

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

4 (213) 576-6982

FILED

OCT 26 2018

DEPT. OF REAL ESTATE

By *Angela L. Lanan*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

No. H-04957 SD

12 FEDERAL HOME LOANS CORPORATION;

13 EVANGELINE MICHAEL SALAS,
14 designated officer of Federal Home Loans
15 Corporation;

16 JAMES DONALD SALAS; and

17 JOHN CHARLES PAPE,

18 Respondents.

STIPULATION AND AGREEMENT

19 It is hereby stipulated by and between Respondent JOHN CHARLES PAPE, and
20 the Complainant, acting by and through Julie L. To, Counsel for the Department of Real Estate,
21 as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on
22 December 6, 2017 in Case No. H-04957 SD, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent JOHN CHARLES PAPE ("PAPE") 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 ("Stipulation").

2. Respondent PAPE 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.

3. On December 21, 2017, Respondent PAPE filed his Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent PAPE hereby freely and voluntarily withdraws his Notice of Defense. Respondent PAPE acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department") or another licensing agency of this state, another state or if the federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

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

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

DETERMINATION OF ISSUES

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

The conduct, acts or omissions of Respondent JOHN CHARLES PAPE, as described in Paragraph 4, herein above, are in violation of: Business and Professions Code ("Code") Section 10137, and is basis for the suspension or revocation of Respondent JOHN CHARLES PAPE's license and license rights as violations of the Real Estate Law pursuant to Code Sections 10177(d) and 10177(g).

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All licenses and licensing rights of Respondent JOHN CHARLES PAPE under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision and Order; provided, however, that:

a) Said payment shall be in the form of a cashier's check made payable to the
Department of Real Estate. Said check must be delivered to the Department
of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-
7013, prior to the effective date of this Decision and Order.

c) If Respondent PAPE fails to pay the monetary penalty in accordance with the terms and conditions of this Decision and Order, the suspension shall go into effect automatically. Respondent PAPE shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision and Order.

1 two (2) years from the effective date of this Decision and Order, the entire stay
2 hereby granted pursuant to this Decision and Order, shall become permanent.

3 2. Forty-five (45) days of said suspension shall be stayed for two (2) years upon
4 the following terms and conditions:

5 a) Respondent PAPE shall obey all laws, rules and regulations governing the
6 rights, duties and responsibilities of a real estate licensee in the State of
7 California; and,

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

15 4. Respondent PAPE shall, within nine (9) months from the effective date of this
16 Decision and Order, take and pass the Professional Responsibility Examination administered by
17 the Department including the payment of the appropriate examination fee. If Respondent PAPE
18 fails to satisfy this condition, Respondent PAPE's real estate license shall automatically be
19 suspended until Respondent PAPE passes the examination.

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1 5. Respondent PAPE shall, within nine (9) months from the effective date of this
2 Decision and Order, present evidence satisfactory to the Commissioner that Respondent PAPE
3 has, since the most recent issuance of an original or renewal real estate license, taken and
4 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
5 Real Estate Law for renewal of a real estate license. If Respondent PAPE fails to satisfy this
6 condition, Respondent PAPE's real estate license shall automatically be suspended until
7 Respondent PAPE presents evidence satisfactory to the Commissioner of having taken and
8 successfully completed the continuing education requirements. Proof of completion of the
9 continuing education courses must be delivered to the Department of Real Estate, Flag Section at
10 P.O. Box 137013, Sacramento, CA 95813-7013.

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12 DATED: 10-3-10



13 Julie L. To, Counsel for Complainant

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15 I have read the Stipulation and Agreement, and its terms are understood by me
16 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
17 the California Administrative Procedure Act (including, but not limited to Sections 11506,
18 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily
19 waive those rights, including the right of requiring the Commissioner to prove the allegations in
20 the Accusation at a hearing at which I would have the right to cross-examine witnesses against
21 me and to present evidence in defense and mitigation of the charges.

22 Respondent shall send a hard copy of the original signed Stipulation and
23 Agreement to: Julie L. To, Department of Real Estate, 320 West Fourth Street, Suite 350, Los
24 Angeles, CA 90013. In the event of time constraints before an administrative hearing,
25 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation
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1 and Agreement by emailing a scanned copy of the signature page, as actually signed by
2 Respondent, to the Department counsel assigned to this case. Respondent agrees,
3 acknowledges, and understands that by electronically sending the Department a scan of
4 Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the
5 scan by the Department shall be binding on Respondent as if the Department had received the
6 original signed Stipulation and Agreement.

7 DATED: 26 September 2018


8 JOHN CHARLES PAPE, Respondent

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10 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
11 this matter and shall become effective at 12 o'clock noon on NOV 14 2018

12 IT IS SO ORDERED October 22, 2018.

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14 DANIEL J. SANDRI
15 ACTING REAL ESTATE COMMISSIONER

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