

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

4 (213) 576-6913

FILED
MAR 14 2006
DEPARTMENT OF REAL ESTATE

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8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 MARK EDWARD BLACK,)
13 Respondent.)

No. H-31949 LA
L-2005 080 433

STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between MARK EDWARD
16 BLACK (sometimes referred to as Respondent), and his attorney,
17 Frank M. Buda, and the Complainant, acting by and through James
18 R. Peel, Counsel for the Department of Real Estate, as follows
19 for the purpose of settling and disposing of the Accusation filed
20 on May 25, 2005, in this matter.

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

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

5 3. On June 2, 2005, Respondent filed a Notice of
6 Defense pursuant to Section 11506 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense he will
11 thereby waive his right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he will waive
14 other rights afforded to him in connection with the hearing such
15 as the right to present evidence in defense of the allegations
16 in the Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admits that the factual allegations in Paragraphs
19 II, III, IV and V of the Accusation filed in this proceeding are
20 true and correct and the Real Estate Commissioner shall not be
21 required to provide further evidence of such allegations.

22 5. It is understood by the parties that the Real
23 Estate Commissioner may adopt the Stipulation and Agreement as
24 his Decision in this matter, thereby imposing the penalty and
25 sanctions on Respondent's real estate license and license rights
26 as set forth in the below "Order". In the event that the
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1 Commissioner in his discretion does not adopt the Stipulation
2 and Agreement, it shall be void and of no effect, and Respondent
3 shall retain the right to a hearing and proceeding on the
4 Accusation under all the provisions of the APA and shall not be
5 bound by any stipulation or waiver made herein.

6 6. The Order or any subsequent Order of the Real
7 Estate Commissioner made pursuant to this Stipulation and
8 Agreement shall not constitute an estoppel, merger or bar to any
9 further administrative or civil proceedings by the Department of
10 Real Estate with respect to any matters which were not
11 specifically alleged to be causes for accusation in this
12 proceeding.

13 DETERMINATION OF ISSUES

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

18 The conduct of Respondent, as described in Paragraph 4
19 above, is grounds for the suspension or revocation of all of the
20 real estate licenses and license rights of Respondent under the
21 provisions of Section 490 of the Business and Professions Code.

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EDWARD BLACK under the Real Estate Law are revoked, provided,
however, a restricted real estate broker license shall be issued
to Respondent pursuant to Section 10156.5 of the Business and
Professions Code if Respondent makes application therefor and
pays to the Department of Real Estate 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 Business and Professions Code and to the following
limitations, conditions, and restrictions imposed under
authority of Section 10156.6 of that Code:

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1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions of
4 a restricted license until two years have elapsed from the
5 effective date of this Decision.

6 4. Respondent shall, within nine months from the
7 effective date of this Decision, present evidence satisfactory
8 to the Real Estate Commissioner that Respondent has, since the
9 most recent issuance of an original or renewal real estate
10 license, taken and successfully completed the continuing
11 education requirements of Article 2.5 of Chapter 3 of the Real
12 Estate Law for renewal of a real estate license. If Respondent
13 fails to satisfy this condition, the Commissioner may order the
14 suspension of the restricted license until the Respondent
15 presents such evidence. The Commissioner shall afford
16 Respondent the opportunity for a hearing pursuant to the
17 Administrative Procedure Act to present such evidence.

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19 DATED: Feb. 1, 2006

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22 James R. Peel
23 JAMES R. PEEL
 Counsel for Complainant

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* * *

I have read the Stipulation and Agreement, have discussed it with my attorney, 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.

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 the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

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Further, if the Respondent is represented in these proceedings, the Respondent's attorney can signify his agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: 2-1-06


MARK EDWARD BLACK
Respondent.

DATED: 2-1-06


FRANK M. BUDA
Respondent's Attorney

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

IT IS SO ORDERED _____

JRPP DAVI
Real Estate Commissioner

1 Further, if the Respondent is represented in these
2 proceedings, the Respondent's attorney can signify his agreement
3 to the terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.

5
6 DATED: _____

MARK EDWARD BLACK
Respondent

7
8 DATED: _____

FRANK M. BUDA
Respondent's Attorney

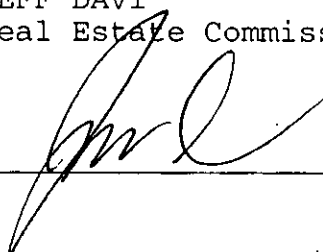
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14 The foregoing Stipulation and Agreement is hereby
15 adopted as my Decision in this matter and shall become effective
16 at 12 o'clock noon on April 3, 2006, 2006

17 IT IS SO ORDERED

2-21-06

18 JEFF DAVI
19 Real Estate Commissioner
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1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

FILED
MAY 25 2005

DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-31949 LA
12 MARK EDWARD BLACK,) A C C U S A T I O N
13 Respondent.)
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15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against MARK EDWARD BLACK alleges as follows:

18 I

19 The Complainant, Maria Suarez, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation in
21 her official capacity.

22 II

23 MARK EDWARD BLACK (hereinafter referred to as
24 "Respondent") is presently licensed and/or has license rights
25 under the Real Estate Law (Part 1 of Division 4 of the Business
26 and Professions Code, hereinafter referred to as the "Code").

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1 III

2 Respondent was licensed by the Department of Real
3 Estate of the State of California as a real estate broker
4 effective April 2, 1998.

5 IV

6 On or about October 27, 1999, in the Superior Court of
7 California, County of Orange, Respondent was convicted of
8 violating Vehicle Code Sections 23152(a) (Driving Under the
9 Influence of Alcohol/Drugs) and 23152(b) (Driving with Blood
10 Alcohol .08% or more).

11 V

12 On or about October 24, 2003, in the Superior Court of
13 California, County of Orange, Respondent was convicted of
14 violating Vehicle Code Section 23152(a) (Driving Under the
15 Influence of Alcohol/Drugs).

16 VI

17 The above-referenced matters bear a substantial
18 relationship to the qualifications, functions or duties of a real
19 estate licensee.

20 VII

21 Respondent's convictions alleged in Paragraphs IV and V
22 are cause under Code Section 490 for suspension or revocation of
23 all licenses and license rights of Respondent under the Real
24 Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent MARK
5 EDWARD BLACK under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.

8 Dated at Los Angeles, California

9 this 07th day of May, 2005.

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13 MARIA SUAREZ
14 Deputy Real Estate Commissioner
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20 cc: Mark Edward Black
21 Maria Suarez
22 Sacto.
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