

FILED

DEC 15 2011

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

Telephone: (916) 227-0781

By L. Jones

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

JAGDEEP SINGH,

Respondent.

No. H-11101 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between JAGDEEP SINGH (Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows for the purpose of settling and disposing the Accusation filed on April 5, 2011 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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.

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

1 3. Respondent 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 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that he understands that by withdrawing said Notice of Defense he will thereby
5 waive his rights to require the Commissioner to prove the allegations in the Accusation at a
6 contested hearing held in accordance with the provisions of the APA, and that he will waive
7 other rights afforded to him in connection with the hearing such as the right to present evidence
8 in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

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

26 7. The Order or any subsequent Order of the Commissioner made pursuant to
27 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further

1 administrative or civil proceedings by the Department with respect to any matters which were not
2 specifically alleged to be causes for accusation in this proceeding.

3 * * *

4 DETERMINATION OF ISSUES

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

8 I

9 The acts and omissions of Respondent as described in the Accusation are
10 grounds for the suspension or revocation of Respondent's licenses and license rights under
11 Section 10137 of the Code in conjunction with Section 10177(d) of the Code.

12 * * *

13 ORDER

14 I


15 All licenses and licensing rights of Respondent under the Real Estate Law are suspended
16 for a period of thirty (30) days from the effective date of this Order; provided, however, that:

17 1) Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms
18 and conditions:

- 19 a) Respondent shall obey all laws, rules and regulations governing the rights, duties and
20 responsibilities of a real estate licensee in the State of California; and,
21 b) That no final subsequent determination be made, after hearing or upon stipulation, that
22 cause for disciplinary action occurred within two (2) years from the effective date of this
23 Order. Should such a determination be made, the Commissioner may, in his discretion,
24 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.
25 Should no such determination be made, the stay imposed herein shall become permanent.
26
27

1 25-Oct-11

2 DATED


3 
4 TRUDY SUGHRUE
5 Counsel for Complainant

6 ***

7 I have read the Stipulation and Agreement, and its terms are understood by me
8 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
9 California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive
10 those rights, including the right of requiring the Commissioner to prove the allegations in the
11 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
12 and to present evidence in defense and mitigation of the charges.

13 10/24/2011

14 DATED

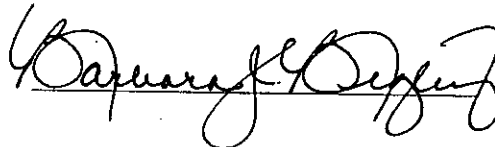
15 
16 JAGDEEP SINGH
17 Respondent

18 ***

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
20 shall become effective at 12 o'clock noon on January 4, 2012.

21 IT IS SO ORDERED 12/7, 2011.

22 BARBARA J. BIGBY
23 Acting Real estate Commissioner

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2 State Bar No. 223266
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5 Sacramento, CA 95818-7007

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DEPARTMENT OF REAL ESTATE

[Signature]

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 JAGDEEP SINGH,)
14 Respondent.)
15

No. H-11101 SF
ACCUSATION

16 The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the
17 State of California, for cause of Accusation against JAGDEEP SINGH (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the
21 State of California, makes this Accusation in his official capacity.

22 2

23 Respondent is presently licensed and/or has license rights under the Real
24 Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code") as a real estate
25 salesperson. At all times relevant Respondent was employed by Olinger's Real Estate
26 Investments Inc., licensed as a real estate corporation.

27 ///

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of a real estate resale brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and resale of real property or business opportunity.

Between November 2008 and March 2009, Respondent, acted on behalf of seller, Kulwinder Singh, and buyers Neela Sayler and Noorudin Billawala (hereinafter "Buyers"), in the purchase of the business opportunity the Island Grill, Inc., located at 1335 North 4th Street, San Jose, California. In compensation, Buyers agreed to pay Respondent \$40,000.

Between November 2008 and March 2009, Respondent received \$40,000 directly from the Buyers as commission.

The facts alleged above are grounds for the suspension or revocation of the license of Respondent under Section 10137 of the Code in conjunction with Section 10177(d) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and/or license rights of Respondent, under the Real Estate Law (Part 1
4 of Division 4 of the Business and Professions Code) and for such other and further relief as may
5 be proper under applicable provisions of law.

6
7 
8 E. J. HABERER II
 Deputy Real Estate Commissioner

9 Dated at Oakland, California,
10 this 30th day of March, 2011