

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

FILED
JAN 07 2015
BUREAU OF REAL ESTATE
By *L. J. [Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) Case No. H-11882 SF
12)
13 EAH, INC., and) STIPULATION AND AGREEMENT
14 LAURA HELENA HALL) IN SETTLEMENT AND ORDER
15 Respondents.)

16 It is hereby stipulated by and between Respondents EAH, INC. ("EAH") and
17 LAURA HELENA HALL ("HALL"), both of whom are acting by and through counsel Frank
18 M. Buda, and the Complainant, acting by and through Jason D. Lazark, Counsel for the Bureau
19 of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on
20 August 17, 2015, in this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondents EAH and HALL (collectively referred to herein as
23 "Respondents") at a formal hearing on the Accusation, which hearing was to be held in
24 accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and
25 in place thereof be submitted solely on the basis of the provisions of this Stipulation and
26 Agreement In Settlement and Order ("Stipulation and Agreement").

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

4 3. On August 28, 2015 and again on and September 22, 2015, Respondents
5 collectively filed Notices of Defense pursuant to Section 11505 of the Government Code for
6 the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby
7 freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they
8 understand that by withdrawing said Notices of Defense they will thereby waive their rights to
9 require the Commissioner to prove the allegations in the Accusation at a contested hearing held
10 in accordance with the provisions of the APA and that they will waive other rights afforded to
11 them in connection with the hearing such as the right to present evidence in defense of the
12 allegations in the Accusation and the right to cross-examine witnesses.

13 4. Respondents, pursuant to the limitations set forth below, hereby admit that
14 the factual allegations as set forth in the Accusation filed in this proceeding are true and correct
15 and the Commissioner shall not be required to provide further evidence of such allegations.

16 5. It is understood by the parties that the Real Estate Commissioner may adopt
17 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalties
18 and sanctions on Respondents' real estate licenses and license rights as set forth in the below
19 Order. In the event that the Commissioner in his discretion does not adopt the Stipulation and
20 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing
21 and proceeding on the Accusation under all the provisions of the APA and shall not be bound
22 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
25 any further administrative or civil proceedings by the Bureau 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. Respondents understand that by agreeing to this Stipulation and Agreement,
2 Respondents agree to jointly and severally pay, pursuant to Section 10148 of the California
3 Business and Professions Code ("the Code"), for the costs of Bureau of Real Estate ("Bureau")
4 Audit No. OK-13-0063 which resulted in the determination that Respondents committed the
5 audit violations found in the Determination of Issues. The amount of such costs is \$5,073.00.

6 8. Respondents further understand that by agreeing to this Stipulation and
7 Agreement, the findings set forth below in the Determination of Issues become final, and that the
8 Commissioner may charge Respondents, jointly and severally, for the costs of any audit
9 conducted pursuant to Section 10148 of the Code to determine if the violations have been
10 corrected and hold Respondents jointly and severally responsible for paying the costs of the
11 follow up audit to Bureau Audit No. OK-13-0063. The maximum costs of said audit shall not
12 exceed \$5,073.00.

13 9. Respondents understand that by agreeing to this Stipulation and Agreement,
14 Respondents agree to be responsible for jointly and severally paying, pursuant to Section 10106
15 of the Code, the costs of the investigation and enforcement of this case which resulted in the
16 determination that Respondents committed the violations found in the Determination of Issues.
17 The amount of such costs is \$1,198.00.

18 DETERMINATION OF ISSUES

19 By reason of the foregoing stipulations, admissions and waivers, and solely for
20 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
21 that the following determination of issues shall be made:

22 I. AS TO EAH

23 The acts and omissions of EAH, as described in the Accusation, are grounds for
24 the suspension or revocation of the licenses and license rights of EAH as follows:

25 First Cause of Action: Pursuant to Section 10130 and 10177(d) of the Code.

26 Second Cause of Action: Pursuant to Section 10177(d) of the Code, in
27 conjunction Section 10145 of the Code and Sections 2731, 2832 and 2834 of Title 10 of the

1 California Code of Regulations (“the Regulations”).

2 Third Cause of Action: Pursuant to Section 10177(g) of the Code.

3 II. AS TO HALL

4 The acts and omissions of HALL, as described in the Accusation, are grounds for
5 the suspension or revocation of the licenses and license rights of HALL as follows:

6 First Cause of Action: Pursuant to Section 10130 and 10177(d) of the Code.

7 Second Cause of Action: Pursuant to Section 10177(d) of the Code, in
8 conjunction Section 10145 of the Code and Sections 2731, 2832 and 2834 of the Regulations.

9 Third Cause of Action: Pursuant to Section 10177(g) of the Code.

10 Fourth Cause of Action: Pursuant to Section 10177(d) and 10177(h) of the Code.

11 ORDER

12 I. AS TO EAH

13 All licenses and licensing rights of EAH under the Real Estate Law are suspended
14 for a period of fifteen (15) days from the effective date of this Order; provided, however, that:

15 1. Fifteen (15) days of said suspension shall be stayed upon the condition that
16 EAH petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to
17 Section 10175.2 of the Code, at a rate of \$100 for each day of the suspension, for a total
18 monetary penalty of \$1,500.00.

