



1 Bureau of Real Estate  
2 P.O. Box 137007  
3 Sacramento, CA 95818-7007  
4  
5 Telephone: (916) 263-8672

**FILED**

JAN 08 2013

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of

12 FERDINAND MANGABAT PIANO and  
13 G2 PROPERTIES,

14 Respondents.

No. H-12118 SF

STIPULATION AND AGREEMENT  
IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between FERDINAND MANGABAT PIANO  
17 (PIANO), G2 PROPERTIES (G2P), collectively Respondents, represented by Brian M.  
18 Sanders, and the Complainant, acting by and through Megan Lee Olsen, Counsel for the  
19 Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing of the  
20 Accusation filed on July 17, 2017, 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 at a formal hearing on the Accusation, which  
23 hearing was to be held in accordance with the provisions of the Administrative Procedure  
24 Act (APA), shall instead and in place thereof be submitted solely on the basis of the  
25 provisions of this Stipulation and Agreement In Settlement and Order (Order).

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1                   2.     Respondents have 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.     On or about July 27, 2017, Respondents filed a Notice of Defense  
5 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing  
6 on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw  
7 said Notice of Defense. Respondents acknowledges that Respondents will thereby waive  
8 Respondents' right to require the Real Estate Commissioner (Commissioner) to prove the  
9 allegations in the Accusation at a contested hearing held in accordance with the provisions of  
10 the APA and that Respondents will waive other rights afforded to Respondents in connection  
11 with the hearing such as the right to present evidence in defense of the allegations in the  
12 Accusation and the right to cross-examine witnesses.

13                  4.     This Order is based on the factual allegations contained in the  
14 Accusation. Respondents, pursuant to the limitations set forth below, hereby admit that the  
15 factual allegations in the Accusation filed in this proceeding are true and correct and the  
16 Commissioner shall not be required to provide further evidence to prove such allegations.

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

24                  6.     This Decision and Order or any subsequent Order of the Commissioner  
25 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or  
26 bar to any further administrative or civil proceedings by the Bureau with respect to any  
27 matters which were not specifically alleged in Accusation No. H-12118 SF.

1                   7. Respondents understand that by agreeing to this Order, Respondents  
2 agree to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the  
3 cost of the investigation and enforcement which resulted in the determination that  
4 Respondents committed the violations found in the Determination of Issues. The amount of  
5 said costs is \$4,052.25.

6                                   DETERMINATION OF ISSUES

7                                   FERDINAND MANGABAT PIANO and G2 PROPERTIES

8                   By reason of the foregoing stipulations, admissions and waivers, and solely for  
9 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
10 that the acts and/or omissions of Respondents, as described in the Accusation, constitute grounds  
11 for the suspension or revocation of the licenses and license rights of Respondents under the  
12 provisions of Sections 10176 (a), (b), and (i), 10177(d), 10177 (g) and (j) of the Code.

13                                   FERDINAND MANGABAT PIANO

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 agreed  
16 that the acts and/or omissions of Respondent PIANO, as described in the Accusation, constitute  
17 grounds for the suspension or revocation of the licenses and license rights of Respondent PIANO  
18 under the provisions of Sections 10177(d), 10177 (g) and 10177 (h) of the Code.

19                                   ORDER

20                                   FERDINAND MANGABAT PIANO

21                   All licenses and licensing rights of PIANO under the Real Estate Law are  
22 revoked; provided, however, a restricted real estate salesperson license shall be issued to  
23 PIANO pursuant to Section 10156.5 of the Code if PIANO makes application therefore and  
24 pays to the Bureau the appropriate fee for the restricted license within 90 days from the  
25 effective date of this Decision and Order. The restricted license issued to PIANO shall be  
26 subject to all of the provisions of Section 10156.7 of the Code and to the following  
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1 limitations, conditions and restrictions imposed under authority of Section 10156.6 of that  
2 Code:

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

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

12 3. PIANO shall not be eligible to apply for the issuance of any  
13 unrestricted licensed nor the removal of any of the conditions, limitations or restrictions of a  
14 restricted license until four (4) years have elapsed from the effective date of this Order.  
15 PIANO shall not be eligible to apply for any unrestricted licenses until all restrictions  
16 attaching to the license have been removed.

17 4. PIANO shall submit with any application for license under an  
18 employing broker, or any application for transfer to a new employing broker, a statement  
19 signed by the prospective employing real estate broker on a form approved by the Bureau  
20 which shall state:

21 (a) That the employing broker has read the Accusation which is the  
22 basis for the issuance of the restricted licensed; and

23 (b) That the broker will carefully review all transaction documents  
24 prepared by the restricted licensee and otherwise exercise close  
25 supervision over the restricted licensee's performance of acts for which  
26 a license is required.

