

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4
5 (213) 576-6982

FILED

DEC 11 2013

BUREAU OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

12 In the Matter of the Accusation of)

13 SEAN PATRICK O'HARA,)

14 Respondent.)

CalBRE No. H-4485 SD
OAH No. 2013050293

STIPULATION AND
AGREEMENT

17 It is hereby stipulated by and between SEAN PATRICK
18 O'HARA, represented in this matter by Michael R. Gibson, Esq.,
19 and the Complainant, acting by and through James A. Demus,
20 Counsel for the Bureau of Real Estate (Bureau), as follows for
21 the purpose of settling and disposing of the Accusation in this
22 matter, filed on April 16, 2013:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement (Stipulation).

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Bureau of Real Estate in this
6 proceeding.

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

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation. In the interest of
21 expedience and economy, Respondent chooses not to contest these
22 allegations, but to remain silent and understands that, as a
23 result thereof, these factual allegations, without being admitted
24 or denied, will serve as a prima facie basis for the disciplinary
25 action stipulated to herein. The Real Estate Commissioner shall
26 not be required to provide further evidence to prove said factual
27 allegations.

1 5. This Stipulation is based on Respondent's decision
2 not to contest the allegations set forth in the Accusation as a
3 result of the agreement negotiated between the parties. This
4 Stipulation is expressly limited to this proceeding and any
5 further proceeding initiated by or brought before the Bureau of
6 Real Estate based upon the factual allegations in the Accusation
7 and is made for the sole purpose of reaching an agreed
8 disposition of this proceeding. The decision of Respondent not
9 to contest the allegations contained in the "Order" herein below,
10 is made solely for the purpose of effectuating this Stipulation.
11 It is the intent and understanding of the parties that this
12 Stipulation shall not be binding or admissible against
13 Respondents in any action against Respondent by third parties.

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

24 7. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation shall not
26 constitute an estoppel, merger or bar to any further
27 administrative or civil proceedings by the Bureau of Real Estate

1 with respect to any matters which were not specifically alleged
2 to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations and solely for
5 the purpose of settlement of the Accusation without a hearing, it
6 is stipulated and agreed that the following determination of
7 issues shall be made:

8 I

9 The conduct of SEAN PATRICK O'HARA, as described in
10 Paragraph 4, above, provides a basis for discipline of SEAN
11 PATRICK O'HARA's license and license rights pursuant to Section
12 10177(k) of the Code.

13 ORDER

14 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
15 WRITTEN STIPULATION OF THE PARTIES:

16 All licenses and licensing rights of Respondent SEAN
17 PATRICK O'HARA under the Real Estate Law are suspended for a
18 period of thirty (30) days from the effective date of this
19 Decision.

20
21
22 DATED: 11/25/13

James A. Demus
JAMES A. DEMUS, Counsel for
the Bureau of Real Estate

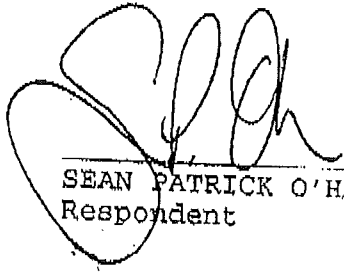
23
24 EXECUTION OF THE STIPULATION

25 I have read the Stipulation and have discussed it with
26 counsel. Its terms are understood by me and are agreeable and
27

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

10 Respondent can signify acceptance and approval of the
11 terms and conditions of this Stipulation by faxing a copy of the
12 signature page, as actually signed by Respondents, to the Bureau
13 at the following telephone/fax number: James A. Demus at (213)
14 576-6917. Respondent agrees, acknowledges and understands that
15 by electronically sending to the Bureau a fax copy of
16 Respondent's actual signature as it appears on the Stipulation,
17 that receipt of the faxed copy by the Bureau shall be as binding
18 on Respondent as if the Bureau had received the original signed
19 Stipulation.

20
21 DATED: 11-19-13


SEAN PATRICK O'HARA,
Respondent

22
23
24 DATED: _____

25 MICHAEL R. GIBSON
26 Counsel for Respondent
27

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2 me by the California Administrative Procedure Act (including but
3 not limited to Sections 11506, 11508, 11509 and 11513 of the
4 Government Code), and I willingly, intelligently and voluntarily
5 waive those rights, including the right of requiring the
6 Commissioner to prove the allegations in the Accusation at a
7 hearing at which I would have the right to cross-examine
8 witnesses against me and to present evidence in defense and
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16 Respondent's actual signature as it appears on the Stipulation,
17 that receipt of the faxed copy by the Bureau shall be as binding
18 on Respondent as if the Bureau had received the original signed
19 Stipulation.

20
21 DATED: _____

22 SEAN PATRICK O'HARA,
23 Respondent

24 DATED: 25 Nov 2013

25 MICHAEL R. GIBSON
26 Counsel for Respondent
27

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent SEAN PATRICK O'HARA and shall become effective at 12 o'clock noon on

JAN 02 2014

DEC 05 2013

IT IS SO ORDERED

Real Estate Commissioner

By: JEFFREY MASON
Chief Deputy Commissioner