

FILED

APR - 8 2013

Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-37437 LA

CONTINENTAL PROPERTY
MANAGEMENT; DINESH M MISTRY,
individually and as designated
officer of Continental Property
Management; and AMRIT G
BHANDARI,

STIPULATION

AND

AGREEMENT

Respondents.

It is hereby stipulated by and between Respondents
DINESH M MISTRY, individually and as designated officer of
Continental Property Management, and AMRIT G BHANDARI (sometimes
collectively referred to as "Respondents"), and their attorney of
record, Frank M. Buda of LAW OFFICES OF FRANK M. BUDA, and the
Complainant, acting by and through Amelia V. Vetrone, Counsel for
the Department of Real Estate, as follows for the purpose of
settling and disposing of the Accusation filed on August 9, 2011,
in this matter:

1. All issues which were to be contested and all

1 evidence which was to be presented by Complainant and Respondents
2 at a formal hearing on the Accusation, which hearing was to be
3 held in accordance with the provisions of the Administrative
4 Procedure Act ("APA"), shall instead and in place thereof be
5 submitted solely on the basis of the provisions of this
6 Stipulation and Agreement ("Stipulation").

7 2. Respondents have received, read and understand the
8 Statement to Respondent, the Discovery Provisions of the APA and
9 the Accusation filed by the Department of Real Estate in this
10 proceeding.

11 3. Respondents filed a Notice of Defense pursuant to
12 Section 11506 of the Government Code for the purpose of
13 requesting a hearing on the allegations in the Accusation.
14 Respondents hereby freely and voluntarily withdraw said Notice of
15 Defense. Respondents acknowledge that they understand that by
16 withdrawing said Notice of Defense they thereby waive their right
17 to require the Commissioner to prove the allegations in the
18 Accusation at a contested hearing held in accordance with the
19 provisions of the APA and that they will waive other rights
20 afforded to them in connection with the hearing such as the right
21 to present evidence in their defense the right to cross-examine
22 witnesses.

23 4. This Stipulation is based on the factual
24 allegations contained in the Accusation. In the interest of
25 expedience and economy Respondents choose not to contest these
26 allegations but to remain silent and understands that, as a
27 result thereof, these factual allegations, without being admitted

1 or denied, will serve as a prima facie basis for the disciplinary
2 action stipulated to herein. The Real Estate Commissioner shall
3 not be required to provide further evidence to prove said factual
4 allegations.

5 5. This Stipulation is made for the purpose of
6 reaching an agreed disposition of this proceeding and is
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Department of Real Estate ("Department"), or
9 another licensing agency of this state, another state, or the
10 federal government is involved, and otherwise shall not be
11 admissible in any other criminal or civil proceeding.

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

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any matters which were not specifically
27 alleged to be causes for accusation in this proceeding.

1 8. Respondent DINESH M MISTRY understands that by
2 agreeing to this Stipulation, Respondent agrees to pay, pursuant
3 to Business and Professions Code Section 10148, the cost of the
4 audit (LA 090253). The amount of said cost for the audit was
5 \$2,874.50.

6 9. Respondent DINESH M MISTRY has received, read, and
7 understands the "Notice Concerning Costs of Subsequent Audit".
8 Respondent DINESH M MISTRY further understands that by agreeing
9 to this Stipulation, the findings set forth below in the
10 Determination of Issues become final, and the Commissioner may
11 charge Respondent DINESH M MISTRY for the cost of any subsequent
12 audit conducted pursuant to Business and Professions Code Section
13 10148 to determine if the violations to the audit have been
14 corrected. The maximum cost of the subsequent audit will not
15 exceed \$2,874.50.

16 DETERMINATION OF ISSUES

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

19 I.

20 The conduct of DINESH M MISTRY as described in
21 Paragraph 4, herein above, is in violation of Sections 10159.2,
22 10159.5, 10161.8, and 10177(h) of the Business and Professions
23 Code ("Code") and Sections 2725 and 2752 of Title 10, Chapter 6
24 of the California Code of Regulations ("Regulations") and is a
25 basis for discipline of Respondent's license and license rights
26 as a violation of the Real Estate Law pursuant to Code Sections
27 10177(d), and 10177(h).

