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1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

OCT 16 2012

DEPARTMENT OF REAL ESTATE
BY: Laura B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11	In the Matter of the Accusation of)	DRE No. H-37521 LA
12)	OAH No. 2011100500
13	NORTH AMERICAN ACCEPTANCE)	
14	CORPORATION, formerly dba North)	<u>STIPULATION AND</u>
15	American Relief, and GREGORY)	<u>AGREEMENT</u>
16	SOVEREL MOORE, individually, and)	
17	formerly as designated officer of)	
18	North American Acceptance)	
19	Corporation,)	
20	Respondents.)	

It is hereby stipulated by and between GREGORY SOVEREL MOORE, represented by Frank M. Buda, 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 in this matter, filed on September 13, 2011:

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

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement (Stipulation).

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

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

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 understands 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 based on Respondent's decision
4 not to contest the allegations set forth in the Accusation as a
5 result of the agreement negotiated between the parties. This
6 Stipulation is expressly limited to this proceeding and any
7 further proceeding initiated by or brought before the Department
8 of Real Estate based upon the factual allegations in the
9 Accusation and is made for the sole purpose of reaching an agreed
10 disposition of this proceeding. The decision of Respondent not
11 to contest the allegations contained in the "Order" herein below,
12 is made solely for the purpose of effectuating this Stipulation.
13 It is the intent and understanding of the parties that this
14 Stipulation shall not be binding or admissible against
15 Respondents in any action against Respondent by third parties.

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

26 7. The Order or any subsequent Order of the Real
27 Estate Commissioner made pursuant to this Stipulation shall not

1 constitute an estoppel, merger or bar to any further
2 administrative or civil proceedings by the Department of Real
3 Estate with respect to any matters which were not specifically
4 alleged to be causes for accusation in this proceeding.

5 DETERMINATION OF ISSUES

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

10 The conduct of GREGORY SOVEREL MOORE, as described in
11 Paragraph 4, above, is a basis for discipline of GREGORY SOVEREL
12 MOORE's license and license rights pursuant to Section 10177(h)
13 of the Business and Professions Code ("Code").

14 ORDER

15 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
16 WRITTEN STIPULATION OF THE PARTIES:

17 I.

18 All licenses and licensing rights of Respondent
19 GREGORY SOVEREL MOORE under the Real Estate Law are suspended
20 for a period of sixty (60) days from the effective date of this
21 Decision; provided, however, that sixty (60) days of said
22 suspension, shall be stayed for two (2) years upon the
23 following terms and conditions:

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

27 2. That no final subsequent determination be made,

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 II.

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

16 III.

17 Respondent GREGORY SOVEREL MOORE shall, within six (6)
18 months from the effective of the Decision herein, provide proof
19 of attempting to pay restitution of \$2,995 to Roberto Carlos
20 Sonca as follows:

21 (a) Respondent shall deliver or mail the restitution
22 payments, by certified mail, return receipt requested, to Roberto
23 Carlos Sonca's last address on file with or known to Respondent.

24 (b) If the payment is returned by the Post Office marked
25 "unable to deliver," Respondent shall employ a locator service
26 (that may include or be limited to the Internet or other database
27 retrieval search) to try and locate Roberto Carlos Sonca.

1 Repayment shall then be made to the addresses recommended by the
2 locator service.

3 (c) If unable to effect repayment after using a locator
4 service, Respondent shall provide reasonable proof satisfactory
5 to the Commissioner of his efforts to comply with the provisions
6 of this Paragraph.

7 (d) If the Commissioner determines that proof to be
8 unsatisfactory, he shall so advise Respondent, and indicate what
9 additional reasonable efforts should be made to make repayment to
10 Roberto Carlos Sonca.

11 (e) If Respondent fails to satisfy this condition, the
12 Commissioner may order suspension of Respondent's license until
13 Respondent effects compliance herein; and

14 (f) Restitution payments not made to Roberto Carlos Sonca
15 shall escheat to the State of California.

16 IV.

17 All proof of payment and completed coursework shall be
18 submitted to Department Counsel James A. Demus, Attention: Legal
19 Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
20 Los Angeles, California 90013-1105, on or before the dates set
21 forth above.

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23 DATED: 8/16/12

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

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1 DATED: _____

FRANK M. BUDA,
Attorney for Respondent

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5 The foregoing Stipulation and Agreement is hereby
6 adopted as my Decision as to Respondent GREGORY SOVEREL MOORE and
7 shall become effective at 12 o'clock noon on

8 NOV - 5 2012, 2012.

9 IT IS SO ORDERED 9/10, 2012

10
11 Real Estate Commissioner

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14 By WAYNE S. BELL
15 Chief Counsel