

1 Department of Real Estate  
2 320 W. 4<sup>TH</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

**FILED**

APR 01 2014

BUREAU OF REAL ESTATE

By *J. A. ...*

8 BEFORE THE BUREAU<sup>1</sup> OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 ALL COUNTIES REAL ESTATE, dba )  
14 Home Owners Unity, a corporate real estate )  
15 broker; and FRANK TICAS, individually )  
16 and as designated broker-officer of )  
All Counties Real Estate, )  
Respondents.)

No. H-37723 LA  
L-2012031164  
STIPULATION  
AND  
AGREEMENT

17 It is hereby stipulated by and between Respondent FRANK TICAS (sometimes  
18 referred to as "Respondent"), represented by James Nobles, Esq. and the Complainant, acting by  
19 and through Martha J. Rosett, Counsel for the Bureau of Real Estate, as follows for the purpose  
20 of settling and disposing of the Accusation filed on December 9, 2011, in this matter:

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

26 \_\_\_\_\_  
27 <sup>1</sup> Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate, Department of Consumer Affairs ("Bureau"). All references will be to the successor entity.

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

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

12                   4. This Stipulation is based on the allegations contained in the Accusation. In the  
13 interest of expedience and economy Respondent chooses not to contest these allegations but to  
14 remain silent and understands that, as a result thereof, these allegations, without being admitted  
15 or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The  
16 Real Estate Commissioner shall not be required to provide further evidence to prove said  
17 allegations.

18                   5. This Stipulation and Respondent's decision not to contest the Accusation are  
19 made for the purpose of reaching an agreed disposition of this proceeding and are expressly  
20 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate  
21 ("Bureau"), or another licensing agency of this state, another state or if the federal government is  
22 involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

23                   6. It is understood by the parties that the Real Estate Commissioner may adopt  
24 this Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on  
25 Respondent's real estate license and license rights as set forth in the below "Order". In the event  
26 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be  
27 void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the

1 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver  
2 made herein.

3 7. The Order or any subsequent Order of the Real Estate Commissioner made  
4 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
5 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters  
6 which were not specifically alleged to be causes for accusation in this proceeding.

7 8. Respondent understands that by agreeing to this Stipulation, Respondent  
8 agrees to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit of  
9 ALL COUNTIES REAL ESTATE INC. The amount of said cost for the original audit (LA  
10 100061) is \$6,887.00.

11 9. Respondent has received, read, and understands the "Notice Concerning Costs  
12 of Audits". Respondent further understands that by agreeing to this Stipulation, the findings set  
13 forth below in the Determination of Issues become final, and the Commissioner may charge  
14 Respondents for the cost of any subsequent audit conducted pursuant to Business and  
15 Professions Code Section 10148 to determine if the violations have been corrected. The  
16 maximum cost of the follow-up audit will not exceed \$6,887.00.

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations and waivers, and solely for the purpose  
19 of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the  
20 following Determinations of Issues shall be made:

21 The conduct, acts or omissions of Respondent FRANK TICAS, as set forth in  
22 the Accusation, constitutes cause to suspend or revoke the real estate license and licensing  
23 rights of Respondent FRANK TICAS pursuant to Business and Professions Code Sections  
24 10177(d), 10176(e), 10176(i), 10177(g), and 10177(h), for violation of Code Sections 10145,  
25 10146, 10148, and Title 10, Chapter 6 of the California Code of Regulations, Regulations  
26 2725, 2731, 2753, 2831, 2831.1, 2831.2, 2832, 2842.5, 2970 and 2972.

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ORDER

WHEREFORE, THE FOLLOWING ORDERS are hereby made:

I.

All licenses and licensing rights of Respondent FRANK TICAS under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent, pursuant to Section 10156.5 of the Business and Professions Code, if Respondent makes application there for and pays to the Department of Real Estate the appropriate fee for the restricted license within ninety (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 Code and the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code.