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1                    5. PIANO shall, within nine (9) months from the effective date of this  
2 Order, present evidence satisfactory to the Commissioner that PIANO has, since the most  
3 recent issuance of an original or renewal real estate license, taken and successfully completed  
4 the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for  
5 renewal of a real estate license. If PIANO fails to satisfy this condition, PIANO's real estate  
6 license shall automatically be suspended until PIANO presents evidence satisfactory to the  
7 Commissioner of having taken and successfully completed the continuing education  
8 requirement.

9                    6. PIANO shall, within six (6) months from the effective date of this  
10 Order, take and pass the Professional Responsibility Examination administered by the  
11 Bureau including the payment of the appropriate examination fee. If PIANO fails to satisfy  
12 this condition, PIANO's real estate license shall automatically be suspended until PIANO  
13 passes the examination.

14                    7. PIANO shall notify the Commissioner in writing within 72 hours of any  
15 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post  
16 Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of  
17 PIANO's arrest, the crime for which PIANO was arrested and the name and address of the  
18 arresting law enforcement agency. PIANO's failure to timely file written notice shall  
19 constitute an independent violation of the terms of the restricted license and shall be grounds  
20 for the suspension or revocation of that license.

21                    8. PIANO shall not perform property management for or on behalf of G2P  
22 until four (4) years have elapsed from the effective date of this Order.

23                    9. PIANO shall not perform property management unless the following  
24 conditions are met:

25                    a) the property management is for or on behalf of a corporate real estate  
26 broker in which PIANO does not have any ownership interest or  
27 operates, and

1                    b) PLANO is under the supervision of a real estate broker.

2    This condition will remain in effect until four (4) years have elapsed from the effective date  
3    of this Order.

4                    G2 PROPERTIES

5                    All licenses and licensing rights of G2P, under the Real Estate Law are revoked;  
6    provided, however, a restricted corporate real estate broker license shall be issued to G2P,  
7    pursuant to Section 10156.5 of the Code, if G2P makes application therefore and pays to the  
8    Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the  
9    effective date of this Stipulation. The restricted license issued to G2P shall be subject to all of  
10   the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and  
11   restrictions imposed under authority of Section 10156.6 of the Code:

12                   10.    The restricted license issued to G2P may be suspended prior to hearing by  
13   Order of the Commissioner on evidence satisfactory to the Commissioner that G2P has violated  
14   provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the  
15   Commissioner or conditions attaching to the restricted license.

16                   11.    G2P shall not be eligible to apply for the issuance of any unrestricted real  
17   estate license nor the removal of any of the conditions, limitations, or restrictions of a restricted  
18   license until four (4) years have elapsed from the effective date of this Stipulation and Order.  
19   G2P shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to  
20   the license have been removed.

21                   FERDINAND MANGABAT PLANO and G2 PROPERTIES

22                   12.    All licenses and licensing rights of Respondents are indefinitely suspended  
23   unless or until Respondents, jointly and severally, pay the sum of \$4,052.25 for the  
24   Commissioner's reasonable cost of the investigation and enforcement which led to this  
25   disciplinary action. Said payment shall be in the form of a cashier's check made payable to the

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1 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to  
2 the effective date of this Stipulation.

3  
4 12/13/2017

5 DATED

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7 MEGAN LEE OLSEN, Counsel  
8 BUREAU OF REAL ESTATE

9 \* \* \*

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

17 Respondents may signify acceptance and approval of the terms and  
18 conditions of this Stipulation and Agreement by faxing a copy of the signature page, as  
19 actually signed by Respondents, to the Bureau at fax number (916) 263-3767. Respondents  
20 agree, acknowledge, and understand that by electronically sending to the Bureau a fax copy  
21 of Respondents' actual signature as it appears on the Stipulation and Agreement, that  
22 receipt of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau  
23 had received the original signed Stipulation and Agreement. Respondents shall mail the

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1 signed Stipulation and Agreement to the Commissioner at the Bureau of Real Estate, P.O.  
2 Box 137007, Sacramento, CA 95813-7000.

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4 12/12/17

5 DATED

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FERDINAND MANGABAT PIANO  
Respondent

12/12/17

DATED

G2 PROPERTIES  
Respondent  
By: FERDINAND MANGABAT PIANO  
Designated Officer

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

12/12/17

DATED

BRIAN M. SANDERS  
Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted by the Real Estate  
Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on  
JAN 29 2018

IT IS SO ORDERED

1/4/18

WAYNE S. BELL  
Real Estate Commissioner

Daniel J. Sandri

By: DANIEL J. SANDRI  
Chief Deputy Commissioner