

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

APR 20 2016

BUREAU OF REAL ESTATE
By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation of:)
11) Case No. H-11895 SF
12 GOLDEN KEY REALTY & MORTGAGE)
13 BANKERS, INC. and) STIPULATION AND AGREEMENT
14 SAMUEL GBOVADEH GBILIA,) IN SETTLEMENT AND ORDER
15 Respondents.)

16 It is hereby stipulated by and between Respondents GOLDEN KEY REALTY &
17 MORTGAGE BANKERS, INC. ("GOLDEN KEY") and SAMUEL GBOVADEH GBILIA
18 ("GBILIA") (collectively "Respondents") acting by and through Frank M. Buda, Esq., Counsel
19 for GOLDEN KEY and GBILIA, and the Complainant, acting by and through Jason D. Lazark,
20 Esq., Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling
21 and disposing of the Accusation filed on October 6, 2015, in this matter:

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

4 3. Respondents 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 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
7 acknowledge and understand that by withdrawing said Notice of Defense, Respondents will
8 thereby waive Respondents' right to require the Real Estate Commissioner ("Commissioner") to
9 prove the allegations in the Accusation at a contested hearing held in accordance with the
10 provisions of the APA and that Respondents will waive other rights afforded to Respondents 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. Respondents, pursuant to the limitations set forth below, hereby admit that
14 the factual allegations or findings of fact as set forth in the Accusation filed in this proceeding
15 are true and correct and the Commissioner shall not be required to provide further evidence of
16 such allegations.

17 5. This Stipulation and Respondents' decision not to contest the Accusation
18 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly
19 limited to this proceeding and any other proceeding or case in which the Bureau, the state or
20 federal government, an agency of this state, or an agency of another state is involved.

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

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

5 8. Respondent GBILIA understands that by agreeing to this Stipulation,
6 Respondent GBILIA agrees to pay, pursuant to Section 10106 of the Code, the costs of the
7 investigation and enforcement of this case which resulted in the determination that Respondents
8 committed the violation(s) found in the Determination of Issues. The amount of such cost is
9 \$1,831.00 and shall be paid by Respondent GBILIA pursuant to the conditions set forth below in
10 paragraph 6 of the Decision and Order.

11 9. In lieu of proceeding in this matter in accordance with the provisions of
12 the APA, Respondent GOLDEN KEY wishes to voluntarily surrender its corporate real estate
13 broker license issued by the Bureau, pursuant to Code Section 10100.2. Respondent GBILIA is
14 an officer of Respondent GOLDEN KEY, and is authorized to sign this declaration on behalf of
15 Respondent GOLDEN KEY. Respondent GBILIA is represented by attorney Frank M. Buda,
16 Esq., and is acting on behalf of Respondents GBILIA and GOLDEN KEY.

17 10. Respondent GBILIA understands that by so voluntarily surrendering
18 Respondent GOLDEN KEY's license, Respondent GOLDEN KEY may be re-licensed as a
19 broker corporation only by petitioning for reinstatement pursuant to Section 11522 of the
20 Government Code. Respondent GBILIA also understands that by so voluntarily surrendering
21 Respondent GOLDEN KEY's license, Respondent GBILIA agrees to the following:

22 a. The filing of this Stipulation shall be deemed as Respondent
23 GOLDEN KEY's declaration and petition for voluntary surrender.

24 b. It shall also be deemed to be an understanding and agreement by
25 Respondent GOLDEN KEY that it waives all rights Respondent GOLDEN KEY has to require
26 the Commissioner to prove the allegations contained in the Accusation filed in this matter at a
27 hearing held in accordance with the provisions of the APA, and that Respondent GOLDEN

1 KEY also waives other rights afforded to Respondent GOLDEN KEY in connection with the
2 hearing such as the right to discovery, the right to present evidence in defense of the allegations
3 in the Accusation and the right to cross-examine witnesses.

4 11. Respondent GBILIA on behalf of Respondent GOLDEN KEY further
5 agrees that upon acceptance by the Commissioner, as evidenced by an appropriate order, all
6 affidavits and all relevant evidence obtained by the Bureau in this matter prior to the
7 Commissioner's acceptance, and all allegations contained in the Accusation filed in the Bureau
8 Case No. H-11895 SF, may be considered by the Bureau to be true and correct for the purpose
9 of deciding whether to grant re-licensure or reinstatement to Respondent GOLDEN KEY
10 pursuant to Government Code Section 11522.

11 12. Respondent GBILIA on behalf of Respondent GOLDEN KEY freely and
12 voluntarily surrenders all of Respondent GOLDEN KEY's licenses and license rights under the
13 Real Estate Law.

14 DETERMINATION OF ISSUES

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

18 The acts and omissions of Respondent GBILIA as described in the Accusation
19 are grounds for the suspension or revocation of the licenses and license rights of Respondent
20 GBILIA under the provisions of sections 10159.2, 10177(a), 10177(d), 10177(g) and 10177(h)
21 of the Code,

22 The acts and omissions of Respondent GOLDEN KEY as described in the
23 Accusation are grounds for the suspension or revocation of the licenses and license rights of
24 Respondent GOLDEN KEY under the provisions of sections 10177(d) and 10177(g) of the
25 Code, and section 2742(c) of title 10 of the California Code of Regulations.

