

fact

FILED

OCT 16 2012

DEPARTMENT OF REAL ESTATE
BY: *James B. Olson*

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
4
5
6
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

) DRE No. H-37522 LA
) OAH No. 2011100501
)

12 PREMIERE LOAN SERVICES INC,)
13 NATHANIEL GENIS and ABRAHAM)
14 PRATELLA, individually, and as)
15 former designated officer of)
16 Premiere Loan Services Inc,)

STIPULATION AND
AGREEMENT

) Respondents.
)
)

17
18 It is hereby stipulated by and between ABRAHAM
19 PRATELLA, represented by Frank M. Buda, and the Complainant,
20 acting by and through James A. Demus, Counsel for the Department
21 of Real Estate, as follows for the purpose of settling and
22 disposing of the Accusation in this matter, filed on September
23 13, 2011:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing was to be
27 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
27

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 ABRAHAM PRATELLA, as described in
11 Paragraph 4, above, is a basis for discipline of ABRAHAM
12 PRATELLA's license and license rights pursuant to Section
13 10177(g) 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:

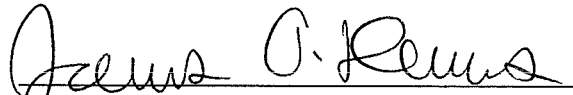
17 All licenses and licensing rights of Respondent
18 ABRAHAM PRATELLA under the Real Estate Law are suspended for a
19 period of thirty (30) days from the effective date of this
20 Decision; provided, however, that thirty (30) days of said
21 suspension, shall be stayed for two (2) years upon the
22 following terms and conditions:

- 23 1. Respondent shall obey all laws, rules and
24 regulations governing the rights, duties and responsibilities of
25 a real estate licensee in the State of California; and
26 2. That no final subsequent determination be made,
27 after hearing or upon stipulation that cause for disciplinary

1 action occurred within two (2) years of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7
8
9 DATED:

7/10/12


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

10
11 EXECUTION OF THE STIPULATION

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

23 Respondent can signify acceptance and approval of the
24 terms and conditions of this Stipulation by faxing a copy of the
25 signature page, as actually signed by Respondents, to the
26 Department at the following telephone/fax number: James A. Demus
27

07/09/2012 MON 9:05 FAX LAA Frank Buda

2007/007

1 at (213) 576-5917. Respondent agrees, acknowledges and
2 understands that by electronically sending to the Department a
3 fax copy of Respondent's actual signature as it appears on the
4 Stipulation, that receipt of the faxed copy by the Department
5 shall be as binding on Respondent as if the Department had
6 received the original signed Stipulation.

8
9 DATED: 7/9/12

ABRAHAM PRATELLA

10
11 DATED: 7-9-12Frank M. Buda
FRANK M. BUDA,
Attorney for Respondent12
13
14 ***

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision as to Respondent ABRAHAM PRATELLA and
17 shall become effective at 12 o'clock noon on
18 _____, 2012.

19
20 IT IS SO ORDERED _____, 201221
22 Real Estate Commissioner.
23
24
25
26
27

1 at (213) 576-6917. Respondent agrees, acknowledges and
2 understands that by electronically sending to the Department a
3 fax copy of Respondent's actual signature as it appears on the
4 Stipulation, that receipt of the faxed copy by the Department
5 shall be as binding on Respondent as if the Department had
6 received the original signed Stipulation.

7
8
9 DATED: _____

ABRAHAM PRATELLA

10
11 DATED: _____

FRANK M. BUDA,
Attorney for Respondent

12
13
14 ***

15
16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision as to Respondent ABRAHAM PRATELLA and
18 shall become effective at 12 o'clock noon on
19 NOV - 5 2012, 2012.

20 IT IS SO ORDERED 9/11, 2012

21
22 Real Estate Commissioner

23
24 
25 By WAYNE S. BELL
26 Chief Counsel
27