

FILED

AUG 31 2022

DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ACTIVE REALTY INC., and JUSTIN
R. TYE, individually and as designated
officer of Active Realty Inc.,

Respondents.

H-41937 LA

**STIPULATION AND AGREEMENT
AS TO ACTIVE REALTY INC. AND
JUSTIN R. TYE ONLY**

It is hereby stipulated and agreed by and between ACTIVE REALTY INC. (“ARI”), and JUSTIN R. TYE (“TYE”), individually and as designated officer of ARI, (collectively “Respondents”) and their attorneys of record, Steven L. Simas, Esq., of Simas & Associates, Ltd., and Sara Sadri, Esq., of ARI, and the Complainant, acting by and through Laurence Haveson, Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on April 26, 2021 (“Accusation”) in this matter:

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

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1 2. Respondents have received, read, and understand the Statement to Respondent, the
2 Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in this
3 proceeding.

4 3. On May 7, 2021, Respondents filed Notices of Defense pursuant to section 11506 of
5 the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
7 acknowledge that Respondents understand that by withdrawing said Notices of Defense,
8 Respondents will thereby waive Respondents' right to require the Real Estate Commissioner
9 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that Respondents will waive other rights afforded to
11 Respondents in connection with the hearing such as the right to present evidence in defense of the
12 allegations in the Accusation and the right to cross-examine witnesses.

13 4. Respondents, pursuant to the limitations set forth below, hereby admit that the
14 factual allegations (or findings of fact as set forth below) in Paragraphs 3 through 22, 25, and 27 of
15 the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall
16 not be required to provide further evidence of such allegations.

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

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

27 7. Respondents understand that by agreeing to this Stipulation, Respondents agree to
28 pay, pursuant to Business and Professions Code ("Code") section 10106, two-thirds ($\frac{2}{3}$) of the total

1 cost of the investigation and enforcement of this matter. The amount of the investigation costs is
2 \$3,589.35 and the amount of the enforcement costs is \$1,747.20, for total costs of \$5,336.55. Two-
3 thirds' of the total costs is \$3,557.70. Respondents understand that they are jointly and severally
4 responsible for payment of the sum total of \$3,557.70 in costs.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, admissions, and waivers, and solely for the purpose
7 of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
8 following Determination of Issues shall be made:

9 I.

10 The conduct, acts, and/or omissions of Respondent ARI as described in the Accusation,
11 constitute cause for the suspension or revocation of all real estate licenses and license rights of
12 Respondent ARI under California Business and Professions Code ("Code") sections 10137,
13 10161.8(b), and 10177(d) and/or 10177(g), and Title 10, Chapter 6, California Code of Regulations
14 ("Regulations") section 2752.

15 II.

16 The conduct, acts, and/or omissions of Respondent TYE, as described in the Accusation,
17 constitute cause for the suspension or revocation of all real estate licenses and license rights of
18 Respondent TYE under Code sections 10137, 10159.2, 10161.8(b), 10177(h), and 10177(d) and/or
19 10177(g), and Regulations 2725 and 2752.

20 ORDER

21 WHEREFORE, THE FOLLOWING ORDER is hereby made:

22 I.

23 Respondents ACTIVE REALTY INC. and JUSTIN R. TYE are publicly reprovod.

24 II.

25 Respondents shall pay, severally or jointly, the sum total of \$3,557.70, amounting to two-
26 thirds of the total of the Commissioner's reasonable cost of the investigation and enforcement
27 which led to this disciplinary action, **within one-hundred and eighty (180) days from the**
28 **effective date of this Decision and Order.** Said payment shall be in the form of a cashier's check

1 made payable to the Department of Real Estate. **The investigative and enforcement costs must be**
2 **delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA**
3 **95813-7013. Payment of investigation and enforcement costs should not be made until the**
4 **Stipulation has been approved by the Commissioner.** If Respondents fail to satisfy this
5 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
6 automatically be suspended until payment is made in full, or until a decision providing otherwise is
7 adopted following a hearing held pursuant to this condition.

8
9 DATED: 02/25/2022



Laurence D. Haverson
Counsel for Complainant

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12 * * *

13 EXECUTION OF THE STIPULATION

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

21 Respondents can signify acceptance and approval of the terms and conditions of this
22 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
23 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand that
24 by electronically sending to the Department an electronic copy of Respondents' actual signatures,
25 as they appear on the Stipulation, that receipt of the emailed copy by the Department shall be as
26 binding on Respondents as if the Department had received the original signed Stipulation. By
27 signing this Stipulation, Respondents understand and agree that Respondents may not withdraw

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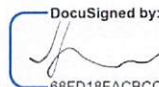
1 their agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
2 acts upon it or prior to the effective date of the Stipulation and Order.

3 MAILING

4 Respondents and their counsel shall, within five (5) business days from signing the
5 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence
6 Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los
7 Angeles, California 90013-1105.

8 Respondents' signatures below constitute acceptance and approval of the terms and
9 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing
10 this Stipulation Respondents are bound by its terms as of the date of such signature and that this
11 agreement is not subject to rescission or amendment at a later date except by a separate Decision
12 and Order of the Real Estate Commissioner.