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1 DECISION AND ORDER

2 I.
3 AS TO RESPONDENT GBILIA

4 A. All licenses and licensing rights of Respondent GBILIA under the Real
5 Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued
6 to Respondent pursuant to Section 10156.5 of the Code if Respondent GBILIA makes
7 application therefor and pays to the Bureau the appropriate fee for the restricted license within
8 90 days from the effective date of this Decision and Order. The restricted license issued to
9 Respondent GBILIA shall be subject to all of the provisions of Section 10156.7 of the Code ad
10 to the following limitations, conditions and restrictions imposed under authority of Section
11 10156.6 of that Code:

12 1. The restricted license issued to Respondent GBILIA shall be suspended
13 prior to hearing by Order of the Commissioner in the event of Respondent GBILIA's conviction
14 or plea of nolo contendere to a crime which is substantially related to Respondent GBILIA's
15 fitness or capacity as a real estate licensee.

16 2. The restricted license issued to Respondent GBILIA shall be suspended
17 prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
18 Respondent GBILIA has violated provisions of the California Real Estate Law, the Subdivided
19 Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to the
20 restricted license.

21 3. Respondent GBILIA shall not be eligible to apply for the issuance of an
22 unrestricted real estate license or for the removal of any of the conditions, limitations, or
23 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
24 Decision and Order. Respondent GBILIA shall not be eligible to apply for any unrestricted
25 license until all restrictions attaching to the license have been removed.

26 4. Respondent GBILIA shall, within nine (9) months from the effective date of
27 this Decision and Order, present evidence satisfactory to the Commissioner that Respondent

1 GBILIA has, since the most recent issuance of an original or renewal real estate license, taken
2 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
3 the Real Estate Law for renewal of a real estate license. If Respondent GBILIA fails to satisfy
4 this condition, Respondent GBILIA's real estate license shall automatically be suspended until
5 Respondent GBILIA presents evidence satisfactory to the Commissioner of having taken and
6 successfully completed the continuing education requirements. Proof of completion of the
7 continuing education courses must be delivered to the Bureau of Real Estate, Flag Section at
8 P.O. Box 137013, Sacramento, CA 95813-7013.

9 6. Pursuant to Section 10106 of the Code, Respondent GBILIA shall pay the
10 sum of \$1,830.00 for the Commissioner's costs of the investigation and enforcement in Bureau
11 Case No. H-11895 SF. Respondent GBILIA shall pay such investigation and enforcement
12 costs in six consecutive monthly payments of \$305.00. The first payment of \$305.00 shall be
13 due prior to the effective date of the Decision and Order. The remaining monthly payments
14 shall be due on the 30th day of each successive month thereafter until the balance of \$1,830.00
15 is paid in full. Each and every monthly payments of \$305.00 shall be in the form of a cashier's
16 check made payable to the Bureau of Real Estate and must be delivered to the Bureau of Real
17 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. If Respondent
18 GBILIA fails to satisfy this condition according to the terms provided herein, Respondent
19 GBILIA's real estate license shall automatically be suspended until the unpaid portion of
20 investigation and enforcement costs are paid in full or until a decision providing otherwise is
21 adopted following a hearing held pursuant to this condition.

22 7. Respondent GBILIA shall, within six (6) months from the effective
23 date of this Decision and Order, take and pass the Professional Responsibility Examination
24 administered by the Bureau including the payment of the appropriate examination fee. If
25 Respondent GBILIA fails to satisfy this condition, Respondent GBILIA's real estate license
26 shall automatically be suspended until Respondent GBILIA passes the examination.

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II.

AS TO RESPONDENT GOLDEN KEY

Respondent GOLDEN KEY's petition for voluntary surrender of its corporate real estate

broker license and license rights is accepted as of the effective date of this Decision Order as set forth below, based upon the understanding and agreement expressed in Respondent GBILIA's Declaration incorporated herein as part of this Stipulation.

2/24/16
DATED

Jason Lazark
JASON D. LAZARK, Counsel
BUREAU OF REAL ESTATE

I have read the Stipulation and Agreement, discussed it with my legal 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 (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. Respondents 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 Respondents, to the Bureau at fax number 916 263-7460. Respondents agree, acknowledge and understand that by electronically sending to the Bureau a fax copy of Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had received the original signed Stipulation and Agreement.

February 24, 2016
DATED

GBILIA
SAMUEL GBOVADEH GBILIA,
Respondent

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February 24, 2016
DATED

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SAMUEL GBOVADEH GBILIA,
as an officer of Respondent
GOLDEN KEY REALTY &
MORTGAGE BANKERS, INC.

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

2-24-2016
DATED

Frank M. Buda
FRANK M. BUDA,
Attorney for Respondents SAMUEL
GBOVADEH GBILIA, and
GOLDEN KEY REALTY &
MORTGAGE BANKERS, INC.

The foregoing Stipulation is hereby adopted by me as my Decision and Order in
this matter as to Respondents GBOVADEH GBILIA and GOLDEN KEY REALTY &
MORTGAGE BANKERS, INC. and shall become effective at 12 o'clock noon on
MAY 11 2016

IT IS SO ORDERED April 16, 2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner