

FILED

JAN -8 2013

1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: K. Neederholl

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-37772 LA
)	L-2012 020 703
12	BROKER SOLUTIONS, INC.;)	
	and VINCENT THEODORE PAGLIA)	<u>STIPULATION AND AGREEMENT</u>
13	individually and as)	
	designated officer of)	
14	Broker Solutions, Inc.,)	
)	
15)	
)	
16	Respondents.)	
17)	

18 It is hereby stipulated by and between BROKER
19 SOLUTIONS and VINCENT THEODORE PAGLIA (sometimes referred to as
20 Respondents), and their attorney, Frank M. Buda, and the
21 Complainant, acting by and through James R. Peel, Counsel for
22 the Department of Real Estate, as follows for the purpose of
23 settling and disposing of the Accusation filed on December 29,
24 2011, in this matter.

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

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Department of Real Estate in this proceeding.

12 3. On January 10, 2012, and February 3, 2012,
13 Respondents filed a Notice of Defense pursuant to Section 11506
14 of the Government Code for the purpose of requesting a hearing
15 on the allegations in the Accusation. Respondents hereby freely
16 and voluntarily withdraw said Notice of Defense. Respondents
17 acknowledge that they understand that by withdrawing said Notice
18 of Defense they will thereby waive their right to require the
19 Commissioner to prove the allegations in the Accusation at a
20 contested hearing held in accordance with the provisions of the
21 APA and that they will waive other rights afforded to them in
22 connection with the hearing such as the right to present
23 evidence in defense of the allegations in the Accusation and the
24 right to cross-examine witnesses.
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2 4. This Stipulation is based on the factual
3 allegations contained in the Accusation filed in this
4 proceeding. In the interest of expedience and economy,
5 Respondents choose not to contest these factual allegations, but
6 to remain silent and understand that, as a result thereof, these
7 factual statements, will serve as a prima facie basis for the
8 disciplinary action stipulated to herein. The Real Estate
9 Commissioner shall not be required to provide further evidence
10 to prove such allegations.

11 5. This Stipulation is made for the purpose of
12 reaching an agreed disposition of this proceeding and is
13 expressly limited to this proceeding and any other proceeding or
14 case in which the Department of Real Estate ("Department"), the
15 state or federal government, or an agency of this state, another
16 state or the federal government is involved.

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

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

8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations and waivers
10 and solely for the purpose of settlement of the pending
11 Accusation, it is stipulated and agreed that the following
12 determination of issues shall be made:

13 I

14 The conduct, acts and/or omissions of Respondents
15 BROKER SOLUTIONS, INC. and VINCENT THEODORE PAGLIA, as set forth
16 in the Accusation, constitute cause for the suspension or
17 revocation of all of the real estate licenses and license rights
18 of Respondents under the provisions of Sections 10177(d) and
19 10177(g) of the Business and Professions Code ("Code") for
20 violations of Code section 10145 and sections 2832 and 2834,
21 Title 10, Chapter 6, California Code of Regulations.

22 ORDER

23 All licenses and licensing rights of Respondents
24 BROKER SOLUTIONS, INC. and VINCENT THEODORE PAGLIA under the
25 Real Estate Law are suspended for a period of sixty days from
26 the effective date of this Decision; provided, however, that
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1 thirty (30) days of said suspension shall be stayed for one (1)
2 year upon the following terms and conditions:

3 1. Respondents shall obey all laws, rules and
4 regulations governing the rights, duties and responsibilities of
5 a real estate licensee in the State of California; and

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

14 3. Provided, however, that if Respondents petition,
15 the remaining thirty (30) days of said sixty (60) day suspension
16 shall be stayed upon condition that:

17 a. Respondent pays a monetary penalty pursuant to
18 Section 10175.2 of the Business and Professions Code at the rate
19 of \$50 for each day of the suspension for a total monetary
20 penalty of \$1,500 or \$3,000 for both Respondents.

21 b. 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.
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27 c. No further cause for disciplinary action against

1 the real estate licenses of Respondent occurs within one (1)
2 year from the effective date of the Decision in this matter.

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

10 e. If Respondent pays the monetary penalty and if no
11 further cause for disciplinary against the real estate license
12 of Respondent occurs within one (1) year from the effective date
13 of the Decision, the stay hereby granted shall become permanent.

14 4. Respondent PAGLIA shall, within six months from the
15 effective date of this Decision, take and pass the Professional
16 Responsibility Examination administered by the Department
17 including the payment of the appropriate examination fee. If
18 Respondent fails to satisfy this condition, the Commissioner may
19 order suspension of Respondent's license until Respondent passes
20 the examination.

