

1 Bureau of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 263-7303

FILED

MAR 06 2018

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of
12 RAMANPAL SINGH GILL,
13 Respondent.

No. H-3096 FR
STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

14 It is hereby stipulated by and between RAMANPAL SINGH GILL
15 (Respondent), by and through his counsel Jeffrey T. Hammerschmidt, and the Complainant,
16 acting by and through Kyle Jones, Counsel for the Bureau of Real Estate (Bureau), as
17 follows for the purpose of settling and disposing of the Accusation filed on April 5, 2017, in
18 this matter:

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

24 2. Respondent has received, read, and understands the Statement to
25 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in
26 this proceeding.
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1 3. On or about April 11, 2017, Respondent filed a Notice of Defense
2 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing
3 on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws
4 said Notice of Defense. Respondent acknowledges that Respondent will thereby waive
5 Respondent's right to require the Real Estate Commissioner (Commissioner) to prove the
6 allegations in the Accusation at a contested hearing held in accordance with the provisions of
7 the APA and that Respondent will waive other rights afforded to Respondent in connection
8 with the hearing such as the right to present evidence in defense of the allegations in the
9 Accusation and the right to cross-examine witnesses.

10 4. This Order is based on the factual allegations contained in the
11 Accusation. Respondent, pursuant to the limitations set forth below, hereby admits that the
12 factual allegations in the Accusation filed in this proceeding are true and correct and the
13 Commissioner shall not be required to provide further evidence to prove such allegations.

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

21 6. This Decision and Order or any subsequent Order of the Commissioner
22 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or
23 bar to any further administrative or civil proceedings by the Bureau with respect to any
24 matters which were not specifically alleged in Accusation H-3096 FR.

25 7. Respondent understands that by agreeing to this Order, Respondent
26 agrees to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the
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1 cost of the investigation which resulted in the determination that Respondent committed the
2 violations found in the Determination of Issues. The amount of said costs is \$1,703.45.

3 DETERMINATION OF ISSUES

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

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

10 ORDER

11 1. All licenses and licensing rights of Respondent RAMANPAL SINGH
12 GILL under the Real Estate Law are suspended for a period of sixty (60) days from the
13 effective date of this Order; provided, however, that if Respondent petitions, thirty (30) days of
14 said suspension shall be stayed upon condition that:

15 a. Respondent pays a monetary penalty pursuant to Section 10175.2 of the
16 Business and Professions Code at the rate of \$50.00 per day for thirty (30) days of the
17 suspension for a total monetary penalty of \$1,500.00.

18 b. Said payment shall be in the form of a cashier's check or certified check made
19 payable to the Bureau of Real Estate. Said check must be received by the Bureau of Real
20 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
21 date of this Order.

22 c. No further cause for disciplinary action against the real estate license of
23 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

24 d. If Respondent fails to pay the monetary penalty in accordance with the terms
25 and conditions of the Decision, the Commissioner may, without a hearing, order the immediate
26 execution of all or any part of the stayed suspension in which event Respondent shall not be
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1 entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau under
2 the terms of this Decision.

3 e. If Respondent pays the monetary penalty, and if no further cause for
4 disciplinary action against the real estate license of Respondent occurs within two (2) years from
5 the effective date of the Decision, the stay hereby granted shall become permanent.

6 2. The remaining thirty (30) days of said suspension shall be stayed for two (2)
7 years upon the following terms and conditions:

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

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

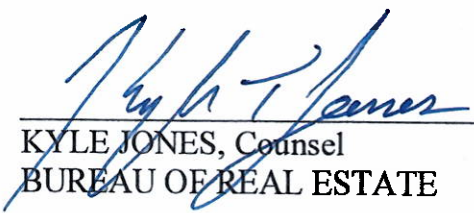
15 3. All licenses and licensing rights of Respondent are indefinitely suspended
16 unless or until Respondent pays the sum of \$1,703.45 for the Commissioner's reasonable
17 cost of the investigation which led to this disciplinary action. Said payment shall be in the
18 form of a cashier's check made payable to the Bureau of Real Estate. The investigative costs
19 must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
20 Sacramento, CA 95813-7013, to the effective date of this Decision and Order.

21 4. Respondent shall, within six (6) months from the effective date of this
22 Order, take and pass the Professional Responsibility Examination administered by the
23 Bureau including the payment of the appropriate examination fee. If Respondent fails to
24 satisfy this condition, Respondent's real estate license shall automatically be suspended until
25 Respondent passes the examination.

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11/31/2018
DATED


KYLE JONES, Counsel
BUREAU OF REAL ESTATE

I have read the Stipulation and Agreement 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 may 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. 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. Respondent shall mail the signed Stipulation and Agreement to the Commissioner at the Bureau of Real Estate, Post Office Box 137000, Sacramento, CA 95813-7000.

01/23/2018
DATED


RAMANTPAL SINGH GILL
Respondent

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

1-23-18
DATED


JEFFREY T. HAMMERSCHMIDT
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
MAR 27 2018

IT IS SO ORDERED

2/28/18

WAYNE S. BELL
Real Estate Commissioner


By: DANIEL J. SANDRI
Chief Deputy Commissioner