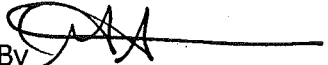


**FILED**

**June 21, 2012**

DEPARTMENT OF REAL ESTATE  
P. O. Box 187007  
Sacramento, CA 95818-7007  
Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By  \_\_\_\_\_

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	NO. H- 4271 SD
	)	
	)	<u>STIPULATUION AND AGREEMENT</u>
JOHN MONIR ESTEFANOS,	)	
	)	
	)	
Respondent.	)	
_____	)	

It is hereby stipulated by and between Respondent JOHN MONIR ESTEFANOS, acting in pro per, and the Complainant, acting by and through Michael B. Rich, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 29, 2011, in this matter ("the Accusation"):

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 of Real Estate in this proceeding.

No. H-4271 SD

JOHN MONIR ESTEFANOS

1                   3.       On January 11, 2012, Respondent ESTEFANOS filed a Notice of  
2 Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a  
3 hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily  
4 withdraws said Notice of Defense. Respondent acknowledges that Respondent understands that  
5 by withdrawing said Notice of Defense Respondent will thereby waive Respondent's right to  
6 require the Commissioner to prove the allegations in the Accusation at a contested hearing held  
7 in accordance with the provisions of the APA and that Respondent will waive other rights  
8 afforded to Respondent in connection with the hearing such as the right to present evidence in  
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

10                   4.       Respondent, pursuant to the limitations set forth below, hereby admits  
11 that the factual allegations in the Accusation pertaining to Respondent are true and correct and  
12 stipulates and agrees that the Real Estate Commissioner shall not be required to provide further  
13 evidence of such allegations.

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

21                   6.       This Stipulation and Agreement shall not constitute an estoppel, merger  
22 or bar to any further administrative or civil proceedings by the Department of Real Estate with  
23 respect to any matters which were not specifically alleged to be causes for accusation in this  
24 proceeding.

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DETERMINATION OF ISSUES

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

I

The acts and omissions of Respondent JOHN MONIR ESTEFANOS described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 10085, 10085.5, and 10146 of the Code and Sections 2970 and 2972 of Chapter 6, Title 10, California Code of Regulations (hereinafter “the Regulations”), all in conjunction with Section 10177(d) of the Code, and of Sections 10176(a), 10176(b), 10176(i), and 10177(g), of the Code.

ORDER

I

All licenses and licensing rights of Respondent JOHN MONIR ESTEFANOS under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to said Respondent pursuant to Section 10156.5 of the Business and Professions Code if, within 90 days from the effective date of the Decision entered pursuant to this Order, Respondent makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

1 the restricted license.

2 2. The restricted license issued to Respondent may be suspended prior to  
3 hearing by Order of the Real Estate Commissioner in the event of  
4 Respondent's conviction or plea of nolo contendere to a crime which is  
5 substantially related to Respondent's fitness or capacity as a real estate  
6 licensee.

7 3. Respondent shall not be eligible to apply for the issuance of an  
8 unrestricted real estate license nor for the removal of any of the  
9 conditions, limitations or restrictions of a restricted license until three (3)  
10 years have elapsed from the effective date of this Decision.

11 4. Respondent shall, within nine (9) months from the effective date of the  
12 Decision, present evidence satisfactory to the Real Estate Commissioner  
13 that Respondent has, since the most recent issuance of an original or  
14 renewal real estate license, taken and successfully completed the  
15 continuing education requirements of Article 2.5 of Chapter 3 of the Real  
16 Estate Law for renewal of a real estate license. If Respondent fails to  
17 satisfy this condition, the Commissioner may order the suspension of the  
18 restricted license until the Respondent presents such evidence. The  
19 Commissioner shall afford Respondent the opportunity for a hearing  
20 pursuant to the Administrative Procedure Act to present such evidence.

