

1 BUREAU OF REAL ESTATE
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4 Sacramento, CA 95813-7007
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FILED

NOV 20 2013

BUREAU OF REAL ESTATE

By H. Contreras

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 JAIME B. BEDOY, and)
14 KEVIN CUMMINGS,)
15 Respondents.)

NO. H-2757 FR

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER
AS TO JAIME V. BEDOY ONLY

16 It is hereby stipulated by and between Respondent JAIME B. BEDOY (herein
17 "Respondent"), by and through Steven J. Hassing, attorney of record herein for Respondent, and
18 the Complainant, acting by and through Mary F. Clarke, Counsel for the Bureau of Real Estate
19 (herein "the Bureau"), as follows for the purpose of settling and disposing of the Accusation filed
20 on June 6, 2012 in this matter:

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

26 2. Respondent has received, read and understands the Statement to Respondent,
27 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

1 3. A Notice of Defense was filed on June 20, 2012 by Respondent, pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense, he
5 will thereby waive his right to require the Commissioner to prove the allegations in the
6 Accusation at a contested hearing held in accordance with the provisions of the APA and that he
7 will waive other rights afforded to him in connection with the hearing such as the right to present
8 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

13 5. It is understood by the parties that the Real Estate Commissioner may adopt
14 the Stipulation and Agreement in Settlement and Order as his Decision in this matter thereby
15 imposing the penalty and sanctions on Respondent's real estate license and license rights as set
16 forth in the below "Order". In the event that the Commissioner in his discretion does not adopt
17 the Stipulation and Agreement in Settlement and Order, it shall be void and of no effect, and
18 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 Real Estate Commissioner made
21 pursuant to this Stipulation and Agreement in Settlement and Order shall not constitute an
22 estoppel, merger, or bar to any further administrative or civil proceedings by the Bureau with
23 respect to any matters which were not specifically alleged to be causes for accusation in this
24 proceeding.

25 7. Respondent understands that by agreeing to this Stipulation and Agreement
26 in Settlement and Order, Respondent agrees to pay, pursuant to Section 10106(a) of the
27

1 California Business and Professions Code (herein "Code"), investigative and enforcement costs
2 which lead to this disciplinary action. The amount of said costs is \$1,961.00.

3 DETERMINATION OF ISSUES

4 I

5 The acts and omissions of Respondent as described in the Accusation are grounds
6 for the suspension or revocation of the license and license rights of Respondent under the
7 following provisions of the Code and/or Chapter 6, Title 10, California Code of Regulations
8 (herein "the Regulations"):

- 9 (a) as to Paragraph 4, under Section 10176(a) of the Code;
10 (b) as to Paragraph 5, under Sections 10085 and 10085.5 of the Code and
11 Section 2970 of the Regulations, in conjunction with Section 10177(d)
12 of the Code;
13 (c) as to Paragraph 6, under Section 10085.6 of the Code, in conjunction
14 with Section 10177(d) of the Code;
15 (d) as to Paragraph 7, under Section 2972 of the Regulations in
16 conjunction with 10177(d) of the Code.

17 ORDER

18
19 1. All licenses and licensing rights of Respondent under the Real Estate Law
20 are suspended for a period of 60 days from the effective date of the Decision herein.

21 2. Respondent shall pay the sum of \$1,961.00 for the Commissioner's cost of the
22 investigation and enforcement which led to this disciplinary action pursuant to Section 10106(a)
23 of the Code. Said payment shall be in the form of a cashier's check or certified check made
24 payable to the Real Estate Fund. If Respondent fails to satisfy this condition, the Commissioner
25 may suspend Respondent's license pending a hearing held in accordance with Section 11500, et
26 seq., of the Government Code, if payment is not timely made as provided for herein. The
27 suspension shall remain in effect until payment is made in full or until Respondent enters into an

1 agreement satisfactory to the Commissioner to provide for payment, or until a Decision providing
2 otherwise is adopted following a hearing held pursuant to this condition.

3 3. Respondent shall, within six (6) months from the issuance of the Decision,
4 take and pass the Professional Responsibility Examination administered by the Department,
5 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
6 condition, the Commissioner may order the suspension of Respondent's license until Respondent
7 passes the examination.

8
9 7-18-13

10 DATED

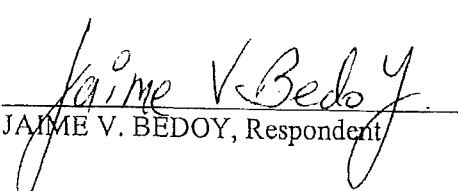
11 
12 MARY F. CLARKE, Counsel
13 DEPARTMENT OF REAL ESTATE

14 * * *

15 I have read the Stipulation and Agreement in Settlement and Order and have
16 discussed it with my attorney and its terms are understood by me and are agreeable and
17 acceptable to me. I understand that I am waiving rights given to me by the California APA
18 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government
19 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
20 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
21 would have the right to cross-examine witnesses against me and to present evidence in defense
22 and mitigation of the charges.

23 7/13/2013

24 DATED

25 
26 JAIME V. BEDOY, Respondent

27 * * *

28 I have reviewed the Stipulation and Agreement in Settlement and Order as to form
29 and content and have advised my client accordingly.

7/3/13

DATED

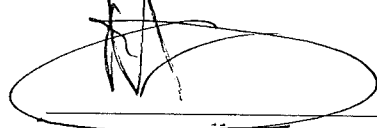
STEVEN J. HASSING
Attorney for Respondent

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

DEC 10 2013

IT IS SO ORDERED NOV 07 2013

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner

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