

BUREAU OF REAL ESTATE
P. O. Box 137007
Sacramento, CA 95813-7007
Telephone: (916) 263-8670

BUREAU OF REAL ESTATE

By B. dew

* * *

NO. H-6049 SAC

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

It is hereby stipulated by and between INDERJIT GHUSAR (“Respondent”) and his attorney, Gregory M. Guth, and the Complainant, acting by and through John W. Barron, Counsel for the Bureau of Real Estate (“the Bureau”), as follows for the purpose of settling and disposing of the Accusation filed on November 21, 2013, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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 in Settlement and Order.

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

1 3. A Notice of Defense was filed on March 5, 2014, by Respondent, pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
4 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
5 Defense, he will thereby waive his right to require the Real Estate Commissioner
6 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA and that he will waive other rights afforded to him
8 in connection with the hearing such as the right to present evidence in defense of the
9 allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation and Agreement in Settlement and Order is based on the
11 factual allegations contained in the Accusation. In the interests of expedience and economy,
12 Respondent chooses not to contest these allegations at hearing, but rather understands that, as a
13 result thereof, these allegations, without being admitted or denied, will serve as a prima facie
14 basis for the disciplinary action stipulated to herein. The Commissioner shall not be required
15 to provide further evidence to prove said factual allegations.

16 5. This Stipulation and Respondent's decision not to contest the Accusation are
17 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
18 limited to this proceeding and any other proceeding or case in which the Bureau, the state or
19 federal government, an agency of this state, or an agency of another state is involved.

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

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

5 8 Respondent understands that by agreeing to this Stipulation and Agreement,
6 the findings set forth below in the Determination of Issues become final, and that the
7 Commissioner may charge said Respondent for the costs of the investigation and enforcement
8 herein. The amount of said costs is \$1,639.35.

9 DETERMINATION OF ISSUES

10 The acts and omissions of Respondent as described in the Accusation are
11 grounds for the suspension or revocation of the license and license rights of Respondent under
12 Section 10177(g) (negligence) of the California Business and Professions Code ("the Code").

13 ORDER

14 1. All licenses and licensing rights of Respondent under the Real Estate Law
15 are revoked; provided, however, a restricted real estate salesperson's license shall be issued to
16 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore
17 and pays to the Bureau the appropriate fee for the restricted license within 90 days from the
18 effective date of this Decision.

19 2. The restricted license issued to Respondent shall be subject to all of the
20 provisions of Section 10156.7 of the Code as to the following limitations, conditions, and
21 restrictions imposed under authority of Section 10156.6 of that Code:

22 (a) The restricted license issued to Respondent shall be suspended prior to
23 hearing by Order of the Commissioner in the event of Respondent's
24 conviction (including by plea of guilty or nolo contendere) to a crime
25 which is substantially related to Respondent's fitness or capacity as a real
26 estate licensee; and
27

1 **(b) The restricted license issued to Respondent shall be suspended prior to**
2 hearing by Order of the Commissioner on evidence satisfactory to the
3 Commissioner that Respondent has violated provisions of the California
4 Real Estate Law, the Subdivided Lands Law, Regulations of the Real
5 Estate Commissioner or conditions attaching to the restricted license.

6 **3. Respondent shall not be eligible to apply for the issuance of an unrestricted**
7 real estate license nor for removal of any of the conditions, limitations or restrictions of a
8 restricted license until two (2) years have elapsed from the effective date of this Decision.

9 **4. Respondent shall notify the Commissioner in writing within 72 hours of any**
10 arrest by sending a certified letter to the Commissioner at: Bureau of Real Estate, P, O. Box
11 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest,
12 the crime for which Respondent was arrested, and the name and address of the arresting law
13 enforcement agency. Respondent's failure to timely file written notice shall constitute an
14 independent violation of the terms of the restricted license and shall be grounds for the
15 suspension or revocation of that license.

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

21 **6. Respondent shall, within nine (9) months from the effective date of this**
22 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the
23 most recent issuance of an original or renewal real estate license, taken and successfully
24 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
25 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
26 Respondent's real estate license shall automatically be suspended until Respondent presents
27 evidence satisfactory to the Commissioner of having taken and successfully completed the

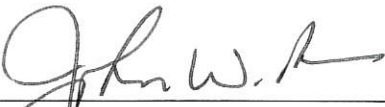
1 continuing education requirement.

2 7. All licenses and licensing rights of Respondent are indefinitely suspended
3 unless or until Respondent provides proof satisfactory to the Commissioner of having paid
4 \$7,223.00 as restitution to Commission Funding Solutions. Proof of satisfaction of this
5 requirement includes: a certified copy of the satisfaction of judgment; a letter from an attorney
6 or certified public accountant testifying under penalty of perjury to the fact that said judgment
7 has been paid by Respondent; a copy of a cancelled check to Commission Funding Solutions;
8 and/or a letter from a representative of Commission Funding Solutions that repayment has been
9 received. **Proof of payment must be delivered to the Bureau of Real Estate, Flag Section**
10 **at P.O. Box 137013, Sacramento, CA, 95813-7013 or by fax at 916-263-8758, prior to the**
11 **effective date of this Decision and Order.**

12 8. All licenses and licensing rights of Respondent are indefinitely suspended
13 unless or until Respondent pays the sum of \$1,639.35 representing the Commissioner's
14 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
15 payment shall be in the form of a cashier's check or certified check made payable to the Bureau
16 of Real Estate. Said check must be received by the Bureau prior to the effective date of the Order
17 in this matter at the following address: Bureau of Real Estate, Flag Section, P.O. Box 137013,
18 Sacramento, CA 95813-7013

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20 2/10/16

21 DATED

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24 JOHN W. BARRON, Counsel
25 BUREAU OF REAL ESTATE

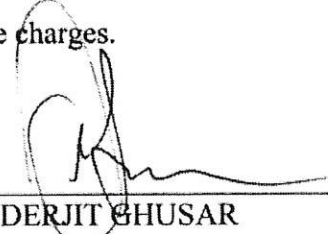
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27 I have read the Stipulation and Agreement in Settlement and Order and its terms
are understood by me and are agreeable and acceptable to me. I understand that I am waiving
rights given to me by the California APA (including but not limited to Sections 11506, 11508,
11509 and 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

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

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4 11-17-2015

5 DATED


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INDERJIT GHUSAR
Respondent

8 *I have reviewed the Stipulation and Agreement as to form and content and*
9 *have advised my client accordingly.*

10 11-17-2015

11 DATED


12 GREGORY M. GUTH
13 Attorney for Respondent

14 * * *

15 The foregoing Stipulation and Agreement in Settlement and Order is hereby
16 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
17 APR 01 2016

18 IT IS SO ORDERED

MARCH 1, 2016

20 REAL ESTATE COMMISSIONER


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22 By: JEFFREY MASON
23 Chief Deputy Commissioner
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