

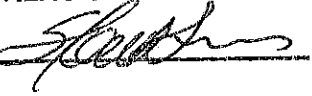
1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

MAR 09 2016

BUREAU OF REAL ESTATE

By 

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9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation

Case No. H-02975 FR
Case No. OAH 2015120917

13 FERNANDO CONTRERAS,)
14)
15 Respondent.)
16 _____)

STIPULATION & AGREEMENT

17
18 It is hereby stipulated by and between Respondent FERNANDO CONTRERAS
19 (sometimes referred to as Respondent), and the Complainant, acting by and through Cheryl
20 Keily, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and
21 disposing of the First Amended Accusation ("Accusation") filed on January 6, 2016, in this
22 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
25 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
26 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
27 this Stipulation and Agreement.

1
2 2. Respondent has received, read and understands the Statement to Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate
4 (“Bureau”) in this proceeding.

5 3. On December 14, 2015, Respondent filed a Notice of Defense, pursuant to
6 Section 11506 of the Government Code for the purpose of requesting a hearing on the
7 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
8 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
9 Defense he will thereby waive his right to require the Commissioner of Real Estate
10 (“Commissioner”) to prove the allegations in the Accusation at a contested hearing held in
11 accordance with the provisions of the APA and that he will waive other rights afforded to him
12 in connection with the hearing, such as the right to present evidence in defense of the
13 allegations in the Accusation and the right to cross-examine witnesses.

14 4. This Stipulation is based on the factual allegations contained in the
15 Accusation. In the interest of expedience and economy, Respondent chooses not to contest
16 these allegations, but to remain silent and understand that, as a result thereof, these factual
17 allegations, without being admitted or denied, will serve as a prima facie basis for the
18 disciplinary action stipulated to herein. The Commissioner shall not be required to provide
19 further evidence to prove said factual allegations.

20 5. This Stipulation is made for the purpose of reaching an agreed disposition of
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
22 which the Bureau, the state or federal government, or any agency of this state, another state or
23 federal government is involved, and otherwise shall not be admissible in any other criminal or
24 civil proceedings.

25 6. It is understood by the parties that the Commissioner may adopt the
26 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and
27 sanctions on Respondent’s real estate licenses and license rights as set forth in the below

1 “Order”. In the event that the Commissioner in his discretion does not adopt the Stipulation
2 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
3 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
4 bound by any admission or waiver made herein.
5

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

10 8. Respondent understands that by agreeing to this Stipulation, Respondent
11 agrees to pay, pursuant to Code Section 10106, the cost of the investigation and enforcement of
12 this matter. The amount of the investigation costs is \$2,891.50 the amount of the enforcement
13 costs is \$689.75.

14 DETERMINATION OF ISSUES

15 1. The conduct, acts or omissions of Respondent FERNANDO CONTRERAS,
16 as set forth in the Accusation, is in violation of Code Section 10177(g) [negligence] and
17 constitutes cause to suspend or revoke the real estate licenses and license rights of Respondent
18 under the provisions of Code Sections 10177(d).

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 I. ALL licenses and licensing rights of Respondent FERNANDO CONTRERAS
22 under the Real Estate Law are suspended for a period of thirty (30) days from the effective date
23 of this Decision and Order; provided however, that the entire period of said suspension shall be
24 stayed for two (2) years upon the following terms and conditions:


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

27 B. That no final subsequent determination be made, after hearing or upon

1 stipulation, that cause for disciplinary action occurred within two (2) years of the effective date
2 of this Decision. Should such a determination be made, the Commissioner may, in his
3 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
4 suspension. Should no such determination be made, the stay imposed herein shall become
5 permanent.

6
7 II. All licenses and licensing rights of Respondent are indefinitely suspended
8 unless or until Respondent pays the sum of \$3,581.25 for the Commissioner's reasonable costs
9 of the investigation and enforcement which lead to the disciplinary action. Said payment shall
10 be in the form of a cashier's check made payable to the Bureau of Real Estate. The
11 investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag
12 Section at P.O. Box 137013, Sacramento, California 95813-7013, prior to the effective date of
13 this Decision and Order.

14
15 DATED: Feb 8, 2016

16 
17 Cheryl D. Keily, Counsel
18 BUREAU OF REAL ESTATE

19 * * *

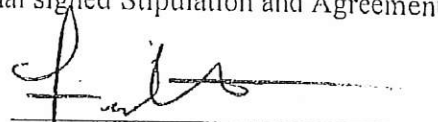
20 I have read the Stipulation and Agreement, and its terms are understood by me
21 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
22 the APA (including but not limited to Sections 11506, 11508, 11509 and 11513 of the
23 Government Code), and I willingly,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

27 Respondent can signify acceptance and approval of the terms and conditions of
this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by
Respondent, to the Bureau at the following telephone/fax number (213) 576-6917 or by e-

1 at which I would have the right to cross-examine witnesses against me and to present evidence
2 in defense and mitigation of the charges.
3

4 Respondent can signify acceptance and approval of the terms and conditions of
5 this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by
6 Respondent, to the Bureau at the following telephone/fax number (213) 576-6917 or by e-
7 mailing it to Cheryl.Keily@dre.ca.gov. Respondent agrees, acknowledges, and understands that
8 by electronically sending to the Bureau a copy of his actual signature as it appears on the
9 Stipulation and Agreement, that receipt of the copy by the Bureau shall be as binding on
10 Respondent as if the Bureau had received the original signed Stipulation and Agreement.

11 DATED: 02/04/2016



12 FERNANDO CONTRERAS
13 Respondent

14 * * *

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
16 this matter and shall become effective at 12 o'clock noon on MARCH 29, 2016.

17 IT IS SO ORDERED MARCH 1, 2016.

18
19
20 REAL ESTATE COMMISSIONER


21
22 By: JEFFREY MASON
23 Chief Deputy Commissioner
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