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1 Department of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105
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JAN 13 2012

DEPARTMENT OF REAL ESTATE
BY: *Quynh Nguyen*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-37321 LA
	)	L-2011070293
	)	
EDDIE HAM CASARES,	)	<u>STIPULATION</u>
	)	<u>AND</u>
Respondent.	)	<u>AGREEMENT</u>

It is hereby stipulated by and between Respondent EDDIE HAM CASARES, and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on June 7, 2011, 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

1 submitted solely on the basis of the provisions of this
2 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. Respondent timely filed a Notice of Defense
8 pursuant to Section 11506 of the Government Code for the purpose
9 of requesting a hearing on the allegations in the Accusation.
10 Respondent hereby freely and voluntarily withdraws said Notice of
11 Defense. Respondent acknowledges that he understands that by
12 withdrawing said Notice of Defense he thereby waives the right to
13 require the Commissioner to prove the allegations in the
14 Accusation at a contested hearing held in accordance with the
15 provisions of the APA and that he will waive other rights
16 afforded to him in connection with the hearing such as the right
17 to present evidence in his defense of the allegations in the
18 Accusation and the right to cross-examine witnesses.
19

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation. In the interest of
22 expedience and economy, Respondent chooses not to contest these
23 allegations, but to remain silent and understand that, as a
24 result thereof, these factual allegations, without being admitted
25 or denied, will serve as a prima facie basis for the disciplinary
26 action stipulated to herein. The Real Estate Commissioner shall
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1 not be required to provide further evidence to prove said factual
2 allegations.

3 5. This Stipulation is made for the purpose of
4 reaching an agreed disposition of this proceeding and is
5 expressly limited to this proceeding and any other proceeding or
6 case in which the Department of Real Estate ("Department"), the
7 state or federal government, or any agency of this state, another
8 state or federal government is a party.

9 6. It is understood by the parties that the Real
10 Estate Commissioner may adopt this Stipulation as his Decision in
11 this matter thereby imposing the penalty and sanctions on
12 Respondent's real estate license and license rights as set forth
13 in the "Order" herein below. In the event that the Commissioner
14 in his discretion does not adopt the Stipulation, it shall be
15 void and of no effect and Respondent shall retain the right to a
16 hearing and proceeding on the Accusation under the provisions of
17 the APA and shall not be bound by any stipulation or waiver made
18 herein.
19

20 7. The Order or any subsequent Order of the Real
21 Estate Commissioner made pursuant to this Stipulation shall not
22 constitute an estoppel, merger or bar to any further
23 administrative or civil proceedings by the Department of Real
24 Estate with respect to any matters which were not specifically
25 alleged to be causes for Accusation in this proceeding but do
26 constitute a bar, estoppel and merger as to any allegations
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1 actually contained in the Accusation against Respondent herein.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing, it is stipulated and agreed
4 that the following determination of issues shall be made:

5 The conduct of EDDIE HAM CASARES as described in
6 Paragraph 4 above, is in violation of Business and Professions
7 Code ("Code") Section 10148 and Title 10, Chapter 6, California
8 Code of Regulations, Section 2950, and provides a basis for
9 discipline of Respondent's license and license rights as
10 violations of the Real Estate law pursuant to Code Sections
11 10177(d) and 10177(g).

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I.

15 All licenses and licensing rights of Respondent EDDIE
16 HAM CASARES under the Real Estate Law are suspended for a period
17 of ninety (90) days from the effective date of this Decision;
18 provided, however, that sixty (60) days of said suspension, shall
19 be stayed for two (2) years upon the following terms and
20 conditions:

21 A.

22 1. Respondent shall obey all laws, rules and
23 regulations governing the rights, duties and responsibilities of
24 a real estate licensee in the State of California; and

25 2. That no final subsequent determination be made,
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1 after hearing or upon stipulation that cause for disciplinary
2 action occurred within two (2) years of the effective date of
3 this Decision. Should such a determination be made, the
4 Commissioner may, in his discretion, vacate and set aside the
5 stay order and reimpose all or a portion of the stayed
6 suspension. Should no such determination be made, the stay
7 imposed herein shall become permanent.

8 B.

9 If Respondent petitions, an additional 30 days shall be
10 stayed upon condition that:

11 1. Respondent pays a monetary penalty pursuant to
12 Section 10175.2 of the Code at the rate of \$50 for each day of
13 the suspension for a total monetary penalty of \$1,500.

14 2. Said payment shall be in the form of a cashier's
15 check or certified check made payable to the Recovery Account of
16 the Real Estate Fund. Said check must be received by the
17 Department prior to the effective date of the Decision in this
18 matter.

19 3. No further cause for disciplinary action against
20 the real estate license of Respondent occurs within one year from
21 the effective date of the Decision in this matter.

22 4. If Respondent fails to pay the monetary penalty in
23 accordance with the terms and conditions of the Decision, the
24 Commissioner may, without a hearing, order the immediate
25 execution of all or any part of the stayed suspension in which
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1 event the Respondent shall not be entitled to any repayment nor
2 credit, prorated or otherwise, for money paid to the Department
3 under the terms of this Decision.

4 5. If Respondent pays the monetary penalty and if no
5 further cause for disciplinary action against the real estate
6 license of Respondent occurs within two years from the effective
7 date of the Decision, the stay hereby granted shall become
8 permanent.

9 II

10 Respondent EDDIE HAM CASARES shall within six (6)
11 months from the effective date of the Decision herein, take and
12 pass the Professional Responsibility Examination administered by
13 the Department including the payment of the appropriate
14 examination fee. If Respondent EDDIE HAM CASARES fails to
15 satisfy this condition, the Commissioner may order suspension of
16 Respondent EDDIE HAM CASARES's license until Respondent passes
17 the examination.

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20 DATED: 12/21/ 11

James A. Demus
JAMES A. DEMUS, Counsel for
the Department of Real Estate

21 * * *

22
23 EXECUTION OF THE STIPULATION

24 I have read the Stipulation and Agreement and its
25 terms are understood by me and are agreeable and acceptable to
26 me. I understand that I am waiving rights given to me by the
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1 California Administrative Procedure Act (including but not
2 limited to Sections 11506, 11508, 11509 and 11513 of the
3 Government Code), and I willingly, intelligently and voluntarily
4 waive those rights, including the right of requiring the
5 Commissioner to prove the allegations in the Accusation at a
6 hearing at which I would have the right to cross-examine
7 witnesses against me and to present evidence in defense and
8 mitigation of the charges.

9
10 Respondent can signify acceptance and approval of the
11 terms and conditions of this Stipulation and Agreement by faxing
12 a copy of the signature page, as actually signed by Respondent,
13 to the Department at fax number (213) 576-6917. Respondent
14 agrees, acknowledges and understands that by electronically
15 sending to the Department a fax copy of his actual signature as
16 it appears on the Stipulation and Agreement, that receipt of the
17 faxed copy by the Department shall be as binding on Respondent
18 as if the Department had received the original signed
19 Stipulation and Agreement.

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21 DATED: 12-10-11



EDDIE HAM CASARES Respondent

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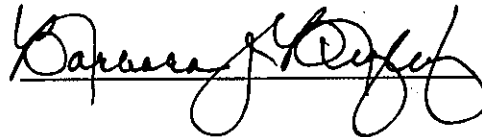
1 The foregoing Stipulation and Agreement is hereby
2
3 adopted as my Decision as to Respondent EDDIE HAM CASARES and
4 shall become effective at 12 o'clock noon on

5 FEB 02 2012

6 IT IS SO ORDERED

1/9/12

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8 BARBARA J. BIGBY
9 Acting Real Estate Commissioner

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FILED

JUN 07 2011

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE
BY: *James Demus*

(213) 576-6982
(213) 576-6910 (direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

EDDIE HAM CASARES,

Respondent.

No. H-37321 LA

A C C U S A T I O N

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against EDDIE HAM CASARES, alleges as follows:

I

The Complainant, Maria Suarez, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against EDDIE HAM CASARES.

II

EDDIE HAM CASARES ("Respondent") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code") as a real estate broker.

1 III

2 On December 13, 2010, Respondent was personally served
3 with a subpoena duces tecum alleging sufficient cause to require
4 Respondent to produce for inspection and copying the following
5 material connected with a 2009 real estate transaction to
6 purchase property located at 3254 Conejo Drive, San Bernardino,
7 CA, including, but not limited to:

8 Broker Escrow: 1) Trust fund records - bank accounts
9 used as a depository for real estate trust funds; 2) Professional
10 Serving Agreements; 3) Escrow Log; and 4) All complete escrow
11 files. Mortgage Loan Activity: Loan log and loan servicing log;
12 complete loan transaction files; bank statements/itemized records
13 of deposits; records of compensation to agent and a copy of loan
14 commission checks received from escrow. Real Estate Sales: Sales
15 log and complete sales transaction files; trust fund log; escrow
16 receipt for earned money deposit and copies of sales commission
17 checks.

18 In response to this subpoena duces tecum, Respondent
19 stated that he discarded the documentation regarding this
20 unaccepted offer.

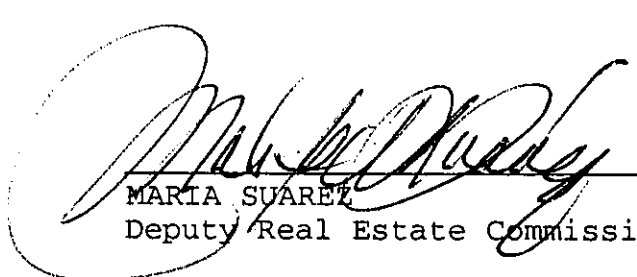
21 VI

22 The facts alleged above are grounds for the suspension
23 or revocation of Respondent's license under Section 10177(d)
24 and/or Section 10177(g) of the Code in conjunction with Section
25 10148 of the Code and Title 10, Chapter 6, California Code of
26 Regulations, Sections 2950(d) and (e).

27 ///

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
5 EDDIE HAM CASARES under the Real Estate Law (Part 1 of Division 4
6 of the Business and Professions Code) and for such other and
7 further relief as may be proper under other applicable provisions
8 of law.

9 Dated at Los Angeles, California
10 this 25th day of April, 2011.

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 MARIA SUAREZ
 Deputy Real Estate Commissioner

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25 cc: Eddie Ham Casares
26 Maria Suarez
27 Sacto.