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1 Bureau of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982
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FILED

AUG 15 2013

BUREAU OF REAL ESTATE

By *[Signature]*

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation

No. H-38606 LA

12 OCTAGON INTERNATIONAL)
13 BUSINESS INVESTMENTS INC.;)
14 and **RHETT PASCUAL**,)
15 individually, and as desig-)
16 nated officer for Octagon)
International Business)
Investments, Inc.,)
17 Respondents.)
18 _____)

STIPULATION & AGREEMENT

OAH NO. 2013020331

19 It is hereby stipulated by and between RHETT PASCUAL,
20 (sometimes referred to as "Respondent"), and the Complainant,
21 acting by and through Cheryl D. Keily, Counsel for the Bureau of
22 Real Estate, as follows for the purpose of settling and
23 disposing of the Accusation filed on December 11, 2012, in this
24 matter.

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

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 Bureau of Real Estate ("Bureau") in
7 this proceeding.

8 3. On December 21, 2012, Respondent filed a Notice of
9 Defense, pursuant to Section 11506 of the Government Code for
10 the purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that he will waive
17 other rights afforded to him in connection with the hearing,
18 such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 his decision in this matter, thereby imposing the penalty and
24 sanctions on Respondent's real estate licenses and license
25 rights as set forth in the below "Order". In the event that
26 the Commissioner in his discretion does not adopt the
27 Stipulation and Agreement, it shall be void and of no effect,

1 and Respondent shall retain the right to a hearing and
2 proceeding on the Accusation under all the provisions of the
3 APA and shall not be bound by any admission or waiver made
4 herein.

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

15 6. This Stipulation and Respondents' decision not to
16 contest the Accusation are made for the purpose of reaching an
17 agreed disposition of this proceeding, and are expressly
18 limited to this proceeding and any other proceeding or case in
19 which the Bureau of Real Estate, or another licensing agency of
20 this state, another state or the federal government is involved
21 and otherwise shall not be admissible in any other criminal or
22 civil proceedings.
23

24 7. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation and
26 Agreement shall not constitute an estoppel, merger or bar to any
27 further administrative or civil proceedings by the Bureau of

1 Real Estate with respect to any matters which were not
2 specifically alleged to be causes for accusation in this
3 proceeding.

4 8. Respondent understands that by agreeing to this
5 Stipulation, Respondent agrees to pay, pursuant to California
6 Business and Professions Code Section 10106, the Commissioner's
7 cost for the investigation and enforcement of this matter. The
8 amount of said cost is \$1,464.00.

9
10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations, admissions
12 and waivers and solely for the purpose of settlement of the
13 pending Accusation without a hearing, it is stipulated and
14 agreed that the following determination of issues shall be made:

15 The Conduct of Respondent, as described in the
16 Accusation, is grounds for the suspension or revocation of all
17 of the real estate licenses and license rights of Respondent
18 under the provisions of Sections 10159.2 and 10177(g) of the
19 Business and Professions Code.

20 ORDER

21 WHEREFORE, THE FOLLOWING ORDER is hereby made:

22 1. ALL licenses and licensing rights of Respondent
23 RHETT PASCUAL, under the Real Estate Law are suspended for a
24 period of sixty (60) days from the effective date of this
25 Decision; provided, however, that the entire period of said
26 suspension shall be stayed for two (2) years upon the following
27 terms and conditions:

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 two (2) years 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 2. On or before the effective date of this Decision,
13 Respondent RHETT PASCUAL shall provide proof of restitution to
14 the consumer named in the Accusation filed in this case.

15 3. Pursuant to California Business and Professions
16 Code Section 10106, Respondent shall pay the Commissioner's
17 reasonable costs for investigation and enforcement of the
18 matter which led to this disciplinary action. The
19 investigation and enforcement cost in this matter is \$1,464.00.
20 Payment of these costs shall be made within sixty (60) days of
21 the effective date of this Decision in the form of a cashier's
22 or certified check to the Consumer Recovery Account of the
23 Bureau of Real Estate.

24 The Commissioner may suspend the license of
25 Respondent pending a hearing held in accordance with California
26 Government Code Section 11500, et seq., if payment is not
27 timely made as provided for herein, or as provided for in a

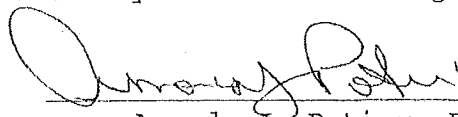
1 subsequent agreement between the Respondent and the
2 Commissioner. The suspension shall remain in effect until
3 payment is made in full or until Respondent enters into an
4 agreement satisfactory to the Commissioner to provide for
5 payment, or until a decision providing otherwise is adopted
6 following a hearing held pursuant to this condition.
7

8
9 DATED: July 25, 2013


CHERYL D. KEILY, Counsel
BUREAU OF REAL ESTATE

11 I have reviewed the Stipulation and Agreement as to
12 form and content and have advised my client accordingly.

13 DATED: 7-24-13


Amanda J. Potier, Esq.
Attorney for Respondent
RHETT PASCUAL

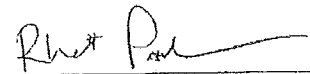
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17 * * *

18 I have read the Stipulation and Agreement, and its
19 terms are understood by me and are agreeable and acceptable to
20 me. I understand that I am waiving rights given to me by the
21 California Administrative Procedure Act (including but not
22 limited to Sections 11506, 11508, 11509 and 11513 of the
23 Government Code), and I willingly, intelligently and voluntarily
24 waive those rights, including the right of requiring the
25 Commissioner to prove the allegations in the Accusation at a
26 hearing at which I would have the right to cross-examine
27 witnesses against me and to present evidence in defense and
mitigation of the charges.

1 I have read the provisions of Section 2945.2(c), Title
2 10, Chapter 6, Code of Regulations, and am executing this
3 Stipulation and Agreement in reliance thereon.

4 Respondent can signify acceptance and approval of the
5 terms and conditions of this Stipulation and Agreement by faxing
6 a copy of its signature page, as actually signed by Respondent,
7 to the Bureau at the following telephone/fax number (213) 576-
8 6917. Respondent agrees, acknowledges, and understands that by
9 electronically sending to the Bureau a fax copy of his actual
10 signature as it appears on the Stipulation and Agreement, that
11 receipt of the faxed copy by the Bureau shall be as binding on
12 Respondent as if the Bureau had received the original signed
13 Stipulation and Agreement.

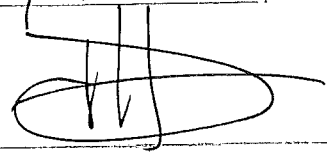
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15 DATED: July 24, 2013


RHETT PASCUAL
Respondent

17 * * *

18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision in this matter and shall become effective
20 at 12 o'clock noon on September 4, 2013.

21 IT IS SO ORDERED July 31, 2013.



25 **By: JEFFREY MASON**
26 **Chief Deputy Commissioner**

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FILED

AUG 15 2013

BUREAU OF REAL ESTATE

By *[Signature]*

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation		No. H-38606 LA
<u>OCTAGON INTERNATIONAL</u>)	OAH NO, 2013020331
<u>BUSINESS INVESTMENTS INC.;</u>)	
and RHETT PASCUAL,)	
individually, and as desig-)	
nated officer for Octagon)	
International Business)	
Investments, Inc.,)	
)	
Respondents.)	
)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 11, 2012, an Accusation was filed in this matter against Respondent Octagon International Business Investments Inc.

On July 24, 2013, Respondent Octagon International Business Investments Inc. petitioned the Commissioner to voluntarily surrender its real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent OCTAGON INTERNATIONAL BUSINESS INVESTMENTS INC.'s petition for voluntary

1 surrender of its real estate broker license(s) is accepted as of
2 the effective date of this Order as set forth below, based upon
3 the understanding and agreement expressed in Respondent's
4 Declaration dated July 24, 2013, (attached as Exhibit "A"
5 hereto). Respondent's license certificate(s), pocket card(s) and
6 any branch office license certificate(s) shall be sent to the
7 below listed address so that they reach the Bureau on or before
8 the effective date of this Order:

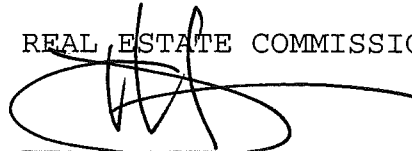
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10 Bureau of Real Estate
11 Attn: Licensing Flag Section
12 P.O. Box 137013
13 Sacramento, CA 95813-7013

14 This Order shall become effective at 12 o'clock noon

15 on September 4, 2013.

16 DATED: July 31, 2013.

17 REAL ESTATE COMMISSIONER

18 

19
20 **By: JEFFREY MASON**
21 **Chief Deputy Commissioner**

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation

No. H-38606 LA

No. L-2013020331

OCTAGON INTERNATIONAL)
BUSINESS INVESTMENTS INC.;)
and RHETT PASCUAL,)
individually, and as desig-)
nated officer for Octagon)
International Business)
Investments, Inc.,)
))
Respondents.)
_____)

DECLARATION

My name is Rhett Pascual, and I am currently an officer
of OCTAGON INTERNATIONAL BUSINESS INVESTMENTS INC. ("OCTAGON"),
which is licensed as a real estate broker and/or has license
rights with respect to said license. I am authorized and
empowered to sign this declaration on behalf of OCTAGON.

In lieu of proceeding in this matter in accordance with
the provisions of the Administrative Procedure Act (Sections
11400 et seq., of the Government Code) OCTAGON wishes to
voluntarily surrender its real estate license issued by the

1 Bureau of Real Estate ("Bureau"), pursuant to Business and
2 Professions Code Section 10100.2.

3 I understand that OCTAGON, by so voluntarily
4 surrendering its license, can only have it reinstated in
5 accordance with the provisions of Section 11522 of the Government
6 Code. I also understand that by so voluntarily surrendering its
7 license, OCTAGON agrees to the following:

8 The filing of this Declaration shall be deemed as its
9 petition for voluntary surrender. It shall also be deemed to be
10 an understanding and agreement by OCTAGON that, it waives all
11 rights it has to require the Commissioner to prove the
12 allegations contained in the Accusation filed in this matter at a
13 hearing held in accordance with the provisions of the
14 Administrative Procedure Act (Government Code Sections 11400 et
15 seq.), and that it also waives other rights afforded to it in
16 connection with the hearing such as the right to discovery, the
17 right to present evidence in defense of the allegations in the
18 Accusation and the right to cross-examine witnesses. I further
19 agree on behalf of OCTAGON that upon acceptance by the
20 Commissioner, as evidenced by an appropriate order, all
21 affidavits and all relevant evidence obtained by the Bureau in
22 this matter prior to the Commissioner's acceptance, and all
23 allegations contained in the Accusation filed in the Bureau Case
24 No. H-38606 LA, may be considered by the Bureau to be true and
25 correct for the purpose of deciding whether or not to grant
26
27

1 reinstatement of OCTAGON's license pursuant to Government Code
2 Section 11522.

3 A copy of the Commissioner's Criteria of Rehabilitation
4 is attached hereto. If and when a petition application is made
5 for reinstatement of a surrendered license, the Real Estate
6 Commissioner will consider as one of the criteria of
7 rehabilitation, whether or not restitution has been made to any
8 person who has suffered monetary losses through "substantially
9 related" acts or omissions of Respondent(s), whether or not such
10 persons are named in the Accusation filed in this case.

11 I declare under penalty of perjury under the laws of
12 the State of California that the above is true and correct, and
13 that I am acting freely and voluntarily on behalf of OCTAGON
14 INTERNATIONAL BUSINESS INVESTMENTS INC. to surrender its license
15 and all license rights attached thereto.
16

17
18 DATE: July 24, 2013

Rhett Pascual
OCTAGON INTERNATIONAL
BUSINESS INVESTMENTS INC.
BY: Rhett Pascual