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**FILED**

AUG 08 2014

BUREAU OF REAL ESTATE

By S. Bleck

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

4 Telephone: (916) 263-8670  
5 Fax: (916) 263-3767

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

9 \* \* \*

10 In the Matter of the Accusation of  
11  
12 **PACIFIC PRIVATE MONEY, INC.**  
13 **and MARK DIETER HANF,**  
14 **Respondents.**

No. H-11649 SF  
STIPULATION AND  
AGREEMENT IN  
SETTLEMENT AND ORDER

15 It is hereby stipulated by and between PACIFIC PRIVATE MONEY, INC.  
16 (PPM), MARK DIETER HANF (HANF) (collectively Respondents), their counsel, Amy E.  
17 Martinez, and the Complainant, acting by and through Richard K. Uno, Counsel for the Bureau  
18 of Real Estate as follows for the purpose of settling and disposing of the Accusation filed on  
19 February 10, 2014, 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 In Settlement and Order.

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

1                   3.     On or about February 4, 2014, PPM, and on or about June 19, 2014,  
2 HANF, each filed a Notice of Defense pursuant to Section 11505 of the Government Code for  
3 the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby  
4 freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they  
5 understand that by withdrawing said Notices of Defense they will thereby waive their right to  
6 require the Commissioner to prove the allegations in the Accusation at a contested hearing held  
7 in accordance with the provisions of the APA and that they will waive other rights afforded to  
8 them 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 is based on the factual allegations contained in the  
11 Accusation. In the interest of expediency and economy, Respondents chose not to contest these  
12 factual allegations, but to remain silent and understand that, as a result thereof, these factual  
13 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set  
14 forth below. The Real Estate Commissioner shall not be required to provide further evidence to  
15 prove such allegations.

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

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



1 of the Decision; however, the remaining forty five (45) days of said suspension shall be stayed  
2 upon the condition that:

3 a. PPM pays a monetary penalty pursuant to Section 10175.2 of the  
4 Code at the rate of \$100.00 per day for forty five (45) days of the suspension, for a total  
5 monetary penalty of \$4,500.00.

6 b. Said payment shall be only in the form of a cashier's check or  
7 certified check made payable to the Bureau of Real Estate. Said check must be received by the  
8 Bureau prior to the effective date of the Decision in this matter.

9 c. No further cause for disciplinary action against the real estate  
10 license of PPM occurs within two (2) years from the effective date of the Decision in this  
11 matter.

12 2. If PPM pays the monetary penalty, and if no further cause for discipline  
13 against the real estate license of PPM occurs within two (2) years from the effective date of the  
14 Decision, the stay hereby granted shall become permanent.

15 3. If PPM fails to pay the monetary penalty in accordance with the terms and  
16 conditions of the Decision, the suspension shall go into effect automatically and remain in effect  
17 until PPM pays the monetary penalty in full.

18 MARK DIETER HANF

19 1. The real estate broker license and license rights of HANF, under the  
20 Real Estate Law are suspended for a period of ninety (90) days from the date effective date of  
21 the Decision; however, the remaining forty five (45) days of said suspension shall be stayed  
22 upon condition that:

23 a. HANF pays a monetary penalty pursuant to Section 10175.2 of the  
24 Code at the rate of \$100.00 per day for forty five (45) days of the suspension, for a total  
25 monetary penalty of \$4,500.00.

26 b. Said payment shall be only in the form of a cashier's check or  
27

1 certified check made payable to the Bureau of Real Estate. Said check must be received by the  
2 Bureau prior to the effective date of the Decision in this matter.

3 c. No further cause for disciplinary action against the real estate  
4 license of HANF occurs within two (2) years from the effective date of the Decision in this  
5 matter.

6 2. If HANF pays the monetary penalty, and if no further cause for discipline  
7 against the real estate license of HANF occurs within two (2) years from the effective date of the  
8 Decision, the stay hereby granted shall become permanent.

9 3. If HANF fails to pay the monetary penalty in accordance with the terms  
10 and conditions of the Decision, the suspension shall go into effect automatically and remain in  
11 effect until HANF pays the monetary penalty in full.

12 PACIFIC PRIVATE MONEY, INC. AND MARK DIETER HANF

13 1. All licenses and licensing rights of PPM and HANF  
14 are indefinitely suspended unless or until they jointly and severally pay the sum of \$1,646.50 for  
15 the Commissioner's reasonable cost of the investigation and enforcement which led to this  
16 disciplinary action. Said payment shall be only in the form of a cashier's check or certified  
17 check made payable to the Bureau of Real Estate. **The investigative and enforcement costs**  
18 **must be delivered to the Bureau of Real Estate, Legal Section at P.O. Box 137007,**  
19 **Sacramento, CA 95813-7007, prior to the effective date of this Order.**

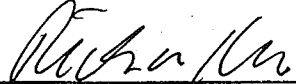
20 2. Pursuant to Section 10148 of the Code, Respondents shall jointly and  
21 severally pay the sum of \$8,953.39 for the Commissioner's cost of the audit which led to this  
22 disciplinary action. **Respondent shall pay such cost within sixty (60) days of receiving an**  
23 **invoice therefore from the Commissioner.** Payment of audit costs should not be made until  
24 receipt of the invoice. If Respondents fail to satisfy this condition in a timely manner as provided  
25 for herein, Respondents' real estate license shall automatically be suspended until payment is  
26 made in full, or until a decision providing otherwise is adopted following a hearing held pursuant  
27 to this condition.

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Pursuant to Section 10148 of the Code, Respondents shall jointly and severally  
pay the Commissioner's reasonable cost, not to exceed \$8,953.39, for an audit to determine if  
Respondents have corrected the violation(s) found in the Determination of Issues. In calculating  
the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated  
average hourly salary for all persons performing audits of real estate brokers, and shall include an  
allocation for travel time to and from the auditor's place of work. **Respondents shall pay such  
cost within sixty (60) days of receiving an invoice therefore from the Commissioner.**  
Payment of the audit costs should not be made until receipt of the invoice. If Respondents fail to  
satisfy this condition in a timely manner as provided for herein, Respondents' real estate license  
shall automatically be suspended until payment is made in full, or until a  
decision providing otherwise is adopted following a hearing held pursuant to this condition.

7/29/14

DATED



RICHARD K. UNO, Counsel III  
BUREAU OF REAL ESTATE

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

PACIFIC PRIVATE MONEY, INC.

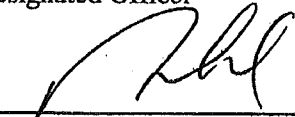
7-23-14

DATED

by:   
MARK DIETER HANF  
Designated Officer

7-23-14

DATED


  
MARK DIETER HANF

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

7-24-14

DATED

  
AMY E. MARTINEZ  
Attorney for Respondents

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The foregoing Stipulation and Agreement In Settlement and Order is hereby  
adopted by the Real Estate Commissioner as his Decision and Order and shall become effective  
at 12 o'clock noon on AUG 29 2014.

IT IS SO ORDERED AUG 07 2014.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner