

Files

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982

FILED  
DEC 31 2018  
DEPT. OF REAL ESTATE  
By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 TROY PATRICK OWENS, JR, )  
13 Respondent. )

No. H-05011 SD  
OAH No. 2018100359

STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between Respondent TROY PATRICK OWENS,  
16 JR, (sometimes referred to as "Respondent"), and the Complainant, acting by and through  
17 Judith B. Vasan, Counsel for the Department of Real Estate, as follows for the purpose of  
18 settling and disposing of the Accusation ("Accusation") filed on July 24, 2018, in this matter:

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

24 2. Respondent has received, read and understands the Statement to Respondent,  
25 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate  
26 ("Department") in this proceeding.  
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1                   3. On September 14, 2018, Respondent filed a Notice of Defense pursuant to  
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations  
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense  
5 Respondent thereby waives his right to require the Commissioner to prove the allegations in the  
6 Accusation at a contested hearing held in accordance with the provisions of the APA and that  
7 Respondent will waive other rights afforded to him in connection with the hearing such as the  
8 right to present evidence in their defense, and the right to cross-examine witnesses.

9                   4. Respondent, pursuant to the limitations set forth below, hereby admits that the  
10 allegations as set forth in the Accusation, in Case No. H-05011 SD, as to Respondent are true  
11 and correct and the Real Estate Commissioner shall not be required to provide further evidence  
12 of such allegations.

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

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

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1 DETERMINATION OF ISSUES

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

4 The conduct, acts or omissions of Respondent TROY PATRICK OWENS, JR, as  
5 set forth in the Accusation, are a basis for discipline of Respondent's licenses and license rights  
6 as violations of the Real Estate Law, Part 1 of Division 4 of the Code, pursuant to Code sections  
7 490 and 10177(b).

8 ORDER

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

10 I.

11 All licenses and licensing rights of Respondent TROY PATRICK OWENS, JR,  
12 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license  
13 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code  
14 if Respondent makes application therefor and pays to the Department of Real Estate the  
15 appropriate fee for the restricted license within 90 days from the effective date of this Decision.

16 The restricted license issued to Respondent shall be subject to all of the provisions of Section  
17 10156.7 of the Business and Professions Code and to the following limitations, conditions and  
18 restrictions imposed under authority of Section 10156.6 of that Code:

19 1. The restricted license issued to Respondent may be suspended prior to hearing  
20 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of  
21 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a  
22 real estate licensee.

23 2. The restricted license issued to Respondent may be suspended prior to hearing  
24 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
25 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
26 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
27 license.

STIPULATION AND AGREEMENT



1 \* \* \*

2 EXECUTION OF THE STIPULATION

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

10 Respondent shall mail the original signed signature page of the stipulation herein  
11 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,  
12 Suite 350, Los Angeles, California 90013-1105.

13 In the event of time constraints before an administrative hearing, Respondent can  
14 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement  
15 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the  
16 Department counsel assigned to this case. Respondent agrees, acknowledges and understands  
17 that by electronically sending the Department a scan of Respondent's actual signature as it  
18 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be  
19 binding on Respondent as if the Department had received the original signed Stipulation.

20 Respondent shall also mail the original signed signature page of this Stipulation to the  
21 Department counsel.

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STIPULATION AND AGREEMENT

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Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: 12/10/2018   
TROY PATRICK OWENS, JR  
Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent TROY PATRICK OWENS, JR and shall become effective at 12 o'clock noon on JAN 21 2019.

IT IS SO ORDERED December 21, 2018.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

