

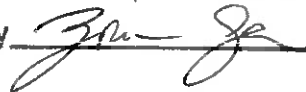
1 Bureau of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

JAN - 2 2018

BUREAU OF REAL ESTATE

By 

7
8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against)

No. H-04912 SD

12 SIGNATURE REAL ESTATE, INC.;)
13 and JAMES PATRICK DUFFY,)
14 individually and as Designated)
Officer of Signature Real Estate, Inc.,)

STIPULATION
AND
AGREEMENT

15 Respondents.)
16)

17 It is hereby stipulated by and between Respondents SIGNATURE REAL
18 ESTATE, INC., and JAMES PATRICK DUFFY, individually and as designated officer of
19 Signature Real Estate, Inc., (sometimes collectively referred to as "Respondents"), acting by and
20 through their attorney, Louis A. Galuppo, and the Complainant, acting by and through Amelia V.
21 Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and
22 disposing of the Accusation ("Accusation") filed on June 27, 2017, in this matter:

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

1 2. Respondents have received, read and understand the Statement to Respondent,
2 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate
3 ("Bureau") in this proceeding.

4 3. Respondents each filed a Notice of Defense pursuant to Section 11506 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
7 acknowledge that they understand that by withdrawing said Notices of Defense they thereby
8 waive their right to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA and that they will waive
10 other rights afforded to them in connection with the hearing such as the right to present evidence
11 in their defense, and the right to cross-examine witnesses.

12 4. This Stipulation is based on the factual allegations contained in the
13 Accusation. In the interest of expedience and economy Respondents choose not to contest these
14 allegations but to remain silent and understand that, as a result thereof, these factual allegations,
15 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
16 stipulated to herein. The Real Estate Commissioner shall not be required to provide evidence to
17 prove said factual allegations.

18 5. This Stipulation is made for the purpose of reaching an agreed disposition of
19 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
20 in which the Bureau, or another licensing agency of this state, another state, or the federal
21 government is involved, and otherwise shall not be admissible in any criminal or civil
22 proceeding.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
25 Respondents' real estate licenses and license rights as set forth in the below "Order". In the
26 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall
27 be void and of no effect and Respondents shall retain the right to a hearing and proceed on the

1 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
2 made herein.

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

7 8. Respondents understand that by agreeing to this Stipulation, Respondents
8 agree to pay, pursuant to Code Section 10106, the cost of the investigation of this matter. The
9 amount of said cost is \$760.00.

10 DETERMINATION OF ISSUES

11 By reason of the foregoing, it is stipulated and agreed that the following
12 determination of issues shall be made:

13 The conduct, acts or omissions of SIGNATURE REAL ESTATE, INC., and
14 JAMES PATRICK DUFFY ("DUFFY"), as described in Paragraph 4, above, are in violation of
15 Code Sections 11018.1(a), 11018.2, 10177(d), and 10177(g) and are a basis for discipline of
16 Respondents' license and license rights as a violation of the Real Estate Law, Part 1 of Division
17 4 of the Code, pursuant to Code Sections 10177(d), and 10177(g).

18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 All licenses and licensed rights of Respondents SIGNATURE REAL ESTATE,
21 INC., and JAMES PATRICK DUFFY under the Real Estate Law are revoked; provided,
22 however, a restricted real estate corporate broker license shall be issued to Respondent
23 SIGNATURE REAL ESTATE, INC., and a restricted real estate broker license shall be issued to
24 Respondent DUFFY pursuant to Code Section 10156.5 if Respondents make application therefor
25 and pay to the Bureau the appropriate fee for the restricted licenses within 90 days from the
26 effective date of this Decision. The restricted licenses issued to Respondents shall be subject to
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1 all of the provisions of Code Section 10156.7 and to the following limitations, conditions and
2 restrictions imposed under authority of Code Section 10156.6:

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

7 2. The restricted license issued to Respondents may be suspended prior to hearing
8 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
9 Respondents have violated provisions of the California Real Estate Law, the Subdivided Lands
10 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
11 license.

