

**FILED**

JAN 23 2014

BUREAU OF REAL ESTATE

By L. First

1 BUREAU OF REAL ESTATE  
 2 P. O. Box 137007  
 3 Sacramento, CA 95813-7007  
 4 Telephone: (916) 263-8670  
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9 BEFORE THE BUREAU OF REAL ESTATE  
 10 STATE OF CALIFORNIA

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11  
 12 In the Matter of the Accusation of )  
 13 PLATINUM COAST INC., )  
 14 DAN V. POND, and )  
 15 ZANE A. HANSEN, )  
 16 Respondents. )

NO. H-2793 FR

STIPULATION AND AGREEMENT

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 18 It is hereby stipulated by and between Respondents PLATINUM COAST INC.,  
 19 DAN V. POND and ZANE A. HANSEN (collectively referred to herein as "Respondents"),  
 20 acting by and through Frank M. Duda, Esq., Counsel for Respondents, and the Complainant,  
 21 acting by and through Annetta E. Ferrante, Esq., Counsel for the Bureau of Real Estate  
 22 ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on  
 23 December 5, 2012, in this matter:

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

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

4                   3.            Respondents filed a Notice of Defense pursuant to Section 11505 of  
 5 the Government Code for the purpose of requesting a hearing on the allegations in the  
 6 Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense.  
 7 Respondents acknowledge that Respondents understand that by withdrawing said Notice of  
 8 Defense, Respondents will thereby waive Respondents' right to require the Real Estate  
 9 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested  
 10 hearing held in accordance with the provisions of the APA and that Respondents will waive  
 11 other rights afforded to Respondents in connection with the hearing, such as the right to present  
 12 evidence in defense of the allegations in the Accusation and the right to cross-examine  
 13 witnesses.

14                   4.            This Stipulation is based on the factual allegations contained in the  
 15 Accusation. In the interest of expedience and economy, Respondents choose not to contest these  
 16 factual allegations, but to remain silent and understand that, as a result thereof, these factual  
 17 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set  
 18 forth below. The Commissioner shall not be required to provide further evidence to prove such  
 19 allegations.

20                   5.            This Stipulation and Respondents' decision not to contest the  
 21 Accusation are made for the purpose of reaching an agreed disposition in this proceeding and are  
 22 expressly limited to this proceeding and any other proceeding or case in which the Bureau, the  
 23 state or federal government, an agency of this state, or an agency of another state is involved.

24                   6.            It is understood by the parties that the Commissioner may adopt the  
 25 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and  
 26 sanctions on Respondents' real estate licenses and license rights as set forth in the "Order"

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1 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and  
2 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing  
3 and proceeding on the Accusation under all of the provisions of the APA and shall not be bound  
4 by any admission or waiver made herein.

5 7. The Order or any subsequent Order of the Commissioner made  
6 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any  
7 further administrative or civil proceedings by the Bureau with respect to any matters which were  
8 not specifically alleged to be causes for accusation in this proceeding.

9 8. Respondents understand that by agreeing to this Stipulation and  
10 Agreement, Respondents agree to pay, pursuant to Section 10106 of the Code, the costs of the  
11 investigation and enforcement of this case which resulted in the determination that Respondents  
12 committed the violation(s) found in the Determination of Issues. The amount of such cost is  
13 \$2,000.00.

14 DETERMINATION OF ISSUES

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

18 I.

19 The acts and omissions of Respondent PLATINUM COAST INC. as described in  
20 the Accusation are grounds for the suspension or revocation of the licenses and license rights of  
21 Respondent PLATINUM COAST INC. under the provisions of Section 10177(g) of the  
22 California Business and Professions Code ("the Code").

23 II.

24 The acts and omissions of Respondent DAN V. POND as described in the  
25 Accusation are grounds for the suspension or revocation of the licenses and license rights of  
26 Respondent DAN V. POND under the provisions of Section 10177(g) of the Code.

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III.

The acts and omissions of Respondent ZANE A. HANSEN as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent ZANE A. HANSEN under the provisions of Section 10177(g) of the Code.

ORDER

I.

All licenses and licensing rights of Respondent PLATINUM COAST INC. ("Respondent") under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Order; provided, however, that:

1. Sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

a. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and,

b. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

II.

1. All licenses and licensing rights of Respondent DAN V. POND ("Respondent") under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Order; provided, however, that:

a. Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

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1 i. Respondent shall obey all laws, rules and regulations  
 2 governing the rights, duties and responsibilities of a real estate licensee in the State of  
 3 California; and,

4 ii. That no final subsequent determination be made, after  
 5 hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years  
 6 from the effective date of this Order. Should such a determination be made, the Commissioner  
 7 may, in his discretion, vacate and set aside the stay order and re-impose all or a portion of the  
 8 stayed suspension. Should no such determination be made, the stay imposed herein shall  
 9 become permanent.

