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Department of Real Estate  
320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
Telephone: (213) 576-6982

**FILED**

DEC 20 2012

DEPARTMENT OF REAL ESTATE  
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
)  
CALIFORNIA WESTERN FINANCIAL )  
INVESTMENTS INC.; and )  
)  
GEORGE GORDON GETZ, )  
individually and as designated officer of )  
California Western Financial )  
Investments Inc. )  
)  
Respondents. )

No. H-37950 LA  
L-2012031308

STIPULATION  
AND  
AGREEMENT

It is hereby stipulated by and between Respondents CALIFORNIA WESTERN FINANCIAL INVESTMENTS INC. and GEORGE GORDON GETZ, individually and as designated officer of California Western Financial Investments Inc. (sometimes collectively referred to as "Respondents"), represented by Daniel A. Nassie Esq. and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on March 13, 2012, in this matter:

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

1 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),  
2 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement ("Stipulation").

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

7           3. Respondents timely filed a Notice of Defense pursuant to Section 11506 of the  
8 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
9 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
10 acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive  
11 their right to require the Commissioner to prove the allegations in the Accusation at a contested  
12 hearing held in accordance with the provisions of the APA and that they will waive other rights  
13 afforded to them in connection with the hearing such as the right to present evidence in their  
14 defense and the right to cross-examine witnesses.

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

21           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
22 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
23 which the Department of Real Estate ("Department"), the state or federal government, or any  
24 agency of this state, another state or federal government is involved.

25           6. It is understood by the parties that the Real Estate Commissioner may adopt  
26 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on  
27 Respondents' real estate licenses and license rights as set forth in the "Order" herein below. In

1 the event that the Commissioner in her discretion does not adopt the Stipulation, it shall be void  
2 and of no effect and Respondents shall retain the right to a hearing and proceeding on the  
3 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver  
4 made herein.

5 7. The Order or any subsequent Order of the Real Estate Commissioner made  
6 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
7 administrative or civil proceedings by the Department of Real Estate with respect to any matters  
8 which were not specifically alleged to be causes for Accusation in this proceeding but do  
9 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations  
10 against Respondent herein.

11 8. Respondents understand that by agreeing to this Stipulation, Respondents agree  
12 to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit. The  
13 amount of said cost for the original audit (LA110063/LA110074) is \$11,822.42.

14 9. Respondents have received, read, and understand the "Notice Concerning  
15 Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation,  
16 the findings set forth below in the Determination of Issues become final, and the Commissioner  
17 may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and  
18 Professions Code Section 10148 to determine if the violations have been corrected. The  
19 maximum cost of the follow-up audit will not exceed \$11,822.42.

20 10. Respondent understands that by agreeing to this Stipulation, Respondent  
21 agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the  
22 investigation and enforcement of this matter. The amount of said cost is \$3,836.50.

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DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following determination of issues shall be made:

I.

The conduct, acts or omissions of CALIFORNIA WESTERN FINANCIAL INVESTMENTS INC., as described in Paragraph 4, herein above, are in violation of Section 10145, 10161.8, 10163, 10166.02(b), 10176(g), 10238(f) and 10238(h) of the Business and Professions Code ("Code") and Sections 2715, 2752, 2834, and 2950(h) of Title 10, Chapter 6 of the California Code of Regulations ("Regulations"), and is a basis for discipline of Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code Section 10177(d).

II.

The conduct, acts or omissions of GEORGE GORDON GETZ, as described in Paragraph 4, herein above, are in violation of Code Section 10159.2 and Regulation 2725, and is a basis for discipline of Respondent's license and license rights as violation of the Real Estate Law pursuant to Code Section 10177(h).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondents CALIFORNIA WESTERN FINANCIAL INVESTMENTS INC. and GEORGE GORDON GETZ, under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision, provided however; said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondents shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and
2. That no final subsequent determination be made after hearing or upon

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

6 II.

7 Pursuant to Section 10148 of the Business and Professions Code, Respondents  
8 CALIFORNIA WESTERN FINANCIAL INVESTMENTS INC. and GEORGE GORDON  
9 GETZ, shall pay the Commissioner's reasonable cost for (a) the audit which led to this  
10 disciplinary action and (b) a subsequent audit to determine if Respondents are now in compliance  
11 with the Real Estate Law. The cost of the audit which led to this disciplinary action is  
12 \$11,822.42. In calculating the amount of the Commissioner's reasonable cost, the Commissioner  
13 may use the estimated average hourly salary for all persons performing audits of real estate  
14 brokers, and shall include an allocation for travel time to and from the auditor's place of work.  
15 Said amount for the prior and subsequent audits shall not exceed \$23,644.84. Respondents shall  
16 pay such cost within 60 days of receiving an invoice from the Commissioner detailing the  
17 activities performed during the audit and the amount of time spent performing those activities.

18 The Commissioner may suspend the license of Respondent pending a hearing held  
19 in accordance with Section 11500, et seq., of the Government Code, if payment is not timely  
20 made as provided for herein, or as provided for in a subsequent agreement between the  
21 Respondents and the Commissioner. The suspension shall remain in effect until payment is  
22 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to  
23 provide for payment, or until a decision providing otherwise is adopted following a hearing held  
24 pursuant to this condition.

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III

All licenses and licensing rights of Respondent are indefinitely suspended from  
the effective date of the Decision unless or until Respondent pays the sum of \$3,836.50 for the  
Commissioner's reasonable cost of the investigation and enforcement which led to this  
disciplinary action. Said payment shall be in the form of a cashier's check or certified check  
made payable to the Department of Real Estate, Real Estate Fund.

IV.

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

V.

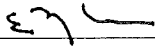
Respondent GEORGE GORDON GETZ, shall, within nine (9) months from the  
effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner  
that Respondent has, since the most recent issuance of an original or renewal real estate license,  
taken and successfully completed the continuing education requirements of Article 2.5 of  
Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to  
satisfy this condition, the Commissioner may order the suspension of Respondent's license until  
Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity

1 for a hearing pursuant to the Administrative Procedure Act to present such evidence.

2 VI.

3 All proof required by this Order, shall be sent to the attention of Elliott Mac  
4 Lennan, Counsel, Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los  
5 Angeles, California 90013-1105.  
6

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8  
9 DATED: 12-6-12

  
10 ELLIOTT MAC LENNAN, Counsel for  
11 Department of Real Estate

12 \* \* \*

13 EXECUTION OF THE STIPULATION

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

22 MAILING AND FACSIMILE

23 Respondents (1) shall mail the original signed signature page of the stipulation  
24 herein to Elliott Mac Lennan: Attention: Legal Section, Department of Real Estate, 320 W.  
25 Fourth St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile  
26 a copy of signed signature page, to the Department at the following telephone/fax number: (213)  
27 576-6917, Attention: Elliott Mac Lennan.



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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents CALIFORNIA WESTERN FINANCIAL INVESTMENTS INC. and GEORGE GORDON GETZ, and shall become effective at 12 o'clock noon on January 24, 2013, 2012.

IT IS SO ORDERED December 17 2012.

Real Estate Commissioner



By WAYNE S. BELL  
Chief Counsel