12 3. Respondents shall not be eligible to petition for the issuance of any
13 unrestricted real estate licenses nor for removal of any of the conditions, limitations or
14 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
15 Decision and Order. Respondents shall not be eligible to apply for any unrestricted licenses until
16 all restrictions attaching to the license have been removed.


17 4. Respondent DUFFY shall, within six (6) months from the effective date of this
18 Decision and Order herein, take and pass the Professional Responsibility Examination
19 administered by the Bureau including the payment of the appropriate examination fee. If
20 Respondent fails to satisfy this condition, his real estate license shall be automatically suspended
21 until he passes the examination.

22 5. Respondent DUFFY shall, shall, within nine (9) months from the effective date
23 of this Decision and Order, present evidence satisfactory to the Real Estate Commissioner that he
24 has, since the most recent issuance of an original or renewal real estate license, taken and
25 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
26 Real Estate Law for renewal of a real estate license. Evidence of continuing education submitted
27 in connection with a real estate license renewal within nine (9) months prior to the effective date

1 of this Decision and Order shall be deemed to satisfy this condition. If Respondent fails to
2 satisfy this condition, then Respondent's real estate license shall be automatically suspended
3 until he presents evidence satisfactory to the Commissioner of having taken and successfully
4 completed the continuing education requirements. Proof of completion of the continuing
5 education courses must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box
6 137013, Sacramento, CA 95813-7013.

7 6. Prior to the effective date of this Decision, and pursuant to Code Section
8 10106, Respondents shall pay the Commissioner's reasonable cost for the investigation which
9 led to this disciplinary action in the amount of \$760.00. Respondents are jointly and severally
10 liable for the cost of the investigation. Said payment shall be in the form of a cashier's check
11 made payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real
12 Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, **prior to the effective**
13 **date of this Decision and Order.** If Respondents fail to satisfy this condition in a timely
14 manner as provided for herein, Respondents' real estate licenses shall automatically be
15 suspended until payment is made in full, or until a decision providing otherwise is adopted
16 following a hearing held pursuant to this condition.

17
18 DATED: 12-6-17

19 
20 Amelia V. Vetrone, Counsel for
21 Bureau of Real Estate

22 * * *

23 EXECUTION OF THE STIPULATION

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


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

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4 MAILING

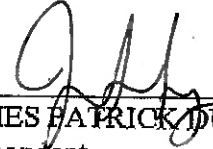
5 Respondents (1) shall mail the original signed signature page of the stipulation
6 herein to Amelia V. Vetrone, Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
7 St., Suite 350, Los Angeles, California 90013-1105.

8 Respondents' signatures below constitute acceptance and approval of the terms
9 and conditions of this Stipulation. Respondents agree, acknowledge and understand that by
10 signing this Stipulation Respondents are bound by its terms as of the date of such signatures and
11 that this agreement is not subject to rescission or amendment at a later date except by a separate
12 Decision and Order of the Real Estate Commissioner.

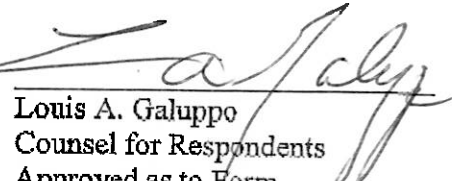
13
14 DATED: 12/3/17


SIGNATURE REAL ESTATE, INC.
Respondent
By: JAMES DUFFY

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18 DATED: 12/3/17


JAMES PATRICK DUFFY
Respondent

19
20
21 DATED: 12/3/17

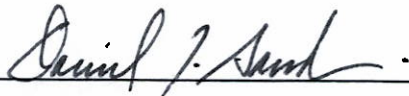

Louis A. Galuppo
Counsel for Respondents
Approved as to Form

1 * * *

2 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
3 Respondents SIGNATURE REAL ESTATE, INC., and JAMES PATRICK DUFFY,
4 individually and as designated officer of Signature Real Estate, Inc., and shall become effective
5 at 12 o'clock noon on JAN 22 2018.

6 IT IS SO ORDERED 12/20/17

7
8 WAYNE S. BELL
9 Real Estate Commissioner

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11 

12 By: DANIEL J. SANDRI
13 Chief Deputy Commissioner
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