

FILED

SEP 12 2014

BUREAU OF REAL ESTATE

By S. Black

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Bureau of Real Estate
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8679
Fax: (916) 263-3767

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	Nos. H-11691 SF/H-11692 SF
GREG FLORES DE VINE,)	<u>STIPULATION AND AGREEMENT</u>
Respondent.)	

It is hereby stipulated by and between GREG FLORES DE VINE (Respondent), represented by N. Maxwell Njelita, and the Complainant, acting by and through Richard K. Uno, Counsel III for the Bureau of Real Estate, as follows for the purpose of settling and disposing the Accusation and Preliminary Bar Order and Notice of Intention to Issue Bar Order, both filed on May 1, 2014, in this matter:

- 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

1 Stipulation and Agreement.

2 2. Respondent has received, read and understands the Statement to
3 Respondent, and the Discovery Provisions of the APA filed by the Bureau of Real Estate
4 (Bureau) in this proceeding.

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

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

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

25 6. In lieu of proceeding in this matter in accordance with the provisions of
26 the APA, Respondent wishes to voluntarily surrender his real estate broker license issued by the
27 Bureau, pursuant to Section 10100.2 of the Business and Professions Code (Code).

1 7. Respondent understands that by so voluntarily surrendering his license, he
2 may be re-licensed as a broker only by petitioning for reinstatement pursuant to Section 11522
3 of the Government Code. Respondent also understands that by so voluntarily surrendering his
4 license, he agrees to the following:

5 A. The filing of this Stipulation and Agreement shall be deemed as
6 Respondent's declaration and petition for voluntary surrender.

7 B. It shall also be deemed to be an understanding and agreement by
8 Respondent that he waives all rights Respondent has to require the Commissioner to prove the
9 allegations contained in the Accusation filed in this matter at a hearing held in accordance with
10 the provisions of the APA, and that Respondent also waives other rights afforded to Respondent
11 in connection with the hearing such as the right to discovery, the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13 8. Respondent further agrees that upon acceptance by the Commissioner, as
14 evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the
15 Bureau in this matter prior to the Commissioner's acceptance, and all allegations contained in
16 the Accusation filed in the Bureau Case No. H-11691 SF, may be considered by the Bureau to
17 be true and correct for the purpose of deciding whether to grant re-licensure or reinstatement
18 pursuant to Government Code Section 11522.

19 9. Respondent freely and voluntarily surrenders all his licenses and license
20 rights under the Real Estate Law.

21 10. The parties acknowledge that on or about May 23, 2014, the Bureau
22 served the Preliminary Bar Order and Notice of Intention to Issue Bar Order (Notice of
23 Intention) and Respondent has been notified of the intention of the Commissioner to issue a
24 Final Bar Order pursuant to Section 10087(a) of the Code.

25 11. Pursuant to the authority granted to the Commissioner by Section 10087
26 of the Code, and after review and consideration of the Determination of Issues, below, the
27

1 Commissioner finds:

2 A. A Bar Order is in the public interest; and

3 B. Respondent's violations of the Real Estate Law was either known or
4 should have been known by him.

5 12. Respondent hereby freely and voluntarily withdraws his Request for
6 Hearing on Preliminary Bar Order and Intention to Issue Bar Order (Request for Hearing).

7 Respondent acknowledges that he understands that by withdrawing said Request for Hearing he
8 will thereby waive his rights to require the Commissioner to prove the allegations in the Notice
9 of Intention at a contested hearing held in accordance with the provisions of the APA, and that
10 he will waive other rights afforded him in connection with the hearing such as the right to
11 present evidence in defense of the allegations in the Notice of Intention and the right to cross-
12 examine witnesses.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and waivers, and solely for
15 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
16 agreed that the acts and/or omissions of Respondent, as described in the Accusation, constitute
17 grounds for the suspension or revocation of the licenses and license rights of Respondent under
18 the provisions of Sections 10176(a), 10176(b), 10176(c), 10176(i), 10177(d), 10177(g) and
19 10177(j) of the Code.

20 ORDER

21 1. GREG FLORES DE VINE's petition for voluntary surrender of his real
22 Estate broker license is accepted as of the effective date of this Order as set forth below, based
23 upon the understanding and agreement expressed in Respondent's Declaration incorporated
24 herein as part of this Stipulation and Agreement. Respondent's license certificates, pocket cards
25 and any branch office license certificates shall be sent to the below listed address so that they
26 reach the Bureau on or before the effective date of this Order:
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BUREAU OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

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4 2. GREG FLORES DE VINE, pursuant to the authority of Section 10087 of
5 the Code, is hereby barred and prohibited for a period of thirty-six (36) months from the effective
6 date of this Order, from performing in any position of employment, management, or control the
7 following activities in the State of California:

8 (A) Participating in any capacity to further the business activity of a real
9 estate salesperson or real estate broker or engaging in any business
10 activity involving real estate that is subject to regulation under the Real
11 Estate Law;

12 (B) Participating in any activity of a real estate salesperson or a real estate
13 broker;

14 (C) Engaging in any real estate related business activity on the premises
15 where a real estate salesperson or real estate broker is conducting
16 business which requires a real estate license;

17 (D) Participating in any real estate related business activity of a finance
18 lender, residential mortgage lender, bank credit union, escrow company,
19 title company or underwritten title company and;

20 (E) Holding any position of employment, management, control, or ownership,
21 as a real estate broker, a real estate salesperson, or an unlicensed person,
22 in any business involving the activities mentioned in paragraphs (a)
23 through (d), above.

24
25 8/18/14

26 DATED

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25 Richard K. Uno

26 RICHARD K. UNO, Counsel III
27 BUREAU OF REAL ESTATE

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I have read the Stipulation and Agreement, discussed it with my counsel, 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, 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.

8-7-2014

DATED

GREG FLORES DE VINE
Respondent

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

8-8-2014

DATED

N. MAXWELL NJELITA
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on OCT 03 2014

IT IS SO ORDERED SEP 11 2014

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner