

1 Bureau of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0781

FILED

APR 30 2018

BUREAU OF REAL ESTATE

By B. Nicholas

6
7
8 **BEFORE THE BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of)
12 OMEGA HOME LOANS, INC., and) No. H-6505 SAC
13 RICHARD ALAN LAW,) STIPULATION AND
14 Respondents.) AGREEMENT

15 It is hereby stipulated by and between OMEGA HOME LOANS, INC.
16 (OMEGA), and RICHARD ALAN LAW (LAW) (collectively "Respondents"), represented by
17 William L. Gausewitz, and the Complainant, acting by and through Truly Sughrue, Counsel
18 for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing the
19 Accusation filed on February 23, 2017, in this matter:

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

25 2. Respondents have received, read, and understand the Statement to
26 Respondent, and the Discovery Provisions of the APA filed by the Bureau in this proceeding.

1 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
4 acknowledge that Respondents understand that by withdrawing said Notice of Defense
5 Respondents will thereby waive Respondents' rights 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 Respondents will waive other rights
8 afforded to Respondents in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation and Agreement is based on the factual allegations
11 contained in the Accusation. In the interest of expediency and economy, Respondents choose not
12 to contest these factual allegations, but to remain silent and understand that, as a result thereof,
13 these factual statements will serve as a prima facie basis for the "Determination of Issues" and
14 "Order" set forth below. The Commissioner shall not be required to provide further evidence to
15 prove such allegations.

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

20 6. Pursuant to the Stipulation and Agreement in Settlement and Order in
21 Case No. H-6249 SAC, Respondents have previously agreed to pay and been ordered to pay,
22 pursuant to Section 10148 of the California Business and Professions Code (Code), costs in the
23 sum of \$4,559.06 of audit SC16-0033. Respondents have paid this sum.

24 7. Respondents understand that by agreeing to this Stipulation and
25 Agreement, Respondents agree to pay, pursuant to Section 10148 of the Code, the additional
26 cost of audit SC16-0033. The amount of said additional costs is \$607.28.

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

8. Respondents further understand that by agreeing to this Stipulation and Agreement, the findings set forth below in the Determination of Issues become final, and that the Commissioner may charge said Respondents for the costs of any audit conducted pursuant to Section 10148 of the Code to determine if the violations have been corrected. The maximum costs of said audit shall not exceed \$6,457.93.

9. It is understood by the parties that the Commissioner may adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty and sanctions on the real estate licenses and license rights of Respondents as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondents 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.

10. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Bureau with respect to any matters which were not specifically alleged to be causes for action in Accusation H-6505 SAC.

* * *

DETERMINATION OF ISSUES

By reason of the foregoing stipulations 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:

I

The acts and omissions of Respondents as described in the First Cause of Action of the Accusation are grounds for the suspension or revocation of Respondents' licenses and license rights under Sections 10177(g) of the Code.

1 II

2 The acts and/or omissions of LAW as described in the Second Cause of Action
3 of the Accusation is cause for the suspension or revocation of Respondent's license and/or
4 license rights under Section 10177(h) of the Code.

5 * * *

6 ORDER

7 I

8 All licenses and licensing rights of Respondent OMEGA under the Real Estate
9 Law are revoked; provided, however, a restricted real estate corporate broker license shall be
10 issued to OMEGA pursuant to Section 10156.5 of the Code if OMEGA makes application
11 therefor and pays to the Bureau the appropriate fee for the restricted license within 90 days from
12 the effective date of this Decision and Order. The restricted license issued to OMEGA shall be
13 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
14 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

15 1. The restricted license issued to OMEGA may be suspended prior to
16 hearing by Order of the Commissioner in the event of OMEGA's conviction or plea of nolo
17 contendere to a crime which is substantially related to OMEGA's fitness or capacity as a real
18 estate licensee.

19 2. The restricted license issued to OMEGA may be suspended prior to
20 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
21 OMEGA has violated provisions of the California Real Estate Law, the Subdivided Lands Law,
22 Regulations of the Commissioner or conditions attaching to the restricted license.