1 II.

2 The conduct of AMRIT G BHANDARI as described in
3 Paragraph 4, herein above, is in violation of Section 10140.6 of
4 the Business and Professions Code ("Code") and is a basis for
5 discipline of Respondent's license and license rights as a
6 violation of the Real Estate Law pursuant to Code Section
7 10177(d).

8 ORDER

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

10 I.

11 A. All licenses and license rights of Respondent
12 DINESH M MISTRY under the Real Estate Law are suspended for a
13 period of sixty (60) days from the effective date of this
14 Decision; provided, however, that the initial thirty (30) days of
15 said suspension shall be stayed upon the following terms and
16 conditions:

17 1. Respondent DINESH M MISTRY shall pay a monetary
18 penalty pursuant to Section 10175.2 of the Business and
19 Professions Code of \$1,500 for a total monetary penalty of
20 \$1,500.

21 2. Said payment shall be in the form of a cashier's
22 check or certified check made payable to the Recovery Account of
23 the Real Estate Fund. Said check must be received by the
24 Department prior to the effective date of the Decision in this
25 matter.

26 3. No further cause for disciplinary action against
27 the real estate license of Respondent DINESH M MISTRY occurs

1 within two (2) years from the effective date of the Decision in
2 this matter.

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

10 5. If Respondent DINESH M MISTRY pays the monetary
11 penalty and if no further cause for disciplinary action against
12 the real estate license of Respondent DINESH M MISTRY occurs
13 within two (2) years from the effective date of the Decision,
14 the stay hereby granted shall become permanent.

15 B. The remaining thirty (30) days of the sixty (60)
16 day suspension shall be stayed for two (2) years upon the
17 following terms and conditions:

18 1. Respondent DINESH M MISTRY shall obey all laws,
19 rules and regulations governing the rights, duties and
20 responsibilities of a real estate licensee in the State of
21 California; and

22 2. That no final subsequent determination be made
23 after hearing or upon stipulation, that cause for disciplinary
24 action occurred within two (2) years from the effective date of
25 this Decision. Should such a determination be made, the
26 Commissioner may, in his discretion, vacate and set aside the
27 stay order and reimpose all or a portion of the stayed

1 suspension. Should no such determination be made under this
2 section, the stay imposed herein shall become permanent.

3 II.

4 A. All licenses and license rights of Respondent AMRIT
5 G BHANDARI under the Real Estate Law are suspended for a period
6 of sixty (60) days from the effective date of this Decision;
7 provided, however, that the initial thirty (30) days of said
8 suspension shall be stayed upon the following terms and
9 conditions:

10 1. Respondent AMRIT G BHANDARI shall pay a monetary
11 penalty pursuant to Section 10175.2 of the Business and
12 Professions Code of \$1,500 for a total monetary penalty of
13 \$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 AMRIT G BHANDARI occurs
21 within two (2) years from the effective date of the Decision in
22 this matter.

23 4. If Respondent AMRIT G BHANDARI fails to pay the
24 monetary penalty in accordance with the terms and conditions of
25 the Decision, the Commissioner may, without a hearing, order the
26 immediate execution of all or any part of the stayed suspension,
27 in which event the Respondent shall not be entitled to any

1 repayment nor credit, prorated or otherwise, for money paid to
2 the Department under the terms of this Decision.

3 5. If Respondent AMRIT G BHANDARI pays the monetary
4 penalty and if no further cause for disciplinary action against
5 the real estate license of Respondent AMRIT G BHANDARI occurs
6 within two (2) years from the effective date of the Decision,
7 the stay hereby granted shall become permanent.

8 B. The remaining thirty (30) days of the sixty (60)
9 day suspension shall be stayed for two (2) years upon the
10 following terms and conditions:

11 1. Respondent AMRIT G BHANDARI shall obey all laws,
12 rules and regulations governing the rights, duties and
13 responsibilities of a real estate licensee in the State of
14 California; and

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

23 III.

24 Respondents DINESH M MISTRY and AMRIT G BHANDARI shall,
25 within six (6) months after the effective date of this Decision,
26 take and pass the Professional Responsibility Examination
27 administered by the Department including the payment of the

1 appropriate examination fee. If Respondent fails to satisfy this
2 condition, the Commissioner may order suspension of the license
3 until respondent passes the examination.

