: 7-20-2020

2 
3 Judith B. Vasan, Counsel for
4 Department of Real Estate

5 * * *

6 EXECUTION OF THE STIPULATION

7 I have read the Stipulation, have discussed it with counsel, and its terms are
8 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights
9 given to me by the California Administrative Procedure Act (including but not limited to
10 Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently
11 and voluntarily waive those rights, including the right of requiring the Commissioner to prove
12 the allegations in the Accusation at a hearing at which I would have the right to cross-examine
13 witnesses against me and to present evidence in defense and mitigation of the charges.

14 Respondent shall mail the original signed signature page of the stipulation herein
15 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
16 Suite 350, Los Angeles, California 90013-1105.

17 In the event of time constraints before an administrative hearing, Respondent can
18 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
19 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
20 Department counsel assigned to this case. Respondent agrees, acknowledges and understands
21 that by electronically sending the Department a scan of Respondent's actual signature as it
22 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
23 binding on Respondent as if the Department had received the original signed Stipulation.
24 Respondent shall also mail the original signed signature page of this Stipulation to the
25 Department counsel.

26 ///
27 ///

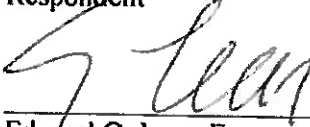
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation and Agreement. Respondent agrees, acknowledges and understands that by signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: _____

LANCE ERIC MARTIN
Respondent

DATED: 7/20/2020



Edward O. Lear, Esq.
Counsel for Respondent
Approved as to Form

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent LANCE ERIC MARTIN and shall become effective at 12 o'clock noon on

_____.

IT IS SO ORDERED _____.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation and Agreement. Respondent agrees, acknowledges and understands that by signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: 7/20/2020



LANCE ERIC MARTIN
Respondent

DATED: _____

Edward O. Lear, Esq.
Counsel for Respondent
Approved as to Form

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent LANCE ERIC MARTIN and shall become effective at 12 o'clock noon on OCT 27 2020.

IT IS SO ORDERED 8/27/20.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



FILED

SEP 17 2020

DEPT. OF REAL ESTATE

By *al Selbue*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:)	DRE No. H-41571 LA
<u>PIONEER REAL ESTATE, INC.:</u>)	OAH No. 2020030422
LANCE ERIC MARTIN,)	
individually and as designated officer of)	
Pioneer Real Estate, Inc.,)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On January 07, 2020, an Accusation was filed in this matter against Respondent PIONEER REAL ESTATE, INC. ("Respondent").

On July 20, 2020, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

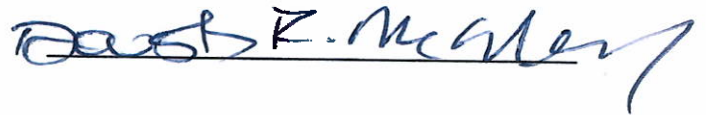
IT IS HEREBY ORDERED that Respondent PIONEER REAL ESTATE, INC.'s petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated July 20, 2020, (attached as Exhibit "A" hereto). Respondent's license certificate and pocket card shall be sent to the below-listed address so that they reach the Department of Real Estate on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

This Order shall become effective at 12 o'clock noon on OCT 7 2020.

DATED: 8/27/20

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

SEP 17 2020

DEPT. OF REAL ESTATE

[Signature]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	DRE No. H-41571 LA
)	
<u>PIONEER REAL ESTATE, INC.;</u>)	OAH No. 2020030422
LANCE ERIC MARTIN,)	
Individually and as designated officer of)	
Pioneer Real Estate, Inc.,)	
)	
Respondents.)	

DECLARATION

My name is Lance Eric Martin and I am designated officer of PIONEER REAL ESTATE, INC., which is currently licensed as a real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of PIONEER REAL ESTATE, INC. I am acting on behalf of PIONEER REAL ESTATE, INC. in this matter. PIONEER REAL ESTATE, INC. is represented by Edward O. Lear, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), PIONEER REAL ESTATE, INC. wishes to voluntarily surrender its real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that PIONEER REAL ESTATE, INC., by so voluntarily surrendering
2 its license(s), may be relicensed as a broker or a salesperson, or issued a mortgage loan originator
3 endorsement, only by petitioning for reinstatement pursuant to Section 11522 of the Government
4 Code. I also understand that by so voluntarily surrendering its license(s), PIONEER REAL
5 ESTATE, INC., agrees to the following:

6 1. The filing of this Declaration shall be deemed as its petition for voluntary
7 surrender.

8 2. It shall also be deemed to be an understanding and agreement by PIONEER
9 REAL ESTATE, INC., that it waives all rights it has to require the Commissioner to prove the
10 allegations contained in the Accusation filed in this matter at a hearing held in accordance with the
11 provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and
12 that it also waives other rights afforded to it in connection with the hearing such as the right to
13 discovery, the right to present evidence in defense of the allegations in the Accusation and the right
14 to cross-examine witnesses.

15 3. It further agrees that upon acceptance by the Commissioner, as evidenced by
16 an appropriate order, all affidavits and all relevant evidence obtained by the Department in this
17 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed
18 in the Department Case No. H-41571 LA, may be considered by the Department to be true and
19 correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to
20 Government Code Section 11522.

21 4. Pursuant to Code section 10148, PIONEER REAL ESTATE, INC. agrees to
22 pay, jointly and severally with Respondent Lance Eric Martin, the Commissioner's reasonable costs
23 for the audit which led to this disciplinary action in the total amount of \$19,338.41. PIONEER
24 REAL ESTATE, INC. shall pay such costs within ninety (90) days of receiving an invoice
25 therefore from the Commissioner. Payment of the audit costs should not be made until PIONEER
26 REAL ESTATE, INC. receives the invoice. If PIONEER REAL ESTATE, INC. fails to satisfy this
27

1 condition in a timely manner as provided for herein, prior to issuance of any new or reinstated
2 license, PIONEER REAL ESTATE, INC. shall pay the Department the costs for the audit.

3 5. Pursuant to Code section 10106, PIONEER REAL ESTATE, INC. agrees to
4 pay, jointly and severally with Respondent Lance Eric Martin, the Commissioner's reasonable costs
5 for enforcement, which led to this disciplinary action in the total amount of \$ 2,803.50. PIONEER
6 REAL ESTATE, INC. shall pay such costs prior to the effective date of the Commissioner's Order
7 accepting the voluntary surrender of PIONEER REAL ESTATE, INC.'s real estate license(s). If
8 PIONEER REAL ESTATE, INC. fails to satisfy this condition in a timely manner as provided for
9 herein, prior to issuance of any new or reinstated license, PIONEER REAL ESTATE, INC. shall
10 pay the Department the costs for enforcement.

11 6. PIONEER REAL ESTATE, INC. freely and voluntarily surrenders all its
12 licenses and license rights under the Real Estate Law.

13 I declare under penalty of perjury under the laws of the State of California that the
14 above is true and correct and that this declaration was executed July 20, 2020, at
15 RIVERSIDE, California.

16
17
18 
19 PIONEER REAL ESTATE INC.
20 By: Lance Eric Martin
21
22
23
24
25
26
27