1. The restricted license issued to Respondent shall be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent shall be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, including a real estate broker license, nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years has elapsed from the effective date of the issuance of the restricted license.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the

1 prospective employing real estate broker on a form approved by the Department of Real Estate  
2 which shall certify:

3 (a) That the employing broker has read the Decision of the Commissioner which  
4 granted the right to a restricted license; and

5 (b) That the employing broker will exercise close supervision over the  
6 performance by the restricted licensee relating to activities for which a real  
7 estate license is required.

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

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

21 II.

22 Respondent shall within nine (9) months from the effective date of this Decision  
23 present evidence satisfactory to the Real Estate Commissioner that Respondent has made  
24 restitution in the amounts listed in the chart below, or that despite reasonable efforts, payment of  
25 restitution could not be made.

26 (A) Respondent shall deliver or mail the restitution payments, in the form of a  
27 cashier's check or money order, by certified mail, return receipt requested, to the consumers

1 listed in the chart below at the last address on file with or known to Respondent.

2 (Bi) If any of the payments are returned by the Post Office marked "unable to  
3 deliver," Respondent shall employ a locator service (that may include or be limited to the  
4 Internet or other database retrieval search) to try and locate the aforesaid borrowers.  
5 Repayments shall then be made to the addresses recommended by the locator service.

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

9 (D) If the Commissioner determines that proof to be unsatisfactory, the  
10 Commissioner shall so advise Respondent, and indicate what additional reasonable efforts should  
11 be made to locate and repay such borrowers.

12 (E) If the Commissioner determines that reasonable efforts have been made to  
13 locate any borrower without success, then that borrower's refund shall escheat to the State of  
14 California as unclaimed property.

15 (F) If Respondent is able to provide proof satisfactory to the Bureau within the  
16 time period set forth above that between September 1, 2008 and July 1, 2009, Respondent,  
17 through All Counties Real Estate or Homeowner's Unity, successfully obtained a loan  
18 modification on behalf of one or more of the named consumers, such proof will be deemed  
19 sufficient to comply with this term of his restricted license, and no further proof of restitution  
20 will be required as to that or those specific consumer(s).

21 (G) All proof of compliance with this condition shall be submitted to Bureau  
22 Counsel Martha J. Rosett, Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St.,  
23 Suite 350, Los Angeles, California 90013-1105.

24 (H) If Respondent fails to satisfy this condition, Respondent's license and license  
25 rights shall be suspended indefinitely prior to hearing until Respondent provides proof of  
26 restitution. Failure to satisfy this condition may also constitute grounds for further discipline of  
27 Respondent's license and/or license rights. The Commissioner shall afford Respondent the

1 opportunity for a hearing pursuant to the Administrative Procedures Act to present evidence of  
2 compliance.

3 **Chart of restitution to Consumers for advance fees paid for loan modification services**  
4 **when no loan modification was obtained or refund made to the consumer:**

CONSUMER NAME(S)	AMOUNT OF RESTITUTION
Ana F.	\$ 4,500
Hugo A.	\$ 2,500
Pedro "Peter" C.	\$ 1,250
Delfino O.	\$ 1,250
Roberto M.	\$ 1,250
Jorge S.	\$ 1,000
Brent H.	\$ 1,250
Irma H.	\$ 2,500
Gregorio M.	\$ 2,500
Francisca P.	\$ 2,100
Siria & Cruz H.	\$ 2,145
Jose C.	\$ 2,500
Luz R.	\$ 2,500
Ana T.	\$ 2,500
Rosario H.	\$ 2,500
Maria V.	\$ 2,100
R. Mazariego A.	\$ 2,500
Ana G.	\$ 2,500
Horacio M.	\$ 2,500
Teresa O.	\$ 2,500
<b>TOTALS: 20 CONSUMERS</b>	<b>\$44,345</b>

1 III.

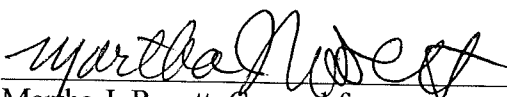
2 Pursuant to Section 10148 of the Business and Professions Code, Respondent

3 FRANK TICAS shall pay the Commissioner's reasonable cost for the audit which led to this  
4 disciplinary action. The cost of the original audit which led to this disciplinary action is  
5 \$6887.00. In calculating the amount of the Commissioner's reasonable cost, the Commissioner  
6 may use the estimated average hourly salary for all persons performing audits of real estate  
7 brokers, and shall include an allocation for travel time to and from the auditor's place of work.

8 a. Respondent shall pay such cost within 60 days of receiving an invoice from the  
9 Commissioner detailing the activities performed during the audit and the amount of time spent  
10 performing those activities.

11 b. The Commissioner may suspend the license of Respondent pending a hearing  
12 held in accordance with Section 11500, et seq., of the Government Code, if payment is not  
13 timely made as provided for herein, or as provided for in a subsequent agreement between the  
14 Respondent and the Commissioner. The suspension shall remain in effect until payment is made  
15 in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide  
16 for payment, or until a decision providing otherwise is adopted following a hearing held pursuant  
17 to this condition.

18 DATED: 2/6/14

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20 Martha J. Rosett, Counsel for  
Bureau of Real Estate

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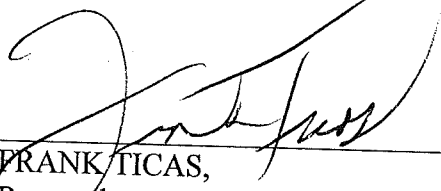
22 I have read the Stipulation and Agreement and discussed it with my counsel. Its  
23 terms are understood by me and are agreeable and acceptable to me. I understand that I am  
24 waiving rights given to me by the California Administrative Procedure Act (including but not  
25 limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,  
26 intelligently and voluntarily waive those rights, including the right of requiring the  
27 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the



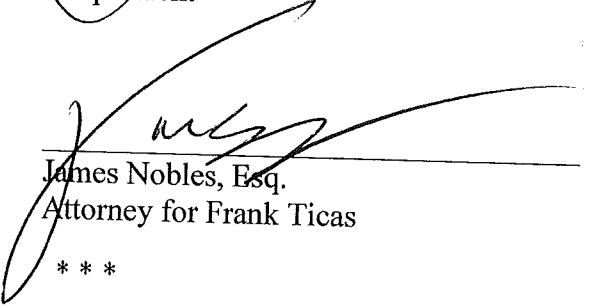
1 right to cross-examine witnesses against me and to present evidence in defense and mitigation of  
2 the charges.

3 Respondent may signify acceptance and approval of the terms and conditions of  
4 this Stipulation by faxing a copy of its signature page, as actually signed by Respondent, to the  
5 Department at the following facsimile number: Martha J. Rosett at (213) 576-6917. Respondent  
6 agrees, acknowledges and understands that by electronically sending to the Department a fax  
7 copy of Respondent's actual signature as it appears on the Stipulation, receipt of the faxed copy  
8 by the Department shall be as binding on Respondent as if the Department had received the  
9 original signed Stipulation.

10  
11 DATED: 1-31-2014

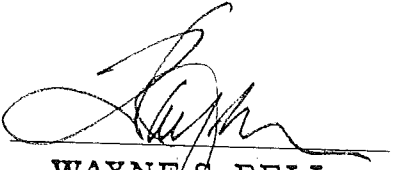
  
FRANK TICAS,  
Respondent

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13  
14 DATED: 1-31-14

  
James Nobles, Esq.  
Attorney for Frank Ticas  
\* \* \*

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17  
18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
19 Respondent FRANK TICAS and shall become effective at 12 o'clock noon on  
20 APR 22 2014, 2014.

21 IT IS SO ORDERED March 6, 2014.

22  
23 Real Estate Commissioner  
24   
25 WAYNE S. BELL  
26  
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