

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

FILED

AUG 17 2015

BUREAU OF REAL ESTATE

By K. Contreras

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

9 * * *

10 In the Matter of the Accusation of)

11 ALEXIS DEMETRIS PAPAHA DJOPOULOS,)

NO. H-11785 SF

12) STIPULATION AND AGREEMENT

13) IN SETTLEMENT AND ORDER

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Respondent.

It is hereby stipulated by and between Respondent ALEXIS DEMETRIS PAPAHA DJOPOULOS (herein "Respondent") by and through Frank M. Buda, attorney of record herein for Respondent and the Complainant acting by and through Mary F. Clarke, Counsel for the Bureau of Real Estate (herein "Bureau"), as follows for the purpose of settling and disposing the Accusation filed on December 29, 2014, in this matter (herein "Accusation"):

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 (herein "APA"), shall instead and in place thereof be submitted on the basis of the provisions of this Stipulation and Agreement in Settlement and Order (herein "Stipulation").

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 this
3 proceeding.

4 3. A Notice of Defense was filed on January 20, 2015 by Respondent
5 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
6 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said
7 Notice of Defense. Respondent acknowledges he understands that by withdrawing said Notice of
8 Defense he will thereby waive his rights to require the Real Estate Commissioner (herein
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 he will waive other rights afforded to him in
11 connection with the hearing such as the right to present evidence in defense of the allegations in
12 the Accusation and the right to cross-examine witnesses.

13 4. Respondent, pursuant to the "Determination of Issues" set forth below,
14 hereby admits that the factual allegations in the Accusation filed in this proceeding are true and
15 correct and the Commissioner shall not be required to provide further evidence of such
16 allegations.

17 5. It is understood by the parties that the Commissioner may adopt this
18 Stipulation as his decision in this matter thereby imposing the penalty and sanctions on
19 Respondent's real estate license and license rights as set forth in the below "Order." In the event
20 the Commissioner in his discretion does not adopt this Stipulation, it shall be void and of no
21 effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under
22 all the 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 Commissioner made pursuant
24 to this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
25 civil proceedings by the Bureau with respect to any matters which were not specifically alleged to
26 be causes for accusation in this proceeding.

1 7. Respondent understands that by agreeing to this Stipulation, Respondent
2 agrees to pay, pursuant to Section 10148 of the California Business and Professions Code (herein
3 "Code"), the cost of the audit which resulted in the determination that Respondent committed the
4 violations found in the "Determination of Issues" below. The amount of said cost is \$3,249.00.

5 8. Respondent understands that by agreeing to this Stipulation, the findings
6 set forth below in the "Determination of Issues" become final, and that the Commissioner may
7 charge Respondent for the cost of any audit conducted pursuant to Section 10148 of the Code to
8 determine if the trust fund violations found in the "Determination of Issues," below, have been
9 corrected. The maximum cost of said audit shall not exceed \$3,249.00.

10 9. Respondent further understands that by agreeing to this Stipulation,
11 Respondent agrees to pay, jointly and severally, pursuant to Section 10106(a) of the Code,
12 investigative and enforcement costs of \$1,310.90 which led to this disciplinary action.

13 DETERMINATION OF ISSUES

14 The acts and/or omissions of Respondent as described in the Accusation are
15 grounds for the suspension or revocation of the license and license rights of Respondent under
16 the following provisions of the Code and/or Chapter 6, Title 10, of the California Code of
17 Regulations (herein "Regulations"):

18 (a) as to Paragraph 6(a) under Section 10145 of the Code and Section 2832 of
19 the Regulations in conjunction with Section 10177(d) of the Code;

20 (b) as to Paragraph 6(b) under Section 2831 of the Regulations in conjunction
21 with Section 10177(d) of the Code;

22 (c) as to Paragraph 6(c) under Section 10176(e) of the Code; and

23 (d) as to Paragraph 6(d) under Section 2731 of the Regulations in conjunction
24 with Section 10177(d) of the Code.

25 ORDER

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

3 (a) The thirty (30) day suspension shall be stayed for two (2) years upon the
4 following terms and conditions:

5 (i) Respondent shall obey all laws, rules and regulations
6 governing the rights, duties and responsibilities of a real
7 estate licensee in the State of California; and,

8 (ii) That no final subsequent determination be made, after
9 hearing or upon stipulation, that cause for disciplinary
10 action occurred within two (2) years from the
11 effective date of this Order. Should such a
12 determination be made, the Commissioner may, in his
13 discretion, vacate and set aside the stay order and
14 reimpose all or a portion of the stayed suspension.
15 Should no such determination be made, the stay
16 imposed herein shall become permanent.

