

1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

SEP 02 2015

BUREAU OF REAL ESTATE

By *Sigat Ranner*

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7
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-04682 SD
12)
13 OWEN AMECHI EZEOKOLI,)
14)
15 Respondent.)
16) STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between OWEN AMECHI EZEOKOLI (hereinafter
18 "Respondent") and his attorney, Frank M. Buda, and the Complainant, acting by and through
19 Julie L. To, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and
20 disposing of the First Amended Accusation filed on June 12, 2015 (the original Accusation was
21 filed on April 22, 2015) Case No. H-04682 SD, in this matter:

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

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

4 3. On January 29, 2015, Respondent filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
8 Defense he will thereby waive her right to require the Commissioner to prove the allegations in
9 the Accusation at a contested hearing held in accordance with the provisions of the APA and
10 that he will waive other rights afforded to him in connection with the hearing such as the right to
11 present evidence in defense of the allegations in the Accusation and the right to cross-examine
12 witnesses.

13 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
14 factual allegations of the Accusation filed in this proceeding are true and correct and the Real
15 Estate Commissioner shall not be required to provide further evidence of such allegations.

16 5. Respondent understands that by agreeing to this Stipulation and Agreement,
17 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions
18 Code (Code), the cost of the investigation and enforcement which resulted in the determination
19 that Respondent committed the violations found in the Determination of Issues. The amount of
20 said costs is \$1,033.25.

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

3 7. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
5 further administrative or civil proceedings by the Bureau of Real Estate with respect to any
6 matters which were not specifically alleged to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations, admissions and waivers and solely for
9 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
10 agreed that the following determination of issues shall be made:

11 The conduct of Respondent, as set forth in the Accusation constitutes grounds for
12 suspension or revocation of Respondent's real estate salesperson license under the provisions of
13 Sections 10177(g) and 10186.2 of the Business and Professions Code.

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and licensing rights of Respondent OWEN AMECHI EZEOKOLI
17 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
18 license shall be issued to Respondent pursuant to Section 10156.5 of the Business and
19 Professions Code if Respondent makes application therefor and pays to the Bureau of Real
20 Estate the appropriate fee for the restricted license within 90 days from the effective date of this
21 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
22 Section 10156.7 of the Business and Professions Code and to the following limitations,
23 conditions and restrictions imposed under authority of that Code:

24 1. The restricted license issued to Respondent may be suspended prior to hearing
25 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of
26

1 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
2 real estate licensee.

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

8 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
9 real estate license nor for the removal of any of the conditions, limitations or restrictions
10 of a restricted license until two (2) years have elapsed from the date of issuance of the restricted
11 license to Respondent.

12 4. Respondent shall submit with any application for license under an employing
13 broker, or any application for transfer to a new employing broker, a statement signed by the
14 prospective employing broker on a form approved by the Bureau of Real Estate which shall
15 certify:

16 (a) That the employing broker has read the Decision of the Commissioner which
17 granted the right to a restricted license; and

18 (b) That the employing broker will exercise close supervision over the
19 performance by the restricted licensee relating to activities for which a real estate license
20 is required.

21 5. Respondent shall, within nine months from the effective date of this Decision,
22 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
23 most recent issuance of an original or renewal real estate license, taken and successfully
24 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
25 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
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1 Commissioner may order the suspension of the restricted license until the Respondent presents
2 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
3 pursuant to the Administrative Procedure Act to present such evidence.

4 6. Respondent shall, prior to the issuance of the restricted license and as a
5 condition of the issuance of said restricted license, pay the sum of \$1,033.25 for the
6 Commissioner's reasonable cost of the investigation and enforcement which led to this
7 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
8 Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau
9 of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
10 effective date of this Order.

11 (a) If Respondent OWEN AMECHI EZEOKOLI fails to satisfy this
12 condition, the Commissioner shall order the suspension of the restricted license until the
13 Respondent presents evidence of payment. The Commissioner shall afford Respondent the
14 opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence
15 that payment was timely made. The suspension shall remain in effect until payment is made in
16 full or until a decision providing otherwise is adopted following a hearing held pursuant to this
17 condition.

18 DATED: 7-27-15



19 Julie L. To, Counsel for Complainant

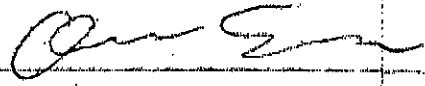
20 * * *

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

4 Respondent can signify acceptance and approval of the terms and conditions of
 5 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
 6 Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges
 7 and understands that by electronically sending to the Bureau a fax copy of his actual signature as
 8 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall
 9 be as binding on Respondent as if the Bureau had received the original signed Stipulation and
 10 Agreement.


11 DATED: 7-27-14



OWEN AMECHI EZEOKOLI, Respondent

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

16 DATED: 7-16-15



Frank M. Buda, Attorney for Respondent

19 The foregoing Stipulation and Agreement is hereby adopted as my
 20 Decision in this matter and shall become effective at 12 o'clock noon on _____

21 IT IS SO ORDERED _____

REAL ESTATE COMMISSIONER

1 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
2 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
3 the charges.

4 Respondent can signify acceptance and approval of the terms and conditions of
5 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
6 Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges
7 and understands that by electronically sending to the Bureau a fax copy of his actual signature as
8 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall
9 be as binding on Respondent as if the Bureau had received the original signed Stipulation and
10 Agreement.

11 DATED: _____

12 OWEN AMECHI EZEOKOLI, Respondent

13 * * *

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

16 DATED: _____

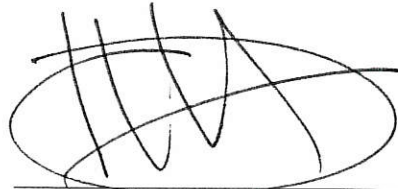
17 Frank M. Buda, Attorney for Respondent

18 * * *

19 The foregoing Stipulation and Agreement is hereby adopted as my
20 Decision in this matter and shall become effective at 12 o'clock noon on **SEP 22 2015**

21 IT IS SO ORDERED August 26, 2015.

22 REAL ESTATE COMMISSIONER

23 

24
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26 By: JEFFREY MASON
Chief Deputy Commissioner

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