

1 Bureau of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

FILED

MAY 22 2014

BUREAU OF REAL ESTATE

By *J. Lennan*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-38889 LA

12 RANDAL WESLEY BANAGAS,)
13 doing business as Starcrest Property)
14 Management, and Starcrest Properties,)
15 Ranbrea Realty & Loans, and)
16 Ranbrea Realty,)

STIPULATION
AND
AGREEMENT

Respondents,

17 It is hereby stipulated by and between Respondent RANDALL WESLEY
18 BANAGAS, (sometimes referred to as "Respondent,") and the Complainant, acting by and
19 through Elliott Mac Lennan, Counsel for the Bureau of Real Estate, as follows for the purpose
20 of settling and disposing of the Accusation ("Accusation") filed on March 30, 2013, in this
21 matter:
22

23 1. All issues which were to be contested and all evidence which was to be
24 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
25 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA,")
26 shall instead and in place thereof be submitted solely on the basis of the provisions of this
27

1 Stipulation and Agreement (“Stipulation.”)

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

5 3. Respondent timely filed a Notice of Defense pursuant to Section 11506 of the
6 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
7 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
8 acknowledges that he understands that by withdrawing said Notice of Defense he thereby
9 waives his right to require the Commissioner to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that he will waive
11 other rights afforded to him in connection with the hearing such as the right to present evidence
12 in his defense the right to cross-examine witnesses.
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15 4. This Stipulation is based on the factual allegations contained in the
16 Accusation. In the interest of expedience and economy, Respondent chooses not to contest
17 these allegations, but to remain silent and understands that, as a result thereof, these factual
18 allegations, without being admitted or denied, will serve as a prima facie basis for the
19 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
20 provide further evidence to prove said factual allegations.
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22 5. This Stipulation is made for the purpose of reaching an agreed disposition of
23 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
24 which the Bureau of Real Estate (“Bureau”) the state or federal government, or any agency of
25 this state, another state or federal government is involved, and otherwise shall not be admissible
26 in any other criminal or civil proceedings.
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1 6. It is understood by the parties that the Real Estate Commissioner may adopt
2 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
3 Respondent's real estate licenses and license rights as set forth in the "Order" herein below. In
4 the event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
5 and of no effect and Respondent shall retain the right to a hearing and proceeding on the
6 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
7 made herein.
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9 7. The Order or any subsequent Order of the Real Estate Commissioner made
10 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
11 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
12 which were not specifically alleged to be causes for Accusation in this proceeding but do
13 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations
14 against Respondent herein.
15

16 8. Respondent understands that by agreeing to this Stipulation, Respondent
17 agrees to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit is
18 \$6,274.34.
19

20 9. Respondent has received, read, and understood the "Notice Concerning Costs
21 of Subsequent Audit". Respondent further understands that by agreeing to this Stipulation, the
22 findings set forth below in the Determination of Issues become final, and the Commissioner
23 may charge Respondent for the cost of any subsequent audit conducted pursuant to Business and
24 Professions Code Section 10148 to determine if the violations have been corrected. The
25 maximum cost of the follow-up audit will not exceed \$6,274.34.
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1 audits of real estate brokers, and shall include an allocation for travel time to and from the
2 auditor's place of work. Said amount for the prior and subsequent audits shall not exceed
3 \$12,548.68. Respondent shall pay such cost within 60 days of receiving an invoice from the
4 Commissioner detailing the activities performed during the audit and the amount of time spent
5 performing those activities.

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

13 III.

14 All licenses and licensing rights of Respondent are indefinitely suspended unless
15 or until Respondent pays the sum of \$1,880.05 for the Commissioner's reasonable cost of the
16 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
17 form of a cashier's check made payable to the Real Estate Fund. Said check must be received by
18 the Bureau prior to the effective date of the Order in this matter.

19 IV.

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

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V.

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

VI.

Respondent 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 his license until the Respondent presents such
evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to
the Administrative Procedure Act to present such evidence.

VII.

As a further condition for the Commissioner to enter into this Stipulation,
Respondent shall provide evidence satisfactory to the Real Estate Commissioner that
Respondent has repaid to property owners, or their successors in interest, the amounts set forth
in the table below. Proof of repayment must be received by the Bureau prior to the effective
date of the Decision in this matter.

All licenses and licensing rights of Respondent are indefinitely suspended unless
or until Respondent provides evidence to the Commissioner sufficient to demonstrate that
repayment to the property managers has been made.

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2 EXECUTION OF THE STIPULATION

3 I have read the Stipulation. Its terms are understood by me and are agreeable
4 and acceptable to me. I understand that I am waiving rights given to me by the California
5 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
6 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those
7 rights, including the right of requiring the Commissioner to prove the allegations in the
8 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
9 and to present evidence in defense and mitigation of the charges.

10 MAILING/FACSIMILE

11 Respondent (1) shall mail the original signed signature page of the stipulation
12 herein to Elliott Mac Lennan: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
13 St., Suite 350, Los Angeles, California 90013-1105. Additionally, Respondent (2) shall also
14 facsimile a copy of signed signature page, to the Bureau at the following fax number: (213) 576-
15 6917, Attention: Elliott Mac Lennan.

16 A facsimile constitutes acceptance and approval of the terms and conditions of
17 this stipulation. Respondent agrees, acknowledges and understands that by electronically
18 sending to the Bureau a facsimile copy of Respondent' actual signature as it appears on the
19 stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondent as
20 if the Bureau had received the original signed stipulation.

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24 DATED: 2/7/14

25 
26 _____
27 RANDALL WESLEY BANAGAS, Respondent

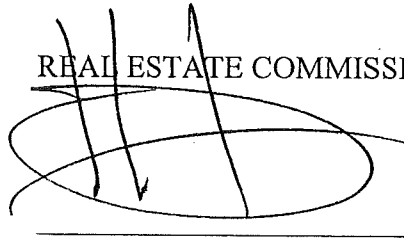
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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent RANDALL WESLEY BANAGAS and shall become effective at 12 o'clock noon
on JUN 12 2014,

IT IS SO ORDERED Apr. 11 22, 2014.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner