

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

FILED
JAN 27 2006
DEPARTMENT OF REAL ESTATE

4 Telephone: (213) 576-6982

By K. Niederholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 RON SEAGONDOLLAR II,)
13)
14 Respondent.)

NO. H-30748 LA
L-2004040474

STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between RON
16 SEAGONDOLLAR II (sometimes referred to as Respondent) and his
17 attorney of record, Frank M. Buda, Esq., and the Complainant,
18 acting by and through Lissete Garcia, Counsel for the
19 Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on March 8,
21 2004, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and
24 Respondent at a formal hearing on the Accusation, which hearing
25 was to be held in accordance with the provisions of the
26 Administrative Procedure Act ("APA"), shall instead and in
27 place

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement ("Stipulation").

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation, filed by the Department of Real Estate in this
6 proceeding.

7 3. On April 13, 2004, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove
14 the allegations in the Accusation at a contested hearing held
15 in accordance with the provisions of the APA and that he will
16 waive other rights afforded to him in connection with the
17 hearing such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.
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21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation filed in this
23 proceeding. In the interest of expedience and economy,
24 Respondent chooses not to contest these factual allegations, but
25 to remain silent and understand that, as a result thereof, these
26 factual statements, will serve as a prima facie basis for the
27 disciplinary action stipulated to herein. The Real Estate

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

3 5. This Stipulation and Respondent's decision not to
4 contest the Accusation are made for the purpose of reaching an
5 agreed disposition of this proceeding and are expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate, or another licensing agency of this
8 state, another state or if the federal government is involved
9 and otherwise shall not be admissible in any other criminal or
10 civil proceedings.

11 6. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation as his decision
13 in this matter thereby imposing the penalty and sanctions on
14 Respondent's real estate license and license rights as set forth
15 in the below "Order". In the event that the Commissioner in his
16 discretion does not adopt the Stipulation, the Stipulation shall
17 be void and of no effect, and Respondent shall retain the right
18 to a hearing on the Accusation under all the provisions of the
19 APA and shall not be bound by any stipulation or waiver made
20 herein.
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1 7. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real
5 Estate with respect to any conduct which was not specifically
6 alleged to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers
9 and solely for the purpose of settlement of the pending
10 Accusation without a hearing, it is stipulated and agreed that
11 the following determination of issues shall be made:

12 The conduct, acts and/or omissions of Respondent
13 RON SEAGONDOLLAR II, as set forth in the Accusation, constitute
14 cause for the suspension or revocation of all the real estate
15 licenses and license rights of Respondent RON SEAGONDOLLAR II
16 under the provisions of Sections 498 and 10177(a) of the
17 Business and Professions Code ("Code").
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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent RON SEAGONDOLLAR II, under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Code if he makes application therefor and pays to the Department the appropriate fee for the restricted license within 90 days from the effective date of this Decision.

The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following conditions, limitations and restrictions imposed under the authority of Section 10156.6 of the Code:

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

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

3. Respondent shall not be eligible to apply for issuance of an unrestricted license nor for the removal of any

1 of the conditions, limitations or restrictions of a restricted
2 license until two (2) years have elapsed from the effective date
3 of this Decision.

4 4. Respondent shall submit with any application for
5 license under an employing broker, or any application for
6 transfer to a new employing broker, a statement signed by the
7 prospective employing real estate broker on a form approved by
8 the Department which shall certify:


9 (a) That the employing broker has read the
10 Decision of the Commissioner which granted the
11 right to a restricted license; and

12 (b) That the employing broker will exercise
13 close supervision over the performance by the
14 restricted licensee relating to activities for
15 which a real estate license is required.
16

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18 5. Respondent shall, within nine (9) months from
19 effective date of this Decision, present evidence satisfactory
20 to the Commissioner that Respondent has, since the most recent
21 issuance of an original or renewal real estate salesperson
22 license, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the Real
24 Estate Law for renewal of a real estate salesperson license. If
25 Respondent fails to satisfy this condition, the Commissioner may
26 order the suspension of the restricted license until Respondent
27 presents such evidence. The Commissioner shall afford

1 Respondent the opportunity for a hearing pursuant to the APA to
2 present such evidence.

3 DATED: 1/10/04

4 
5 LISSETE GARCIA
6 Counsel for the
7 Department of Real Estate

8 * * *

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

20 "Respondent can signify acceptance and approval of
21 the terms and conditions of this Stipulation and Agreement by
22 faxing a copy of the signature page, as actually signed by
23 Respondent, to the Department at the following telephone/fax
24 number: (213) 576-6917. Respondent agrees, acknowledges and
25 understands that by electronically sending to the Department a
26 fax copy of his actual signature as it appears on the
27 Stipulation and Agreement, that receipt of the faxed copy by

Jan 05 06 06:18p

P. 1

01/05/2006 15:08 818-999-9869
JAN 05 06 11:00 AM '06

FRANK BUDA ESQ.
FMA NU.

PAGE 09/09
P. US/US

1 the Department shall be as binding on Respondent as if the
2 Department had received the original signed Stipulation and
3 Agreement."

4 Further, if the Respondent is represented by counsel,
5 the Respondent's counsel can signify his agreement to the terms
6 and conditions of the Stipulation and Agreement by submitting
7 that signature *via fax.*

8 DATED: 1/5/06

Ron Seagood

RON SEAGOODOLLAN IT
Respondent

9
10 DATED: 1-5-06

Frank M. Buda

FRANK M. BUDA, ESQ.
Counsel for Respondent

Approved as to Form

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14 * * *
15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision and Order in this matter, and shall
17 become effective at 12 o'clock noon on _____

18 IT IS SO ORDERED _____

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1 the Department shall be as binding on Respondent as if the
2 Department had received the original signed Stipulation and
3 Agreement."

