

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

4 Telephone: (213) 576-6982

FILED

DEC 20 2012

DEPARTMENT OF REAL ESTATE

BY: [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) No. H-37777 LA
12)
13 CONQUEST GROUP, INC.;)
14 and CARLOS SANDOVAL) STIPULATION AND AGREEMENT
15 individually and as)
16 designated officer of)
17 Conquest Group, Inc.,)
18 Respondents.)

19 It is hereby stipulated by and between CARLOS SANDOVAL
20 (sometimes referred to as Respondent), and his attorney, Frank
21 M. Buda, and the Complainant, acting by and through James R.
22 Peel, Counsel for the Department of Real Estate, as follows for
23 the purpose of settling and disposing of the Accusation filed on
24 January 6, 2012, in this matter.

1 1. All issues which were contested and all evidence
2 which was presented by Complainant and Respondent 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. Respondent has received, read and understands 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 25, 2012, Respondent filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense he will
18 thereby waive his rights to require the Commissioner to prove
19 the allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such
22 as the right to present evidence in defense of the allegations
23 in the Accusation and the right to cross-examine witnesses.
24
25
26
27

1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondent chooses not to contest these factual allegations, but
5 to remain silent and understands that, as a result thereof,
6 these factual statements, will serve as a prima facie basis for
7 the disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

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

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

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

7 DETERMINATION OF ISSUES

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

12 I

13 The conduct, acts and/or omissions of Respondent
14 CARLOS SANDOVAL as set forth in the Accusation, constitute cause
15 for the suspension or revocation of all of the real estate
16 licenses and license rights of Respondent under the provisions
17 of Section 10177(g) of the Business and Professions Code
18 ("Code").
19

20 ORDER

21 All licenses and licensing rights of Respondent CARLOS
22 SANDOVAL under the Real Estate Law are suspended for a period of
23 ninety days from the effective date of this Decision.

24 1. Provided, however, that 90 days of said suspension
25 shall be stayed for one (1) year, upon the following terms and
26 conditions:
27

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

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

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

19 d. All licenses and licensing rights of Respondent
20 CARLOS SANDOVAL are indefinitely suspended unless or until
21 Respondent provides proof satisfactory to the Commissioner, of
22 having taken and successfully completed the continuing education
23 course on trust fund accounting and handling specified in
24 paragraph (3) of subdivision (a) of Section 10170.5 of the
25 Business and Professions Code. Proof of satisfaction of this
26 requirement includes that respondent has successfully completed
27

1 the trust fund account and handling continuing education course
2 within 120 days prior to the effective date of the Decision in
3 this matter.

4 e. Pursuant to Section 10148 of the Business and
5 Professions Code, Respondent shall pay the Commissioner's
6 reasonable cost for: a) the audit which led to this
7 disciplinary action and b) a subsequent audit to determine if
8 Respondent has corrected the trust fund violations found in
9 paragraphs 1 of the Determination of Issues. In calculating the
10 amount of the Commissioner's reasonable cost, the Commissioner
11 may use the estimated average hourly salary for all persons
12 performing audits of real estate brokers, and shall include an
13 allocation for travel costs, including mileage, time to and from
14 the auditor's place of work and per diem. Respondent shall pay
15 such cost within 60 days of receiving an invoice from the
16 Commissioner detailing the activities performed during the audit
17 and the amount of time spent performing those activities. The
18 Commissioner may, in his discretion, vacate and set aside the
19 stay order if payment is not timely made as provided for herein,
20 or as provided for in a subsequent agreement between the
21 Respondent and the Commissioner. The vacation and the set aside
22 of the stay shall remain in effect until payment is made in
23 full, or until Respondent enters into an agreement satisfactory
24 to the Commissioner to provide for payment. Should no order
25 vacating the stay be issued, either in accordance with this
26 condition or condition "b", the stay imposed herein shall become
27

1 permanent.

2
3 DATED: Sept. 26, 2012 James R Peel
4 JAMES R. PEEL, Counsel for the
5 Department of Real Estate

6 * * *

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

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

///

09/11/2012 TUE 13:32 FAX *** Frank Buda

0007/007

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

DATED:

9/11/2012

CARLOS SANDOVAL
Respondent

DATED:

9-11-12

Respondent's Counsel

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____

Real Estate Commissioner

CARLOS SANDOVAL
Respondent

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

5
6 DATED: _____ CARLOS SANDOVAL
7 Respondent

8
9 DATED: _____ Respondent's Counsel

10 * * *

11
12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision and Order in this matter, and shall
14 become effective at 12 o'clock noon on JAN - 9 2013

15 IT IS SO ORDERED Oct. 26, 2012

16
17 Real Estate Commissioner

18
19 
20 By WAYNE S. BELL
21 Chief Counsel
22
23
24
25
26
27