4 IV.

5 Pursuant to Section 10148 of the Business and
6 Professions Code, Respondent DINESH M MISTRY shall pay the
7 Commissioner's reasonable cost for (a) the audit which led to
8 this disciplinary action and (b) a subsequent audit to determine
9 if Respondent is now in compliance with the Real Estate Law. The
10 cost of the audit which led to this disciplinary action is
11 \$2,874.50. In calculating the amount of the Commissioner's
12 reasonable cost, the Commissioner may use the estimated average
13 hourly salary for all persons performing audits of real estate
14 brokers, and shall include an allocation for travel time to and
15 from the auditor's place of work. Said amount for the subsequent
16 audits, shall not exceed \$2,874.50.

17 Respondent DINESH M MISTRY shall pay such cost within
18 60 days of receiving an invoice from the Commissioner detailing
19 the activities performed during the audit and the amount of time
20 spent performing those activities.

21 The Commissioner may suspend the license of Respondent
22 pending a hearing held in accordance with Section 11500, et seq.,
23 of the Government Code, if payment is not timely made as provided
24 for herein, or as provided for in a subsequent agreement between
25 the Respondents and the Commissioner. The suspension shall
26 remain in effect until payment is made in full or until a
27 Respondent enters into an agreement satisfactory to the

1 Commissioner to provide for payment, or until a decision
2 providing otherwise is adopted following a hearing held pursuant
3 to this condition.

4
5
6 DATED: 1-29-13

Amelia V. Vetrone
Amelia V. Vetrone, Counsel for
the Department of Real Estate

8 * * *

9
10 EXECUTION OF THE STIPULATION

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

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 Respondents shall (1) mail the original signed
2 signature page of the stipulation herein to Amelia V. Vetrone:
3 Attention: Legal Section, Department of Real Estate, 320 W.
4 Fourth St., Suite 350, Los Angeles, California 90013-1105.
5 Additionally, Respondents shall also (2) facsimile a copy of the
6 signed signature page, to the Department at the following fax
7 number: (213) 576-6917, Attention: Amelia V. Vetrone.

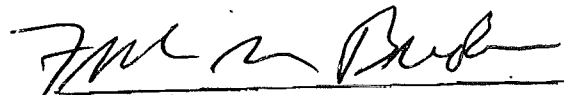
8
9 DATED: Jan-23-2013


DINESH M MISTRY, individually and
as designated officer of
Continental Property Management,
Respondent

10
11
12
13 DATED: _____

AMRIT G BHANDARI, Respondent

14
15
16 DATED: 1-24-13


FRANK M. BUDA,
Attorney for Respondents
Approved as to form

17
18
19
20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

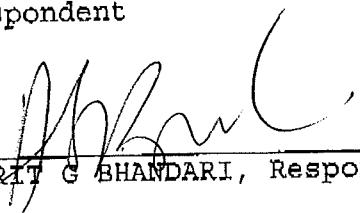
27

1 Respondents shall (1) mail the original signed
 2 signature page of the stipulation herein to Amelia V. Vetrone:
 3 Attention: Legal Section, Department of Real Estate, 320 W.
 4 Fourth St., Suite 350, Los Angeles, California 90013-1105.
 5 Additionally, Respondents shall also (2) facsimile a copy of the
 6 signed signature page, to the Department at the following fax
 7 number: (213) 576-6917, Attention: Amelia V. Vetrone.

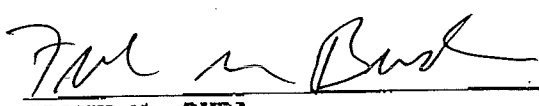
8
 9 DATED: _____

DINESH M MISTRY, individually and
 as designated officer of
 Continental Property Management,
 Respondent

10
 11
 12
 13 DATED: 1-25-13


 AMRIT G BHANDARI, Respondent

14
 15
 16 DATED: 1-25-13


 FRANK M. BUDA,
 Attorney for Respondents
 Approved as to form

17
 18
 19
 20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27

1 * * *

2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision as to Respondents DINESH M MISTRY,
4 individually and as designated officer of Continental Property
5 Management, and AMRIT G BHANDARI and shall become effective at 12
6 o'clock noon on April 29, 2013

7 IT IS SO ORDERED

3/13/2013

8 Real Estate Commissioner

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

WAYNE S. BELL