13
14 DATED: 2/23/2022

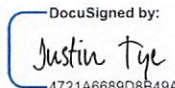
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88ED18EACBCC430
Respondent ACTIVE REALTY INC.

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16 By (Printed Name): Susanne Abohlhosseini

17 Title: CEO

18
19 DATED: 2/23/2022

DocuSigned by:


4721A6689D8B49A
Respondent JUSTIN R. TYE

20
21 DATED: 2/23/2022



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23 Steven L. Simas
24 Attorney for Respondents ACTIVE REALTY INC.,
25 and JUSTIN R. TYE
26 *Approved as to Form*

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on Sept. 20, 2022.

IT IS SO ORDERED 8.25.22, 2022.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

1 3. On May 12, 2021, Respondent filed a Notice of Defense pursuant to section 11506
2 of the Government Code for the purpose of requesting a hearing on the allegations in the
3 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense,
5 Respondent will thereby waive his right to require the Real Estate Commissioner
6 (“Commissioner”) to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA and that Respondent will waive other rights afforded to
8 him in connection with the hearing such as the right to present evidence in defense of the
9 allegations in the Accusation and the right to cross-examine witnesses.

10 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
11 factual allegations (or findings of fact as set forth below) in Paragraphs 3 through 22, and 29 of the
12 Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not
13 be required to provide further evidence of such allegations.

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

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

24 7. Respondent understands that by agreeing to this Stipulation, Respondent agrees to
25 pay, pursuant to Business and Professions Code Section 10106, one-third (1/3) of the total cost of the
26 investigation and enforcement of this matter. The amount of the investigation costs is \$3,589.35
27 and the amount of the enforcement costs is \$1,747.20, for total costs of \$5,336.55. One-third of the
28 total costs is \$1,788.85, therefore, Respondent agrees to pay \$1,788.85 in costs.

1 DETERMINATION OF ISSUES

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

5 I.

6 The conduct, acts, and/or omissions of Respondent as described in the Accusation,
7 constitute cause for the suspension or revocation of all real estate licenses and license rights of
8 Respondent under California Business and Professions Code (“Code”) sections 10130, and
9 10177(d) and/or 10177(g).

10 ORDER

11 I.

12 All licenses and licensing rights of Respondent OLVERA under the Real Estate Law are
13 revoked; provided, however: (1) a restricted real estate salesperson license shall be issued to
14 Respondent OLVERA pursuant to Section 10156.5 of the Code if Respondent makes application
15 therefore and pays to the Department the appropriate fee for a restricted license within ninety (90)
16 days from the effective date of this Decision and Order. The restricted license issued to
17 Respondent OLVERA shall be subject to all of the provisions of Section 10156.7 of the Code and
18 to the following limitations, conditions and restrictions imposed under authority of Section 10156.6
19 of the Code:

20 1. The restricted license issued to Respondent OLVERA may be suspended prior to
21 hearing by Order of the Commissioner in the event of Respondent’s conviction, or entry of a plea
22 of guilty or no contest, for a crime that is substantially related to the qualifications, functions, or
23 duties of a real estate licensee.

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

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

5 4. Respondent OLVERA shall pay the sum of \$1,788.85, one-third ($\frac{1}{3}$) of the total cost
6 of the investigation and enforcement which led to this disciplinary action, **within one-hundred**
7 **and eighty (180) days from the effective date of this Decision and Order.** Said payment shall
8 be in the form of a cashier's check made payable to the Department of Real Estate. **The**
9 **investigative and enforcement costs must be delivered to the Department of Real Estate, Flag**
10 **Section at P.O. Box 137013, Sacramento, CA 95813-7013. Payment of investigation and**
11 **enforcement costs should not be made until the Stipulation has been approved by the**
12 **Commissioner.** If Respondent fails to satisfy this condition in a timely manner as provided for
13 herein, Respondent's real estate license shall automatically be suspended until payment is made in
14 full, or until a decision providing otherwise is adopted following a hearing held pursuant to this
15 condition.

16 5. Respondent's signature indicates full agreement to the terms of this Stipulation and
17 Agreement and to the terms set forth herein.

18
19 DATED: 02/25/2022



Laurence D. Haveson
Counsel for Complainant

21 * * *

22 EXECUTION OF THE STIPULATION

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

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1 hearing at which I would have the right to cross-examine witnesses against me and to present
2 evidence in defense and mitigation of the charges.

3 Respondent can signify acceptance and approval of the terms and conditions of this
4 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
5 signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands that
6 by electronically sending to the Department an electronic copy of Respondent's actual signature, as
7 it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding
8 on Respondent as if the Department had received the original signed Stipulation. By signing this
9 Stipulation, Respondent understands and agrees that Respondent may not withdraw his agreement
10 or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or
11 prior to the effective date of the Stipulation and Order.

12 MAILING

13 Respondent and his counsel shall, within five (5) business days from signing the
14 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence
15 Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los
16 Angeles, California 90013-1105.

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

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23 DATED: 05/05/2022

Authentisign
Sergio Olvera
5/5/2022 2:37:54 PM PDT
Respondent SERGIO LOUIS LOPEZ OLVERA

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on Sept. 20, 2022.

IT IS SO ORDERED 8.25-22, 2022.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley