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FILED

OCT 30 2017

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of:

JOHN RAYMOND FILIGHERA,

Respondent.

No. H-3065 FR

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between JOHN RAYMOND FILIGHERA ("Respondent") and his attorney, Frank M. Buda, and the Complainant, acting by and through Kyle T. Jones, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on January 19, 2017, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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.

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

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1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that Respondent will waive Respondent's right to require the Real Estate
5 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested hearing
6 held in accordance with the provisions of the APA and that Respondent will waive other rights
7 afforded to Respondent in connection with the hearing such as the right to present evidence in
8 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
10 the factual allegations in the Accusation filed in this proceeding are true and correct and the
11 Commissioner shall not be required to provide further evidence to prove such allegations.

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

19 6. This Decision and Order or any subsequent Order of the Commissioner made
20 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
21 further administrative or civil proceedings by the Bureau with respect to any matters, which were
22 not specifically alleged in Accusation H-3065 FR.

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions, and waivers and solely for the
25 purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the
26 following Determination of Issues shall be made:
27

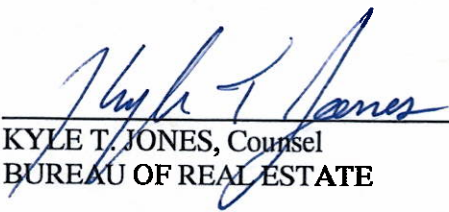
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The acts and/or omissions of Respondent as described in the Accusation violate Sections 490 and 10177(b) of the Business and Professions Code ("Code").

ORDER

All licenses and licensing rights of Respondent JOHN RAYMOND FILIGHERA are publicly reprovved pursuant to Section 495 of the Code.

10/2/17
DATED


KYLE T. JONES, Counsel
BUREAU OF REAL ESTATE

* * *

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

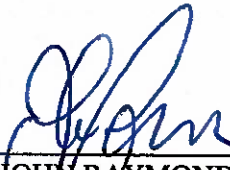
Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767 or by e-mail to kyle.jones@DRE.ca.gov. Respondent agrees, acknowledges, and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Agreement.

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DATED

1/27/2017


JOHN RAYMOND FILIGHERA
Respondent

*I have reviewed the Stipulation and Agreement as to form and content and have
advised my client accordingly.*

DATED

8-28-17


FRANK M. BUDA
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on
NOV 20 2017

IT IS SO ORDERED 10/25/17

WAYNE S. BELL
Real Estate Commissioner


By: DANIEL J. SANDRI
Chief Deputy Commissioner