21 5. Respondent shall, within six (6) months from the effective date of this  
22 Decision, take and pass the Professional Responsibility Examination  
23 administered by the Department including the payment of the appropriate  
24 examination fee. If Respondent fails to satisfy this condition, the  
25 Commissioner may order suspension of Respondent's restricted license  
26 until Respondent passes the examination.

27 6. Respondent shall submit with his application for a restricted real estate

1 broker license proof satisfactory to the Commissioner that Respondent  
2 has reimbursed Krsiti Gaspar the sum of \$2,499.00. If Respondent fails  
3 to satisfy this condition, the Commissioner may order suspension of  
4 Respondent's restricted license until Respondent provides evidence  
5 satisfactory to the Commissioner of such reimbursement.

6 7. The restricted license issued to Respondent is suspended for a period of  
7 sixty (60) days from the date of issuance of said restricted license;  
8 provided, however, that if Respondent petitions, thirty (30) days of said  
9 suspension (or a portion thereof) shall be stayed upon condition that:

10 (a.) Respondent pays a monetary penalty pursuant to Section 10175.2  
11 of the Business and Professions Code at the rate of \$75.00 for  
12 each day of the suspension for a total monetary penalty of  
13 \$2,250.00.

14 (b.) Said payment shall be in the form of a cashier's check or  
15 certified check made payable to the Consumer Recovery Account  
16 of the Real Estate Fund. Said check must be delivered to the  
17 Department prior to the effective date of the Decision in this  
18 matter.

19 (c.) No further cause for disciplinary action against the real estate  
20 license of Respondent occurs within three (3) years from the  
21 effective date of the Decision in this matter.

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

1 this Decision.

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

6 8. Thirty (30) days of said sixty (60) day suspension shall be stayed upon  
7 condition that:

8 (a) No final subsequent determination be made, after hearing or upon  
9 stipulation, that cause for disciplinary action against Respondent  
10 occurred within three (3) years of the effective date of the  
11 Decision herein.

12 (b) Should such a determination be made, the Commissioner may, in  
13 his or her discretion, vacate and set aside the stay order, and order  
14 the execution of all or any part of the stayed suspension, in which  
15 event the Respondent shall not be entitled to any repayment nor  
16 credit, prorated or otherwise, for money paid to the Department  
17 under the terms of this Decision.

18 (c) If no order vacating the stay is issued, and if no further cause for  
19 disciplinary action against the real estate license of Respondent  
20 occurs within three (3) years from the effective date of the  
21 Decision, then the stay hereby granted shall become permanent.

22  
23 June 1, 2012  
24 DATED

25 Michael B. Rich  
MICHAEL B. RICH, Counsel  
Department of Real Estate


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1 \* \* \*

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 California Administrative Procedure Act (including but not limited to Sections 11506,  
5 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and  
6 voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
7 allegations in the Accusation at a hearing at which I would have the right to cross-examine  
8 witnesses against me and to present evidence in defense and mitigation of the charges.

9  
10 5-30-2012  
11 DATED

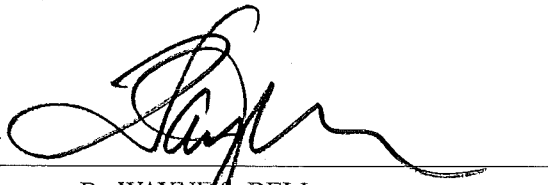
  
12 \_\_\_\_\_  
13 JOHN MONIR ESTEFANOS  
14 Respondent

15 \* \* \*

16 The foregoing Stipulation and Agreement is hereby adopted by me as my  
17 Decision in this matter as to Respondent JOHN MONIR ESTEFANOS and shall become  
18 effective at 12 o'clock noon on JUL 12 2012, 2012.

19 IT IS SO ORDERED June 15, 2012.

20 COMMISSIONER  
21 Department of Real Estate

22   
23 \_\_\_\_\_  
24 By WAYNE S. BELL  
25 Chief Counsel