23 3. OMEGA shall not be eligible to apply for the issuance of an unrestricted
24 real estate license nor for removal of any of the conditions, limitations, or restrictions of a
25 restricted license until two (2) years have elapsed from the effective date of this Decision and
26 Order. OMEGA shall not be eligible to apply for any unrestricted licenses until all restrictions
27 attaching to the license have been removed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

All licenses and licensing rights of Respondent LAW under the Real Estate Law
are revoked; provided, however, a restricted real estate broker license shall be issued to LAW
pursuant to Section 10156.5 of the Code if LAW makes application therefor and pays to the
Bureau the appropriate fee for the restricted license within 90 days from the effective date of this
Decision and Order. The restricted license issued to LAW shall be subject to all of the
provisions of Section 10156.7 of the Code and to the following limitations, conditions and
restrictions imposed under authority of Section 10156.6 of that Code:

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

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

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

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

1 completion of the continuing education courses must be delivered to the Bureau of Real Estate,
2 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

3 5. All licenses and licensing rights of LAW are indefinitely suspended unless
4 or until LAW provides proof satisfactory to the Commissioner, of having taken and successfully
5 completed the continuing education course on trust fund accounting and handling specified in
6 paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of satisfaction of these
7 requirements includes evidence that LAW has successfully completed the trust fund account and
8 handling continuing education courses, no earlier than 120 days prior to the effective date of the
9 Decision and Order in this matter. Proof of completion of the trust fund accounting and handling
10 course must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
11 Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this
12 Decision and Order.

13 III


14 1. Pursuant to Section 10148 of the Code, Respondents shall jointly and
15 severally pay the additional sum of \$607.28 for the Commissioner's cost of the audit which led to
16 this disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an
17 invoice therefore from the Commissioner. Payment of audit costs should not be made until
18 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
19 as provided for herein, Respondents' real estate license shall automatically be suspended until
20 payment is made in full, or until a decision providing otherwise is adopted following a hearing
21 held pursuant to this condition.

22 2. Pursuant to Section 10148 of the Code, Respondents shall pay the
23 Commissioner's reasonable cost, not to exceed \$6,457.93, for an audit to determine if
24 Respondents have corrected the violation(s) found in the Determination of Issues. In calculating
25 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
26 average hourly salary for all persons performing audits of real estate brokers, and shall include an
27 allocation for travel time to and from the auditor's place of work. Respondents shall pay such

1 cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of
2 the audit costs should not be made until Respondents receive the invoice. If Respondents fail to
3 satisfy this condition in a timely manner as provided for herein, Respondents' real estate license
4 shall automatically be suspended until payment is made in full, or until a decision providing
5 otherwise is adopted following a hearing held pursuant to this condition.

6 3. All licenses and licensing rights of Respondents are indefinitely suspended
7 unless or until Respondents provides proof satisfactory to the Commissioner, of having deposited
8 all trust funds into one or more trust funds accounts in the name of OMEGA as trustee at a bank
9 or other financial institution, in conformance with Section 10145 of the Code and Section 2832
10 of the Regulations. Proof of satisfaction must be delivered to the Bureau of Real Estate, Flag
11 Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the
12 effective date of this Decision and Order.

13
14 16-April-18
15 DATED

14 
15 TRULY SUGHRUE
16 Counsel for Complainant


17 * * *

18 I have read the Stipulation and Agreement, discussed it with my counsel, and its
19 terms are understood by me and are agreeable and acceptable to me. I understand that I am
20 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
21 intelligently and voluntarily waive those rights, including the right of requiring the
22 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
23 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
24 the charges.

25 Respondents and Respondents' attorney further agree to send the original signed
26 Stipulation and Agreement by mail to the following address no later than one (1) week from the
27 date the Stipulation and Agreement is signed by Respondents and Respondents' attorney:

1 Bureau of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.
2 Respondents and Respondents' attorney understand and agree that if they fail to return the
3 original signed Stipulation and Agreement by the due date, Complainant retains the right to set
4 this matter for hearing.

5
6 3/26/18
7 DATED


Richard Alan Law, Designated Officer
OMEGA HOME LOANS, INC.,
Respondent


10 3/26/18
11 DATED


RICHARD ALAN LAW
Respondent

13 ***

14 I have reviewed the Stipulation and Agreement as to form and content and have
15 advised my clients accordingly.

16 3/26/18
17 DATED



WILLIAM L. GAUSEWITZ
Attorney for Respondents

18 ***

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
20 Order and shall become effective at 12 o'clock noon on MAY 21 2018

21 IT IS SO ORDERED April 25, 2018

22
23 WAYNE S. BELL
24 REAL ESTATE COMMISSIONER

25 
26 By: DANIEL J. SANDRI
27 Chief Deputy Commissioner