

1 BUREAU OF REAL ESTATE  
2 P. O. Box 137007  
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670

**FILED**

DEC 22 2014

BUREAU OF REAL ESTATE

By *L. Frost*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 In the Matter of the Accusation of

11  
12 MIGUEL LARA,

13  
14 Respondent.

SETTLEMENT AGREEMENT  
AND RELEASE

CALBRE Case H-5980 SAC

San Joaquin County Superior Court  
Case No. 39-2014-00317590

15  
16  
17 On April 10, 2013, an Accusation was filed by the Department of Real  
18 Estate (now known as the Bureau of Real Estate, or the Bureau) against MIGUEL LARA  
19 (Petitioner). On or about June 4, 2014, an Administrative Law Judge issued a Proposed  
20 Decision, revoking Petitioner's real estate salesperson license.

21 On approximately July 1, 2014, the Real Estate Commissioner  
22 (Commissioner) adopted the Proposed Decision, to become effective on July 23, 2014.  
23 Petitioner was granted a stay of the Commissioner's Decision until August 22, 2014.

24 On or about October 22, 2014, Petitioner filed a petition for Writ of  
25 Mandate in the San Joaquin County Superior Court, which petition is now pending before  
26 the Court.

27 The parties wish to settle this matter without further proceedings.

1                   IT IS HEREBY STIPULATED by and between Petitioner, his attorney of  
2 record, Mahanvir Sahota Esq. of Brunn & Flynn, and the Bureau of Real Estate, acting by  
3 and through Annette E. Ferrante, Counsel for Bureau of Real Estate, and Steven J. Green,  
4 Deputy Attorney General, as follows:

5                   1. It is understood by the parties that the Commissioner may adopt this  
6 Settlement Agreement and Release as his Decision and Order in this matter, thereby  
7 imposing the penalty and sanctions on Petitioner's real estate license and license rights as  
8 set forth in the Order below.

9                   2. Petitioner agrees that he will not seek any further judicial review of this  
10 matter and, upon complete execution of this Settlement Agreement and Release, releases  
11 the Bureau from any obligations or liabilities it may have as a result of the Bureau's filing  
12 of the Accusation mentioned above against Petitioner, and the disposition of that  
13 Accusation. Upon the parties' execution of this Settlement Agreement and Release,  
14 Petitioner agrees to file a Request for Voluntary Dismissal of this case.

15                   3. In the interest of expedience and economy, Petitioner chooses not to  
16 contest the factual allegations stated in the Accusation and understands that, as a result  
17 thereof, these factual statements will serve as a prima facie basis for the Factual Findings  
18 and Legal Conclusions set forth in the Proposed Decision dated approximately June 4,  
19 2014 (attached hereto as Exhibit "A"). The Commissioner shall not be required to  
20 provide further evidence to prove such allegations. This Settlement Agreement and  
21 Release and Petitioner's decision not to contest the Accusation are made for the purpose  
22 of reaching an agreed disposition in this proceeding and are expressly limited to this  
23 proceeding and any other proceeding or case in which the Bureau, the state or federal  
24 government, an agency of this state, or an agency of another state is involved.

25                   4. By reason of the foregoing and solely for the purpose of settlement of  
26 the Accusation and the Petition for Writ of Mandate without further proceedings, it is

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1 stipulated and agreed that the Commissioner's Decision adopting the Proposed Decision  
2 of the Administrative Law Judge is hereby rescinded; the Factual Findings which are set  
3 forth in the Proposed Decision dated approximately June 4, 2014 (referred to herein as  
4 "the Proposed Decision" and attached hereto as Exhibit "A"), are adopted in full. It is  
5 also stipulated and agreed that the Legal Conclusions of the Proposed Decision are  
6 amended to delete paragraph numbers 1, 2, 4, and 6, only, and that all other remaining  
7 paragraphs of the Legal Conclusions of the Proposed Decision (paragraph numbers 3, 5,  
8 7, 8, 9, and 10) are adopted; Respondent violated Business and Professions Code sections  
9 10176, subdivision (i), fraud or dishonest dealing, and 10177, subdivision (g),  
10 negligence. It is further stipulated and agreed that the Order of the Proposed Decision is  
11 amended as follows, and shall become the Decision and Order of the Commissioner:

12 ORDER

13 Respondent MIGUEL LARA's (Respondent) real estate salesperson license is  
14 revoked; provided, however, a restricted real estate salesperson license shall be issued to  
15 Respondent pursuant to Business and Professions Code section 10156.5, if Respondent  
16 makes application therefor and pays to the Bureau the appropriate fee for the restricted  
17 license within 90 days from the effective date of this Order. The restricted license issued  
18 to Respondent shall be subject to all of the provisions of Business and Professions Code  
19 section 10156.7, and to the following limitations, conditions and restrictions imposed  
20 under authority of Business and Professions Code section 10156.6:

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

25 2. The restricted license issued to Respondent may be suspended prior to hearing  
26 by order of the Commissioner on evidence satisfactory to the Commissioner that

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1 Respondent has violated provisions of the California Real Estate Law, the Subdivided  
2 Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to the  
3 restricted license.