17 2. All licenses and licensing rights of Respondent are indefinitely suspended
18 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and
19 successfully completed the continuing education course on trust fund accounting and handling
20 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
21 Code. Proof of satisfaction of these requirements includes evidence that Respondent has
22 successfully completed the trust fund account and handling continuing education course, no
23 earlier than 120 days prior to the effective date of the Order in this matter. Proof of completion
24 of the trust fund accounting and handling course must be delivered to the Bureau of Real Estate,
25 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior
26 to the effective date of this Order.

1
2 3. Respondent understands that by agreeing to this Stipulation Respondent
3 agrees to pay, pursuant to Section 10148 of the Code, the cost of the audit which resulted in the
4 determination that Respondent committed the trust fund violations found in the Determination of
5 Issues, above. The amount of said cost is \$3,249.00. Respondent shall pay such cost within
6 sixty (60) days of receiving an invoice therefore from the Commissioner. If Respondent fails to
7 pay such cost within the sixty (60) days, Respondent's real estate license shall automatically be
8 suspended until Respondent's payment is made in full. Upon payment in full, the indefinite
9 suspension provided for in this paragraph shall be stayed.

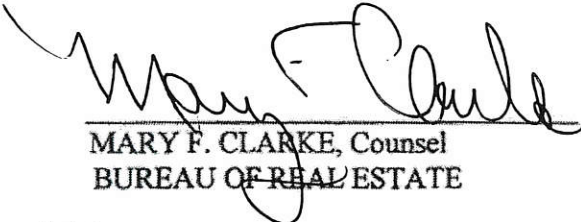
10 4. Respondent shall pay, the Commissioner's costs, not to exceed \$3,249.00,
11 of any audit conducted pursuant to Section 10148 of the Code to determine if Respondent has
12 corrected the violations described in the Determination of Issues, above. In calculating the
13 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
14 hourly salary for all persons performing audits of real estate brokers, and shall include an
15 allocation for travel time to and from the auditor's place of work. Respondent shall pay such
16 cost within sixty (60) days of receiving an invoice therefore from the Commissioner detailing
17 the activities performed during the audit and the amount of time spent performing those
18 activities. If Respondent fails to pay such cost within the sixty (60) days, Respondent's real estate
19 license shall automatically be suspended until Respondent's payment is made in full. Upon
20 payment in full, the indefinite suspension provided for in this paragraph shall be stayed.

21 5. All licenses and licensing rights of Respondent are indefinitely suspended
22 unless or until Respondent pays the sum of \$1,310.90 for the Commissioner's reasonable cost of
23 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
24 the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
25 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
26 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

1 6. Respondent shall, within six (6) months from the effective date of this
2 Order, take and pass the Professional Responsibility Examination administered by the Bureau,
3 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
4 Condition Respondent's real estate license shall automatically be suspended until Respondent
5 passes the examination.

6
7 7-28-15

8 DATED

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10 
11 MARY F. CLARKE, Counsel
12 BUREAU OF REAL ESTATE

13 * * *

14 I have read the Stipulation and Agreement in Settlement and Order and its terms
15 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
16 rights given to us by the California APA (including but not limited to Sections 11506, 11508,
17 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive
18 those rights, including the right of requiring the Commissioner to prove the allegations in the
19 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
20 and to present evidence in defense and mitigation of the charges.

21 7/23/15

22 DATED

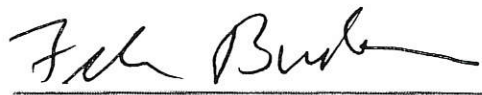
23 
24 ALEXIS DEMETRIS PAPAADJOPOULOS
25 Respondent

26 * * *

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

28 7-23-15

29 DATED

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31 FRANK M. BUDA
32 Attorney for Respondent

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1 The foregoing Stipulation and Agreement in Settlement and Order is hereby
2 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

3 SEP 8 2015

4 IT IS SO ORDERED August 13, 2015

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7 REAL ESTATE COMMISSIONER

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9 
10 By: JEFFREY MASON
11 Chief Deputy Commissioner