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**FILED**

AUG 08 2023

DEPARTMENT OF REAL ESTATE  
By B. McDowell

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of:	)	NO. H-12610 SF
	)	
ANDREW KARL URBAN,	)	<u>STIPULATION AND AGREEMENT</u>
	)	<u>IN SETTLEMENT AND ORDER</u>
Respondent.	)	

It is hereby stipulated by and between ANDREW KARL URBAN ("Respondent"), acting by and through Jason J. Granskog, counsel for Respondent, and the Complainant, acting by and through Jason D. Lazark, Counsel for the Department of Real Estate (the "Department"), as follows for the purpose of settling and disposing of the Accusation filed on February 8, 2023, 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 In Settlement and Order ("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 of Real Estate in this proceeding.

1                   3. On or about February 22, 2023, Respondent filed a Notice of Defense  
2 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on  
3 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said  
4 Notice of Defense. Respondent acknowledges that Respondent will thereby waive Respondent's  
5 right to require the Real Estate Commissioner (the "Commissioner") to prove the allegations in  
6 the Accusation at a contested hearing held in accordance with the provisions of the APA and that  
7 Respondent will waive other rights afforded to Respondent in connection with the hearing such  
8 as the right to present evidence in defense of the allegations in the Accusation and the right to  
9 cross-examine witnesses.

10                   4. Respondent, pursuant to the limitations set forth below, hereby admits that  
11 the factual allegations in the Accusation filed in this proceeding are true and correct and the  
12 Commissioner shall not be required to provide further evidence to prove such allegations.

13                   5. This Stipulation and Agreement is made for the purpose of reaching an agreed  
14 disposition of this proceeding and is expressly limited to this proceeding and any other  
15 proceeding or case in which the Department, the state or federal government, any agency of this  
16 state, or an agency of another state is involved.

17                   6: 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 penalty  
19 and sanctions on Respondent's real estate license and license rights as set forth in the below  
20 Decision and 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 Respondent shall retain the right  
22 to a hearing and proceeding on the Accusation under all of the provisions of the APA and shall  
23 not be bound by any admission or waiver made herein.

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

6               8. Respondent further understands 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 said Respondent for the costs of the investigation and enforcement  
9 herein. The amount of said costs is \$5,254.75.

10                               DETERMINATION OF ISSUES

11               By reason of the foregoing stipulations, admissions and waivers, and solely for  
12 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
13 that the acts and omissions of Respondent, as described in the Accusation, are grounds for the  
14 suspension or revocation of the licenses and license rights of Respondent under the provisions of  
15 Sections 10177(d) and 10177(g) of the Business and Professions Code ("Code").

16                               DECISION AND ORDER

17               All licenses and licensing rights of Respondent under the Real Estate Law are  
18 suspended for a period of one hundred twenty (120) days from the effective date of this Decision  
19 and Order; provided, however, that:

20               1. Thirty (30) days of said suspension shall be stayed upon the condition that  
21 Respondent petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty  
22 pursuant to Section 10175.2 of the Code, at a rate of \$75 for each day of the suspension, for a  
23 total monetary penalty of \$2,250.00.

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

1                   b.       No further cause for disciplinary action against the real estate license  
2 of Respondent occurs within two (2) years from the effective date of the Decision and Order in  
3 this matter.

4                   c.       If Respondent fails to pay the monetary penalty in accordance with the  
5 terms and conditions of the Decision, the Commissioner may, without a hearing, order the  
6 immediate execution of all or any part of the stayed suspension, in which event, Respondent  
7 shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the  
8 Department under the terms of this Decision and Order.

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

13                   2. The remaining ninety (90) days of said suspension shall be stayed for two (2)  
14 years upon the following terms and conditions:

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


17                   b.       That no final subsequent determination be made, after hearing or  
18 upon stipulation, that cause for disciplinary action against Respondent occurred within two (2)  
19 years from the effective date of this Decision and Order. Should such a determination be made,  
20 the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or  
21 a portion of the stayed suspension. Should no such determination be made, the stay imposed  
22 herein shall become permanent.

23                   3. Respondent shall, within nine (9) months from the effective date of this  
24 Decision and Order, take and pass the Professional Responsibility Examination administered by  
25 the Department, including the payment of the appropriate examination fee. If Respondent  
26 fails to satisfy this condition, Respondent's real estate license shall automatically be suspended  
27 until Respondent passes the examination.

1                   4. All licenses and licensing rights of Respondent are indefinitely suspended  
2 unless or until Respondent pays the sum of \$5,254.75 representing the Commissioner's  
3 reasonable costs of the investigation and enforcement which led to this disciplinary action. Said  
4 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.  
5 Said check must be received by the Department prior to the effective date of the Decision and  
6 Order in this matter at the Department of Real Estate, Flag Section, Post Office Box 137013,  
7 Sacramento, CA 95813-7013.

8  
9                   5/23/2023

10                   DATED

11                     
12                   JASON D. LAZARK, Counsel  
13                   Department of Real Estate

14                   \* \* \*

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

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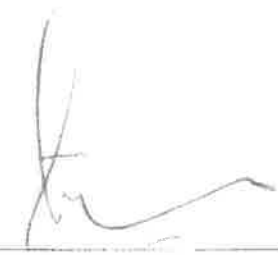
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5-23-23

DATED



ANDREW KARL URBAN  
Respondent

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

5-23-23

DATED



Jason L. Granskog,  
Attorney for Respondent,  
ANDREW KARL URBAN

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The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
this matter and shall become effective at 12 o'clock noon on **AUG 29 2023**

IT IS SO ORDERED

7.27.23

REAL ESTATE COMMISSIONER



DOUGLAS R. McCAULEY