4 3. Respondent shall not be eligible to apply for the issuance of an unrestricted real  
5 estate license nor for the removal of any of the conditions, limitations or restrictions of a  
6 restricted license until four (4) years have elapsed from the effective date of this Order.

7 4. Respondent shall submit with any application for licensure under an employing  
8 broker, or any application for transfer to a new employing broker, a statement signed by  
9 the prospective employing real estate broker on a form approved by the Bureau, which  
10 shall certify:

11 (a) That the employing broker has read the Proposed Decision dated June  
12 4, 2014, and the Order of the Commissioner which granted the right to a restricted  
13 license; and

14 (b) That the employing broker will exercise close supervision over the  
15 activities of the restricted licensee for which a real estate license is required.

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

25 6. No later than thirty (30) days from the effective date of this Decision, Respondent shall  
26 pay the sum of three-thousand dollars (\$3,000.00) for the Commissioner's reasonable cost of the

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1 investigation and enforcement which led to this disciplinary action. If Respondent fails to  
2 provide such payment within the time prescribed herein, all licenses and license rights of  
3 Respondent shall automatically be indefinitely suspended until such payment is delivered to the  
4 Commissioner. Said payment shall be in the form of a cashier's check made payable to the  
5 Bureau of Real Estate, and must be delivered to the Bureau of Real Estate, Flag Section at P.O.  
6 Box 137013, Sacramento, CA 95813-7013, no later than thirty (30) days from the effective date  
7 of this Decision.

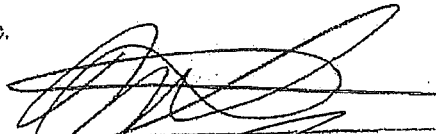
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 2 I have read the Settlement Agreement and Release, and its terms are understood  
 3 by me and are agreeable and acceptable to me. Respondent can signify acceptance and  
 4 approval of the terms and conditions of this Settlement Agreement and Release by  
 5 electronically transmitting (e-mail or fax) a copy of the signature page, as actually signed  
 6 by Respondent to the Bureau or its designated representative in this matter. Respondent  
 7 agrees, acknowledges and understands that by sending to the Bureau an electronically  
 8 transmitted (e-mail or fax) copy of Respondent's actual signature as it appears on the  
 9 Settlement Agreement and Release, that receipt of the electronically transmitted copy by  
 10 the Bureau shall be as binding on Respondent as if the Bureau had received the original  
 11 signed Settlement Agreement and Release.

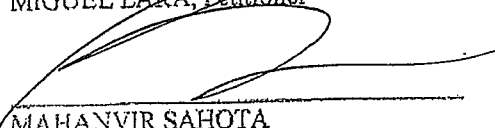
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DATED

  
 MIGUEL LARA, Petitioner


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15 12/12/14

DATED

  
 MAHANVIR SAHOTA  
 Attorney for Petitioner

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18 12-10-14

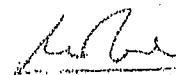
DATED

  
 ANNETTE E. FERRANTE  
 Counsel, Bureau of Real Estate

KAMALA D. HARRIS  
 Attorney General of California  
 MOLLY K. MOSLEY  
 Supervising Deputy Attorney General

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24 Dec 10, 2014

DATED

  
 STEVEN J. GREEN, Deputy Attorney General  
 Attorneys for Respondent  
 California Bureau of Real Estate

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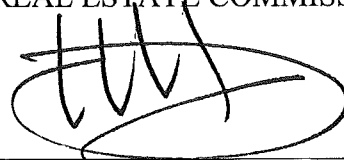
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DECISION AND ORDER

The foregoing Settlement Agreement and Release is hereby adopted by the  
Real Estate Commissioner as his Decision and Order in this matter and shall become  
effective at 12 o'clock noon on JAN 12 2015

IT IS SO ORDERED DECEMBER 22, 2014.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner