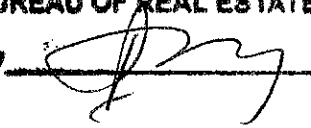


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FILED

MAY - 6 2016

BUREAU OF REAL ESTATE

By 

1 Bureau of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982
5
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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-4748 SD
12) L-2015 100 818
13)

13 MONI MONI, INC.)
14 and SANDY LEE ROBBINS)
14 individually and as)
15 designated officer of)
15 Moni Moni, Inc.,)
16)
16)

STIPULATION AND AGREEMENT

17 Respondents.)
18)

19 It is hereby stipulated by and between MONI MONI, INC.
20 and SANDY LEE ROBBINS (sometimes referred to as Respondents),
21 and their attorney, Frank M. Buda, and the Complainant, acting
22 by and through James R. Peel, Counsel for the Bureau of Real
23 Estate, as follows for the purpose of settling and disposing of
24 Accusation filed in this matter.

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1 1. All issues which were contested and all evidence
2 which was presented by Complainant and Respondents at a formal
3 hearing on the Accusation, which hearing is to be held in
4 accordance with the provisions of the Administrative Procedure
5 Act ("APA"), shall instead and in place thereof be submitted
6 solely on the basis of the provisions of this Stipulation and
7 Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Bureau of Real Estate in this proceeding.

12 3. On October 14, 2015, Respondents filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondents hereby freely and voluntarily withdraw
16 said Notice of Defense. Respondents acknowledge that they
17 understand that by withdrawing said Notice of Defense they will
18 thereby waive their right to require the Commissioner to prove
19 the allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that they will
21 waive other rights afforded to them in connection with the
22 hearing such as the right to present evidence in defense of the
23 allegations in the Accusation and the right to cross-examine
24 witnesses.

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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondents choose not to contest these factual allegations, but
5 to remain silent and understand that, as a result thereof, these
6 factual statements, will serve as a prima facie basis for the
7 disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

10 5. This Stipulation is made for the purpose of
11 reaching an agreed disposition of this proceeding and is
12 expressly limited to this proceeding and any other proceeding or
13 case in which the Bureau of Real Estate ("Bureau"), the state or
14 federal government, or an agency of this state, another state or
15 the federal government is involved.

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

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

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers
9 and solely for the purpose of settlement of the pending
10 Accusation, it is stipulated and agreed that the following
11 determination of issues shall be made:

12 I

13 The conduct, acts and/or omissions of Respondents
14 MONI MONI, INC. and SANDY LEE ROBBINS, as set forth in the
15 Accusation, constitute cause for the suspension or revocation of
16 all of the real estate licenses and license rights of
17 Respondents under the provisions of Sections 10177(d) and
18 10177(g) of the Business and Professions Code ("Code") for
19 violation of Code Section 10145.

20 ORDER

21 1) All licenses and licensing rights of Respondents
22 MONI MONI, INC. and SANDY LEE ROBBINS under the Real Estate Law
23 are suspended for a period of thirty (30) days for MONI MONI,
24 INC. and sixty (60) days for SANDY LEE ROBBINS from the
25 effective date of this Decision and Order; provided, however,
26 that said suspensions shall be stayed for two (2) years upon the
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1 following terms and conditions:

2 a) Respondents shall obey all laws, rules and
3 regulations governing the rights, duties and responsibilities of
4 a real estate licensee in the State of California; and

5 b) That no final subsequent determination be made,
6 after hearing or upon stipulation, that cause for disciplinary
7 action occurred within two (2) years from the effective date of
8 this Decision and Order. Should such a determination be made,
9 the Commissioner may, in his discretion, vacate and set aside
10 the stay order and reimpose all or a portion of the stayed
11 suspension. Should no such determination be made, the stay
12 imposed herein shall become permanent.