4 Further, if the Respondent is represented by counsel,
5 the Respondent's counsel can signify his agreement to the terms
6 and conditions of the Stipulation and Agreement by submitting
7 that signature via fax.

8 DATED: _____

9 _____
RON SEAGONDOLLAR II
Respondent

10 DATED: _____

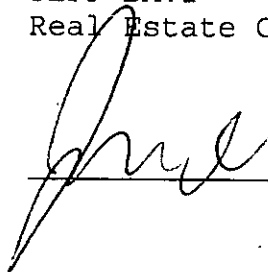
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FRANK M. BUDA, ESQ.
Counsel for Respondent
12 Approved as to Form

13 * * *

14 The foregoing Stipulation and Agreement is hereby
15 adopted as my Decision and Order in this matter, and shall
16 become effective at 12 o'clock noon on FEB 16 2006
17 _____

18 IT IS SO ORDERED 1-20-06

19 JEFF DAVI
20 Real Estate Commissioner

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MS

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
JAN 21 2005
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of ⁶

RON SEAGONDOLLAR, II,

By *K. Kederholt*

Case No. H-30748 LA

OAH No. L-2004040474

Respondent

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Ste. 630, Los Angeles, CA on March 29, 2005, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: JAN 21 2005

By *EL*
ELLIOTT MAC LENNAN, Counsel

cc: Ron Seagondollar II
Frank M. Buda, Esq.
Sacto/OAH/LF

Sacto Aug

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
AUG 30 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

By *K. Niederholz*

RON SEAGONDOLLAR II,

Case No. H-30748 LA

OAH No. L-2004040474

Respondent

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at 320 W. Fourth Street, Ste. 630, Los Angeles, CA on December 21, 2004, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in-person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

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DEPARTMENT OF REAL ESTATE

Dated: **AUG 30 2004**

By *EL*
ELLIOTT MAC LENNAN, Counsel

cc: Ron Seagondollar II
Sacto/OAH/LF

*Sacto
Jing*

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
MAY 12 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

RON SEAGONDOLLAR II

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Case No. ~~HY30748 LA~~

OAH No. L-2004040474

K. Nuberhoff

Respondent

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at 320 W. Fourth Street, Ste. 630, Los Angeles, CA on **June 15, 2004**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

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The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: MAY 12 2004

By *E. J. L.*
ELLIOTT MAC LENNAN, Counsel

cc: Ron Seagondollar II
Sacto/OAH/LF

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LICENSE HISTORY

2.

Respondent was originally licensed by the Department of Real Estate of the State of California as a real estate salesperson on August 21, 1999.

3.

In response to Question 3 of the Salesperson Renewal Application of August 21, 2003, to wit: "Within the past four year period have you been convicted of any violation of law? Convictions expunged under Penal Code Section 1203.4 must be disclosed. However, you may only omit minor traffic citations which do not constitute a misdemeanor or felony offense)". Respondent marked the box denoting "No." Respondent failed to disclose the conviction below.

4.

On November 5, 2001, in the Superior Court of California, County of Orange, Harbor Judicial District, State of California, in Docket No. NB01HM06403, respondent was convicted upon a guilty plea to one count of California Penal Code Section 314.1 (indecent exposure), a misdemeanor. This crime, by its facts and circumstances, is substantially related under Section 2910(a)(5), Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

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5.

Respondent's failure to reveal the criminal conviction in his Salesperson Renewal Application of August 21, 2003, constitutes the procurement by renewal of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in said application, which is cause for suspension or revocation of respondent's real estate salesperson license under Code Sections 498 and 10177(a).

6.

The alleged conviction constitutes cause for the suspension or revocation of the license and license rights of respondent under Code Sections 490 and 10177(b).

IN AGGRAVATION AND LACK OF REHABILITATION

7.

Respondent is required to register as a sex offender pursuant to Penal Code Section 290. Under the Criteria of Rehabilitation provided for by Title 10, Chapter 6, Section 2912(d) and (m) of the California Code of Regulations Respondent has not expunged the Penal Code Section 290 registration requirement nor has he demonstrated a change in attitude from that which existed at the time of the commission the crime and is therefore not rehabilitated. Respondent remains on formal probation until November 5, 2004.

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1 Pursuant to In Re Gossage (2000), 23 Cal. 4th1080; 99
2 Cal. Rptr. 2d 130; 5 P. 3d 186, respondent's failure to reveal
3 his complete criminal history consisting of a sexual offense as a
4 demonstrates that respondent has not rehabilitated himself and
5 further demonstrates a lack of respect for the legal system.
6

7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of this Accusation and that upon
9 proof thereof, a decision be rendered imposing disciplinary
10 action against the licenses and license rights of respondent RON
11 SEAGONDOLLAR II under the Real Estate Law (Part 1 of Division 4
12 of the Business and Professions Code) and for such other and
13 further relief as may be proper under other applicable provisions
14 of law.
15

16 Dated at Los Angeles, California

17 this *27th day of February 2004.*

18 
19 Deputy Real Estate Commissioner
20

21
22
23
24 cc: Ron Seagondollar II
25 Maria Suarez
26 Sacto.
27 LF