21 5. All licenses and licensing rights of Respondent
22 PAGLIA are indefinitely suspended unless or until Respondent
23 provides proof satisfactory to the Commissioner, of having taken
24 and successfully completed the continuing education course on
25 trust fund accounting and handling specified in paragraph (3) of
26 subdivision (a) of Section 10170.5 of the Business and
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1 Professions Code. Proof of satisfaction of this requirement
2 includes that respondent has successfully completed the trust
3 fund account and handling continuing education course within 120
4 days prior to the effective date of the Decision in this matter.

5 6. Pursuant to Section 10148 of the Business and
6 Professions Code, Respondents BROKER SOLUTIONS and PAGLIA shall
7 pay the Commissioner's reasonable cost for: a) the audit which
8 led to this disciplinary action and b) a subsequent audit to
9 determine if Respondent has corrected the trust fund violations
10 found in paragraphs 1 of the Determination of Issues. In
11 calculating the amount of the Commissioner's reasonable cost,
12 the Commissioner may use the estimated average hourly salary for
13 all persons performing audits of real estate brokers, and shall
14 include an allocation for travel costs, including mileage, time
15 to and from the auditor's place of work and per diem.
16 Respondent shall pay such cost within 60 days of receiving an
17 invoice from the Commissioner detailing the activities performed
18 during the audit and the amount of time spent performing those
19 activities. The Commissioner may, in his discretion, vacate and
20 set aside the stay order if payment is not timely made as
21 provided for herein, or as provided for in a subsequent
22 agreement between the Respondent and the Commissioner. The
23 vacation and the set aside of the stay shall remain in effect
24 until payment is made in full, or until Respondent enters into
25 an agreement satisfactory to the Commissioner to provide for
26 payment. Should no order vacating the stay be issued, either in
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1 accordance with this condition or condition "2" above, the stay
2 imposed herein shall become permanent.

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5 DATED: Oct. 18, 2012 James R. Peel
6 JAMES R. PEEL, Counsel for the
7 Department of Real Estate

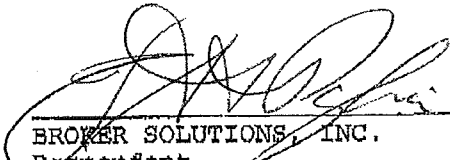
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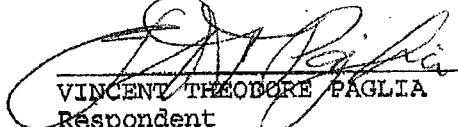
8 We have read the Stipulation and Agreement, discussed
9 it with counsel, and its terms are understood by us and are
10 agreeable and acceptable to us. We understand that we are
11 waiving rights given to us by the California Administrative
12 Procedure Act (including but not limited to Sections 11506,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


19 Respondent can signify acceptance and approval of the
20 terms and conditions of this Stipulation and Agreement by faxing
21 a copy of the signature page, as actually signed by Respondent,
22 to the Department at the following telephone/fax number:
23 (213) 576-6917. Respondent agrees, acknowledges and understands
24 that by electronically sending to the Department a fax copy of
25 his or her actual signature as it appears on the Stipulation and
26 Agreement, that receipt of the faxed copy by the Department
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1 shall be as binding on Respondents as if the Department had
2 received the original signed Stipulation and Agreement.

3 Further, if the Respondent is represented, the
4 Respondent's counsel can signify his or her agreement to the
5 terms and conditions of the Stipulation and Agreement by
6 submitting that signature via fax.

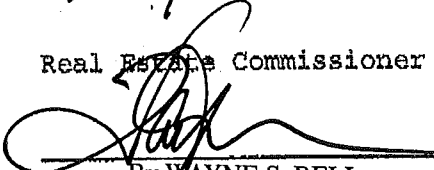
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8 DATED: Oct. 9, 2012 
9 BROKER SOLUTIONS, INC.
Respondent

10 DATED: Oct. 9, 2012 
11 VINCENT THEODORE PAGLIA
12 Respondent

13 DATED: 10-9-12 
14 Frank M. Buda
15 Respondents' Counsel
16 Approved as to Form
and Content
* * *

17 The foregoing Stipulation and Agreement is hereby
18 adopted as my Decision and Order in this matter, and shall
19 become effective at 12 o'clock noon on JAN 28 2013

20 IT IS SO ORDERED 11/28/2012

21
22 Real Estate Commissioner
23 
24 By WAYNE S. BELL
25 Chief Counsel
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