13 2) Pursuant to Section 10148 of the Code, Respondents
14 shall pay the sum of \$7,500 for the Commissioner's cost of the
15 audit which led to this disciplinary action. Respondents shall
16 pay the audit costs no later than six months after the effective
17 date of the Decision. Respondents may pay the audit costs by
18 credit card using the Bureau's Credit Card Payment form (RE909).
19 Payment of audit costs should not be made until Respondents
20 receive the invoice. If Respondents fail to satisfy this
21 condition in a timely manner as provided for herein,
22 Respondents' real estate licenses shall automatically be
23 suspended until payment is made in full or until a decision
24 providing otherwise is adopted following a hearing held pursuant
25 to this condition.
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1 Pursuant to Section 10148 of the Code, Respondents
2 shall pay the Commissioner's reasonable cost, not to exceed
3 \$9,375, for an audit to determine if Respondents have corrected
4 the violations found in the Determination of Issues. In
5 calculating the amount of the Commissioner's reasonable cost,
6 the Commissioner may use the estimated average hourly salary for
7 all persons performing audits of real estate brokers, and shall
8 include an allocation for travel time to and from the auditor's
9 place of work. Respondents shall pay such cost within 60 days
10 of receiving an invoice from the Commissioner. Payment of the
11 audit costs should not be made until Respondents receive the
12 invoice. If Respondents fail to satisfy this condition in a
13 timely manner as provided for herein, Respondents' real estate
14 licenses shall automatically be suspended until payment is made
15 in full, or until a decision providing otherwise is adopted
16 following a hearing held pursuant to this condition.
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18 3) All licenses and licensing rights of Respondent
19 ROBBINS are indefinitely suspended unless or until Respondent
20 provides proof satisfactory to the Commissioner of having taken
21 and successfully completed the continuing education course on
22 trust fund accounting and handling specified in paragraph (3) of
23 subdivision (a) of Section 10170.5 of the Business and
24 Professions Code. Proof of satisfaction of these requirements
25 includes evidence that Respondent has successfully completed the
26 trust fund account and handling continuing education courses, no
27 earlier than 120 days prior to the effective date of the

1 Decision and Order in this matter. Proof of completion of the
2 trust fund accounting and handling course must be delivered to
3 the Bureau of Real Estate, Flag Section at P.O. Box 137013,
4 Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to
5 the effective date of the Decision and Order.

6 4) All licenses and licensing rights of Respondents
7 are indefinitely suspended unless or until Respondents pay the
8 sum of \$2,601 for the Commissioner's reasonable cost of the
9 investigation and enforcement which led to this disciplinary
10 action. Said payment shall be in the form of a cashier's check
11 made payable to the Bureau of Real Estate. The investigative
12 and enforcement costs must be delivered to the Bureau of Real
13 Estate, Flag Section at P. O. Box 137013, Sacramento, CA 95813-
14 7013, prior to the effective date of this Decision and Order.
15

16 DATED: 4-1-16

James R. Peel
17 JAMES R. PEEL, Counsel for the
18 Bureau of Real Estate

19 * * *

20 We have read the Stipulation and Agreement, and its
21 terms are understood by us and are agreeable and acceptable to
22 us. We understand that we are waiving rights given to us by the
23 California Administrative Procedure Act (including but not
24 limited to Sections 11506, 11508, 11509 and 11513 of the
25 Government Code), and we willingly, intelligently and
26 voluntarily waive those rights, including the right of requiring
27 the Commissioner to prove the allegations in the Accusation at a

1 hearing, at which we would have the right to cross-examine
2 witnesses against us and to present evidence in defense and
3 mitigation of the charges.

4 Respondents can signify acceptance and approval of the
5 terms and conditions of this Stipulation and Agreement by faxing
6 a copy of the signature page, as actually signed by Respondents,
7 to the Bureau at the following telephone/fax number:

8 (213) 576-6917. Respondents agree, acknowledge and understand
9 that by electronically sending to the Bureau a fax copy of their
10 actual signature as it appears on the Stipulation and
11 Agreement, that receipt of the faxed copy by the Bureau shall be
12 as binding on Respondents as if the Bureau had received the
13 original, signed Stipulation and Agreement.

14 Further, if the Respondents are represented, the
15 Respondents' counsel can signify his or her agreement to the
16 terms and conditions of the Stipulation and Agreement by
17 submitting that signature via fax.

18 DATED: 4-1-2016


MONI MONI, INC.
Respondent

20 DATED: 4-1-2016


SANDY LEE ROBBINS
Respondent

22 DATED: 4-27-16


FRANK M. BUDA
Counsel for Respondents

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* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on June 6, 2016.

IT IS SO ORDERED MY 3, 2016

WAYNE S. BELL
Real Estate Commissioner

By: JEFFREY MASON
Chief Deputy Commissioner