

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
AUG 29 2012

DEPARTMENT OF REAL ESTATE
By R. Mar

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13 IDOWU FRANCIS OMOTAYO,) NO. H-11227 SF
14 Respondent) STIPULATION AND AGREEMENT
15) IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between IDOWU FRANCIS OMOTAYO,
17 ("Respondent") and his attorney Steven J. Geller, and the Complainant, acting by and through
18 John W. Barron, Counsel for the Department of Real Estate, as follows, for the purpose of
19 settling and disposing of the Accusation filed on October 20, 2011, in this matter:

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

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

1 3. On or about October 26, 2011, Respondent filed his Notice of Defense
2 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
3 the allegations in this matter. Respondent hereby freely and voluntarily withdraws said Notice of
4 Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
5 Defense he will thereby waive his right to require the Commissioner to prove the allegations
6 in the Accusation at a contested hearing held in accordance with the provisions of the APA, and
7 that he will waive other rights afforded to him in connection with the hearing such as the right to
8 present evidence in defense of the allegations pertaining to him in the Accusation and the right to
9 cross-examine witnesses.

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

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

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

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1 7. Respondent understands that by agreeing to this Stipulation and Agreement,
2 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions
3 Code ("the Code"), the cost of the investigation and enforcement which resulted in the
4 determination that Respondent committed the violation(s) found in the Determination of Issues.
5 The amount of said costs is \$860.00.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations, admissions and waivers, and for the
8 purpose of settlement of the pending Accusation as to Respondent only, without a hearing, it is
9 stipulated and agreed that the following determination of issues shall be made:

10 The acts and/or omissions of Respondent violate Section 10177(f) (license
11 revocation by another agency of the State for acts which if done by real estate licensee would
12 have been grounds for revocation of real estate license) and constitute cause for the suspension
13 or revocation of all licenses and license rights of Respondent under the Real Estate Law.

14 ORDER

15 The real estate broker license and license rights of Respondent IDOWU
16 FRANCIS OMOTAYO are hereby revoked.

17 A restricted real estate broker license shall be issued to Respondent pursuant to
18 Section 10156.6 of the Code, if Respondent makes application therefore and pays to the
19 Department of Real Estate the appropriate fee for said license within ninety (90) days from the
20 effective date of this Decision.

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

- 24 (1) The restricted license issued to Respondent may be suspended prior to
25 hearing by Order of the Real Estate Commissioner in the event of
26 Respondent's conviction or plea of nolo contendere to a crime which is

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1 substantially related to Respondent's fitness or capacity as a real estate
2 licensee.

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

9 (3) Respondent shall not be eligible to apply for the issuance of an
10 unrestricted real estate license, nor the removal of any of the conditions of
11 the restricted license, until two (2) years have elapsed from the effective
12 date of this Decision.

13 (4) All licenses and licensing rights of Respondent are indefinitely suspended
14 unless or until Respondent pays the sum of \$860.00 for the
15 Commissioner's reasonable cost of the investigation and enforcement
16 which led to this disciplinary action. Said payment shall be in the form of
17 a cashier's check or certified check made payable to the Real Estate Fund.
18 Said check must be received by the Department prior to the effective date
19 of the Order in this matter.

20 (5) Respondent shall, within six (6) months from the issuance of the restricted
21 license, take and pass the Professional Responsibility Examination
22 administered by the Department, including the payment of the appropriate

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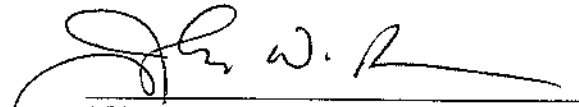
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1 examination fee. If Respondent fails to satisfy this condition, the
2 Commissioner may order the suspension of the restricted license until
3 Respondent passes the examination.
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5 4/19/12
6 DATED

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8 JOHN W. BARRON, Counsel
9 DEPARTMENT OF REAL ESTATE

10 * * *

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

17 04-10-2012
18 DATED

19 
20 IDOWU FRANCIS OMOTAYO
21 Respondent

22 * * *

23 I have reviewed the Stipulation and Agreement as to form and content and have
24 advised my client accordingly.

25 4-10-2012
26 DATED

27 
STEVEN J. GELLER
Attorney for Respondent

The foregoing Stipulation and Agreement In Settlement and Order is hereby
adopted as my Decision and shall become effective at 12 o'clock noon on

SEP 19 2012

IT IS SO ORDERED

8/27/2013
REAL ESTATE COMMISSIONER

[Signature]
By WAYNE S. BELL
Chief Counsel