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MAY 17 2022

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:

CHRISTIAN CHURCH HOMES OF NORTHERN
CALIFORNIA and RHIAL PATEL,
Respondents.

No. H-12354 SF

STIPULATION AND
AGREEMENT IN
SETTLEMENT AND ORDER

It is hereby stipulated by and between RHIAL PATEL (“PATEL”) and her attorney Edward O. Lear and Complainant, acting by and through Adriana Z. Badilas, Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on January 23, 2019, 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.

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

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

1 Professions Code ("Code") Sections 10145, 10159.2, 10177(d), 10177(g) and 10177(h), in
2 conjunction with the California Code of Regulations ("Regulations"), Title 10, Sections 2831,
3 2832, 2832.1 and 2725.

4 ORDER AS TO PATEL

5 All licenses and licensing rights of PATEL under the Real Estate Law are
6 suspended for a period of sixty (60) days from the effective date of this Order; provided,
7 however, that:

8 1. Thirty (30) days of said suspension shall be stayed upon the condition that
9 PATEL petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant
10 to Section 10175.2 of the Code, at a rate of \$50 for each day of the suspension, for a total
11 monetary penalty of \$1,500.

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

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

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

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

26 2. The thirty (30) days of said suspension shall also be stayed for two (2) years
27 upon the following terms and conditions:

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a. PATEL shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California, and

b. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Order. Should such a determination be made, the Commissioner may, in her discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

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

4. All licenses and licensing rights of PATEL are indefinitely suspended unless or until PATEL provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of satisfaction of these requirements includes evidence that PATEL has successfully completed the trust fund accounting and handling continuing education course, no earlier than one hundred twenty (120) days prior to the effective date of the Order in this matter. Proof of completion of the trust fund accounting and handling course must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8785, prior to the effective date of this Order.

415122

DATED



ADRIANA Z. BADILAS, Counsel
Department of Real Estate

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* * *

I have read the Stipulation and Agreement, have discussed it with my 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 APA (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 Department at fax number (916) 263-3767 or by e-mail to adriana.badilas@DRE.ca.gov. Respondents agree, acknowledge, and understand that by electronically sending to the Department a fax copy of Respondents' actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation and Agreement.

6/10/2020

DATED



RHIAL PATEL
Respondent

* * *

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

6/12/2020

DATED



EDWARD O. LEAR
Attorney for Respondent PATEL.

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The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on JUN 07 2022.

IT IS SO ORDERED 5.9.22.

DOUGLAS McCAULEY
REAL ESTATE COMMISSIONER

Douglas P. McCauley