10 III.

11 1. All licenses and licensing rights of Respondent ZANE A. HANSEN  
 12 ("Respondent") under the Real Estate Law are suspended for a period of sixty (60) days from  
 13 the effective date of this Order; provided, however, that:

14 a. Sixty (60) days of said suspension shall be stayed for two (2)  
 15 years upon the following terms and conditions:

16 i. Respondent shall obey all laws, rules and regulations  
 17 governing the rights, duties and responsibilities of a real estate licensee in the State of  
 18 California; and,

19 ii. That no final subsequent determination be made, after  
 20 hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years  
 21 from the effective date of this Order. Should such a determination be made, the Commissioner  
 22 may, in his discretion, vacate and set aside the stay order and re-impose all or a portion of the  
 23 stayed suspension. Should no such determination be made, the stay imposed herein shall  
 24 become permanent.

25 2. Notwithstanding any other provision of this Order, all licenses and  
 26 licensing rights of Respondent ZANE A. HANSEN are suspended unless and until he provides

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1 proof satisfactory to the Commissioner that he has taken and successfully completed the  
 2 continuing education course on Risk Management specified in Section 10170.5(a)(5) of the  
 3 Code. The course must have been completed no earlier than one hundred twenty (120) days prior  
 4 to the effective date of this Order, and proof must be submitted prior to the effective date of this  
 5 Order, to prevent suspension of Respondent's license pursuant to this condition.

6 IV.

7 All licenses and licensing rights of Respondents PLATINUM COAST INC.,  
 8 DAN V. POND, and ZANE A. HANSEN ("Respondents") are indefinitely suspended unless or  
 9 until Respondents, jointly and severally, pay the sum of \$2,000.00 for the Commissioner's  
 10 reasonable cost of the investigation and enforcement which led to this disciplinary action, and  
 11 proof must be submitted prior to the effective date of this Order to prevent suspension of  
 12 Respondents' licenses pursuant to this condition. Said payment shall be in the form of a  
 13 cashier's check or certified check made payable to the Bureau of Real Estate.

14  
15 9-17-13

16 DATED

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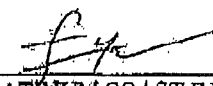
16 Annette E. Petrante, Esq.,  
17 Counsel for Bureau of Real Estate

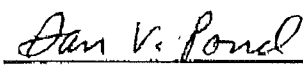
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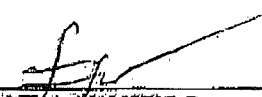
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21 I have read the Stipulation and Agreement and its terms are understood by me  
 22 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by  
 23 the California Administrative Procedure Act (including but not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

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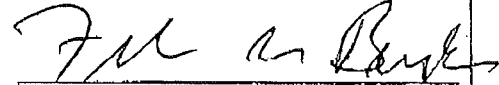
1 witnesses against me and to present evidence in defense and mitigation of the charges.  
 2 Respondents can signify acceptance and approval of the terms and conditions of this  
 3 Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
 4 Respondents, to the Bureau at fax number (916) 263-3767. Respondents agree, acknowledge  
 5 and understand that by electronically sending to the Bureau a fax copy of Respondents' actual  
 6 signatures as they appear on the Stipulation and Agreement, that receipt of the faxed copy by  
 7 the Bureau shall be as binding on Respondents as if the Bureau had received the original  
 8 signed Stipulation and Agreement.

9  
 10 9-16-13   
 11 DATED PLATINUM COAST INC., Respondent,  
 12 by Designated Officer ZANE A. HANSEN

13 9-16-2013   
 14 DATED DAN V. POND, Respondent

15  
 16 9-16-13   
 17 DATED ZANE A. HANSEN, Respondent

18  
 19 + \* \* \*  
 20  
 21 *I have reviewed this Stipulation and Agreement and Order as to form and  
 content and have advised my clients accordingly.*

22 9-16-13   
 23 DATED Frank M. Buda, Esq., Attorney for  
 24 Respondents PLATINUM COAST INC.,  
 25 DAN V. POND and ZANE A. HANSEN

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The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in  
this matter as to Respondents PLATINUM COAST INC., DAN V. POND, and ZANE A.  
HANSEN, and shall become effective at 12 o'clock noon on FEB 12 2014

IT IS SO ORDERED OCT 25 2013

REAL ESTATE COMMISSIONER



By: **JEFFREY MASON**  
Chief Deputy Commissioner