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**FILED**

MAR 04 2020

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

GABRIEL THOMAS BLUHM,

Respondent.

No. H-3266 FR

STIPULATION AND AGREEMENT

It is hereby stipulated by and between GABRIEL THOMAS BLUHM (“Respondent”), represented by Jeff Kravitz, and the Complainant, acting by and through Kyle Jones, Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on August 5, 2019, 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 Department in this proceeding.

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  
6 hearing held in accordance with the provisions of the APA and that Respondent will waive other  
7 rights afforded to Respondent in connection with the hearing such as the right to present evidence  
8 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 and solely for the  
10 purpose of this Stipulation and Agreement, waives any requirement that the Commissioner be  
11 required to provide further evidence to prove the factual allegations in the Accusation filed in this  
12 proceeding and stipulates that the Commissioner may properly impose discipline as set forth  
13 herein as if the evidence in the Commissioner's possession and any allegations based thereon had  
14 been proven.

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

22                   6.       This Decision and Order or any subsequent Order of the Commissioner  
23 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar  
24 to any further administrative or civil proceedings by the Department with respect to any matters  
25 which were not specifically alleged in Accusation H-3266 FR.

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1 DETERMINATION OF ISSUES

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

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

7 ORDER

8 All licenses and licensing rights of Respondent GABRIEL THOMAS BLUHM,  
9 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson  
10 license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent  
11 makes application therefor for the restricted license within 90 days from the effective date of this  
12 Decision and Order. The restricted license issued to Respondent shall be subject to all of the  
13 provisions of Section 10156.7 of the Code and to the following limitations, conditions and  
14 restrictions imposed under authority of Section 10156.6 of that Code:

15 1. The restricted license issued to Respondent may be suspended prior to  
16 hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo  
17 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real  
18 estate licensee.

19 2. The restricted license issued to Respondent may be suspended prior to  
20 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that  
21 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
22 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
23 license.

24 3. Respondent shall not be eligible to apply for the issuance of an  
25 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions  
26 of a restricted license until four (4) years have elapsed from the effective date of this Decision  
27 and Order.

1                   4.       Respondent shall submit with any application for license under an  
2 employing broker, or any application for transfer to a new employing broker, a statement signed  
3 by the prospective employing real estate broker on a form approved by the Department which  
4 shall certify:

- 5                   (a)       That the employing broker has read the Decision and Order of the  
6 Commissioner which granted the right to a restricted license; and  
7                   (b)       That the employing broker will exercise close supervision over the  
8 performance by the restricted licensee relating to activities for which a real  
9 estate license is required.

10                  5.       Respondent shall notify the Commissioner in writing within 72 hours of  
11 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
12 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of  
13 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
14 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
15 constitute an independent violation of the terms of the restricted license and shall be grounds for  
16 the suspension or revocation of that license.

17                  6.       All licenses and licensing rights of Respondent are indefinitely suspended  
18 unless or until Respondent pays the sum of \$1,649.00 for the Commissioner's reasonable cost of  
19 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
20 the form of a cashier's check made payable to the Department. The investigative and  
21 enforcement costs must be delivered to the Department, Flag Section at P.O. Box 137013,  
22 Sacramento, CA 95813-7013, prior to the effective date of this Order.

23  
24       11/13/20  
25       \_\_\_\_\_  
26       DATED


23  
24       \_\_\_\_\_  
25       KYLE JONES, Counsel  
26       DEPARTMENT OF REAL ESTATE

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

9 Respondent can signify acceptance and approval of the terms and conditions of  
10 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
11 Respondent, to the Department at fax number (916) 576-7840 or by e-mail to  
12 kyle.jones@dre.ca.gov. Respondent agrees, acknowledges, and understands that by  
13 electronically sending to the Department a copy of Respondent's actual signature as it appears  
14 on the Stipulation and Agreement, that receipt of the copy by the Department shall be as  
15 binding on Respondent as if the Department had received the original signed Stipulation and  
16 Agreement.

17 1/10/20  
18 DATED

  
19 GABRIEL THOMAS BLUHIM  
20 Respondent

21 \*\*\*

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

24 1/10/20  
25 DATED

  
26 JEFF KRAVITZ  
27 Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted by the Real Estate  
Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on  
MAR 25 2020

IT IS SO ORDERED 3/2/20

SANDRA KNAU  
Acting Real Estate Commissioner

  
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