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MAR 13 2015

BUREAU OF REAL ESTATE

By S. Black

BUREAU OF REAL ESTATE  
P. O. Box 137007  
Sacramento, CA 95813-7007  
Telephone: (916) 263-8670

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation against )

JAMES ALVIN LANATTI, )

Respondent. )

NO. H-11772 SF

STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent JAMES ALVIN LANATTI ("Respondent"), acting by and through K. P. Dean Harper, Esq., Counsel for Respondent, and the Complainant, acting by and through Annette E. Ferrante, Esq., Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on November 3, 2014, in this matter:

1. 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 Stipulation and Agreement.

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

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

13                   4.     This Stipulation is based on the allegations in the Accusation and  
14 "Findings of Fact" identified below. In the interest of expedience and economy, Respondent  
15 chooses not to contest the Accusation and "Findings of Fact", but to remain silent and  
16 understands that, as a result thereof, these allegations will serve as a prima facie basis for the  
17 "Determination of Issues" and "Order" set forth below. The Commissioner shall not be required  
18 to provide further evidence to prove such allegations.

19                   5.     This Stipulation and Respondent's decision not to contest the Accusation  
20 and "Findings of Fact" are made for the purpose of reaching an agreed disposition in this  
21 proceeding and are expressly limited to this proceeding and any other proceeding or case in  
22 which the Bureau, the state or federal government, an agency of this state, or an agency of  
23 another state is involved.

24                   6.     It is understood by the parties that the Commissioner may adopt the  
25 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and  
26 sanctions on Respondent's real estate license and license rights as set forth in the "Order" below.

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1 In the event that the Commissioner in his discretion does not adopt the Stipulation and  
2 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing  
3 and proceeding on the Accusation under all of the provisions of the APA and shall not be bound  
4 by any admission or waiver made herein.

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

9 8. Respondent understands that by agreeing to this Stipulation and  
10 Agreement, Respondent agrees to pay, pursuant to Section 10106 of the California Business  
11 and Professions Code ("the Code"), the costs of the investigation and enforcement of this case  
12 which resulted in the determination that Respondent committed the violation(s) found in the  
13 Determination of Issues. The amount of such cost is \$480.10.

14 FINDINGS OF FACT

15 On or about March 24, 2014, in the Superior Court of the State of California,  
16 County of Sonoma, Case No. SCR-648061, a felony complaint was filed alleging Respondent  
17 violated Section 422(a) of the Penal Code (making criminal threat(s) of causing death or great  
18 bodily injury to another), a felony. Respondent was informed of and arraigned on these charges  
19 on March 24, 2014.

20 On or about May 9, 2014, in the Superior Court of the State of California, County  
21 of Sonoma, Case No. SCR-648061, Respondent was convicted upon a plea of no contest, to  
22 violating Section 422(a) of the Penal Code (making criminal threat(s) of causing death or great  
23 bodily injury to another), a misdemeanor and a crime which bears a substantial relationship  
24 under Section 2910, Title 10 of the Code of Regulations, to the qualifications, functions, or  
25 duties of a real estate licensee.

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1 Pursuant to Section 10186.2 of the Code, effective January 1, 2012, a licensee  
2 shall report in writing to the Bureau the bringing of an indictment or information charging a  
3 felony against the licensee, and the conviction of a licensee, including any verdict of guilty, or  
4 plea of guilty or no contest, of any felony or misdemeanor, within thirty (30) days of the date of  
5 the filing of the indictment or information, and conviction, verdict or plea. Respondent failed to  
6 report the felony charge identified above, and the misdemeanor conviction identified above, in  
7 writing to the Bureau within the time required by Section 10186.2 of the Code.

8 DETERMINATION OF ISSUES

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

12 The acts and/or omissions of Respondent JAMES ALVIN LANATTI  
13 ("Respondent") as described in the "Findings of Fact", above, are grounds for the suspension  
14 or revocation of the licenses and license rights of Respondent pursuant to Sections 10177(b)  
15 and 490 of the Code, and Section 10177(d) of the Code in conjunction with Section 10186.2 of  
16 the Code.

17 ORDER

18 1. The real estate salesperson license and license rights of Respondent  
19 JAMES ALVIN LANATTI ("Respondent") are hereby revoked; provided, however, a restricted  
20 real estate salesperson license shall be issued to Respondent pursuant to Section 10156.6 of the  
21 Code if Respondent makes application therefore and pays to the Bureau of Real Estate the  
22 appropriate fee for the restricted license within ninety (90) days from the effective date of this  
23 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of  
24 Section 10156.7 of the Code and to the following limitations, conditions, and restrictions  
25 imposed under authority of Section 10156.6 of the Code:

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

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

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

14                               3.     With the application for license or with the application for transfer to a  
15 new employing broker, Respondent shall submit a statement signed by the prospective  
16 employing broker on a form approved by the Bureau wherein the employing broker shall certify  
17 as follows:

18                                   a.     That the broker has read the Stipulation and Agreement which is  
19 the basis for the issuance of the restricted license; and

20                                   b.     That the broker will carefully review all transaction documents  
21 prepared by the restricted licensee and otherwise exercise close supervision over the licensee's  
22 performance of acts for which a license is required.

23                               4.     Respondent shall, within nine (9) months from the effective date of this  
24 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most  
25 recent issuance of an original or renewal real estate license, taken and successfully completed the  
26 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal

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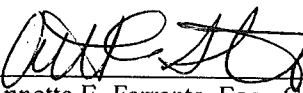
1 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate  
2 license shall automatically be suspended until Respondent presents evidence satisfactory to the  
3 Commissioner of having taken and successfully completed the continuing education  
4 requirements. Proof of completion of the continuing education courses must be delivered to the  
5 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

6 5. Respondent shall notify the Commissioner in writing within 72 hours of  
7 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Flag  
8 Section, P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of  
9 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
10 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
11 constitute an independent violation of the terms of the restricted license and shall be grounds for  
12 the suspension or revocation of that license.

13 6. All licenses and licensing rights of Respondent are indefinitely suspended  
14 unless or until Respondent pays the sum of \$480.10 for the Commissioner's reasonable cost of  
15 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
16 the form of a cashier's check made payable to the Bureau of Real Estate, and must be delivered  
17 to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,  
18 prior to the effective date of this Decision.

19  
20 02-10-15


21 DATED

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Annette E. Ferrante, Esq., Counsel  
Bureau of Real Estate

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I have read the Stipulation and Agreement 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. Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Agreement.

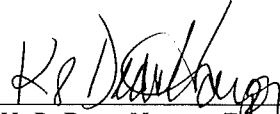
2-10-15  
DATED

  
JAMES ALVIN LANATTI,  
Respondent

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

2-10-15  
DATED

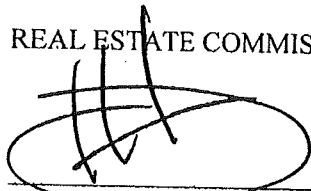
  
K. P. Dean Harper, Esq.,  
Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondent JAMES ALVIN LANATTI, and shall become  
effective at 12 o'clock noon on **APR 03 2015**

IT IS SO ORDERED MARCH 6, 2015

REAL ESTATE COMMISSIONER  
  
By: JEFFREY MASON  
Chief Deputy Commissioner