19 a. Said payment shall be in the form of a cashier’s check made payable to
20 the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag
21 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
22 Order.

23 b. No further cause for disciplinary action against the real estate license
24 of EAH occurs within two (2) years from the effective date of the Order in this matter.

25 c. If EAH fails to pay the monetary penalty in accordance with the terms
26 and conditions of the Decision, the Commissioner may, without a hearing, order the immediate
27 execution of all or any part of the stayed suspension, in which event, EAH shall not be entitled to

1 any repayment nor credit, prorated or otherwise, for money paid to the Bureau under the terms of
2 this decision.

3 d. If EAH pays the monetary penalty, and if no further cause for
4 disciplinary action against the real estate license of EAH occurs within two (2) years from the
5 effective date of the Decision herein, then the stay hereby granted shall become permanent.

6 II. AS TO HALL

7 All licenses and licensing rights of HALL under the Real Estate Law are
8 suspended for a period of fifteen (15) days from the effective date of this Order; provided,
9 however, that:

10 1. Fifteen (15) days of said suspension shall be stayed upon the condition that
11 HALL petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant
12 to Section 10175.2 of the Code, at a rate of \$100 for each day of the suspension, for a total
13 monetary penalty of \$1,500.00.

14 a. Said payment shall be in the form of a cashier's check made payable to
15 the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag
16 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
17 Order.

18 b. No further cause for disciplinary action against the real estate license
19 of HALL occurs within two (2) years from the effective date of the Order in this matter.

20 c. If HALL fails to pay the monetary penalty in accordance with the
21 terms and conditions of the Decision, the Commissioner may, without a hearing, order the
22 immediate execution of all or any part of the stayed suspension, in which event, HALL shall not
23 be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau
24 under the terms of this decision.

25 d. If HALL pays the monetary penalty, and if no further cause for
26 disciplinary action against the real estate license of HALL occurs within two (2) years from the
27 effective date of the Decision herein, then the stay hereby granted shall become permanent.

1 IV. AS TO BOTH EAH and HALL

2 1. All licenses and licensing rights of EAH and HALL are indefinitely

3 suspended unless or until EAH and HALL, jointly and severally, pay the sum of \$1,198.00 for
4 the Commissioner's reasonable costs of the investigation and enforcement which led to this
5 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
6 made payable to the Bureau of Real Estate. The investigative and enforcement costs must be
7 delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
8 95813-7013, prior to the effective date of this Order.

9 2. Pursuant to Section 10148 of the Code, EAH and HALL shall jointly and

10 severally pay the sum of \$5,073.00 for the Commissioner's cost of Bureau Audit No. OK-13-
11 0063 which led to this disciplinary action. EAH and HALL shall jointly and severally pay
12 such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
13 Payment of these audit costs should not be made until EAH and HALL receive the invoice
14 from the Commissioner. If EAH and HALL fail to satisfy this condition in a timely manner as
15 provided herein, the real estate licenses of EAH and HALL shall automatically be suspended
16 until payment is made in full, or until a decision providing otherwise is adopted following a
17 hearing held pursuant to this condition.

18 3. Pursuant to Section 10148 of the Code, EAH and HALL shall jointly and

19 severally pay the Commissioner's reasonable costs, not to exceed \$5,073.00, for the follow-up
20 audit to Bureau Audit No. OK-13-0063, to determine if EAH and HALL have corrected the
21 violations found in the Determination of Issues. In calculating the amount of the
22 Commissioner's reasonable costs, the Commissioner may use the average hourly salary for all
23 persons performing audits of real estate brokers, and shall include an allocation for travel time
24 to and from the auditor's place of work. EAH and HALL shall jointly and severally pay such
25 costs within sixty (60) days of receiving an invoice therefore from the Commissioner.
26 Payment of the audit costs should not be made until EAH and HALL receive the invoice from
27 the Commissioner. If EAH and HALL fail to satisfy this condition in a timely manner as

1 provided for herein, the real estate licenses of EAH and HALL shall automatically be
2 suspended until payment is made in full, or until a decision providing otherwise is adopted
3 following a hearing held pursuant to this condition.

4
5 12-2-2015

DATED

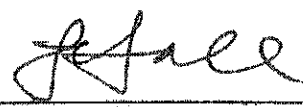

6 JASON D. LAZARK, Counsel
Bureau of Real Estate

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8 * * *

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

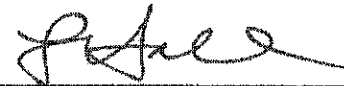
17 11.25.15

DATED


18 LAURA HELENA HALL,
Respondent

19
20 11.25.15

DATED


21 LAURA HELENA HALL,
22 Designated Officer for Respondent
23 EAH, INC.
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I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

11-30-2015

DATED



FRANK M. BUDA,
Attorney for Respondents,
LAURA HELENA HALL,
and EAH, INC.

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on **JAN 27 2016**

IT IS SO ORDERED JANUARY 6, 2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner