

1 Bureau of Real Estate
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FILED

DEC 30 2016

BUREAU OF REAL ESTATE

By Zui Gan

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 DEBRA LADEAN GORDON,)
13 individually and as Designated Officer)
14 of Laguna Coast Properties West Inc.;)
15 and JAY ALLEN GORDON,)
Respondents.)

Nos. H-39012 LA & H-39014 LA

STIPULATION

AND

AGREEMENT

16 In the Matter of the Accusation of)
17 CHARLES F. WARREN, JR.; and)
18 JAY ALLEN GORDON,)
19 Respondents.)

20
21 It is hereby stipulated by and between Respondent CHARLES F. WARREN, JR.,
22 (sometimes referred to as "Respondent"), acting on his own behalf, and the Complainant, acting
23 by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the
24 purpose of settling and disposing of the First Amended Accusation ("Accusation") filed on
25 December 3, 2013, in this matter:

26 1. All issues which were to be contested and all evidence which was to be
27 presented by Complainant and Respondent 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. Respondent has received, read and understands the Statement to Respondent,
5 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in
6 this proceeding.

7 3. Respondent 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 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
10 acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives
11 his 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 he will waive other rights
13 afforded to him in connection with the hearing such as the right to present evidence in his
14 defense, and the right to cross-examine witnesses.

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 these
17 allegations but to remain silent and understands that, as a result thereof, these factual allegations,
18 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
19 stipulated to herein. The Real Estate Commissioner shall not be required to provide further
20 evidence to prove 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 not any other proceeding or case
23 in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another
24 state, or the federal government is involved, and otherwise shall not be admissible in any other
25 criminal or civil proceeding.

26 6. It is understood by the parties that the Real Estate Commissioner may adopt
27 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on

1 Respondent's real estate licenses and license rights as set forth in the below "Order". In the
2 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall
3 be void and of no effect and Respondent shall retain the right to a hearing and proceed on the
4 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
5 made herein.

6 7. The Order or any subsequent Order of the Real Estate Commissioner made
7 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
8 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
9 which were not specifically alleged to be causes for accusation in this proceeding.

10 DETERMINATION OF ISSUES

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

13 The conduct, acts or omissions of CHARLES F. WARREN, JR., as described in
14 Paragraph 4, above, are in violation of Section 10177(h) of the Business and Professions Code
15 ("Code") and Section 2725 of Title 10, Chapter 6 of the California Code of Regulations
16 ("Regulations") and are a basis for discipline of Respondent's license and license rights as a
17 violation of the Real Estate Law pursuant to Code Sections 10177(d) and 10177(h).

18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 I.

21 A. All licenses and licensed rights of Respondent CHARLES F. WARREN, JR.
22 under the Real Estate Law are suspended for a period of ninety (90) days from the effective date
23 of this Decision; provided, however, that the initial thirty (30) days of that suspension shall be
24 stayed for two years upon the following terms and conditions:

25 1. Respondent shall pay a total monetary penalty pursuant to Section 10175.2 of
26 the Business and Professions Code of \$500.00.

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1 2. Said payment shall be in the form of a cashier's check made payable to the
2 Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag
3 Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
4 Decision and Order.

5 3. No further cause for disciplinary action against the real estate license of
6 Respondent occurs within two (2) years from the effective date of the Decision and Order in this
7 matter.

8 4. If Respondent fails to pay the monetary penalty in accordance with the terms
9 and conditions of the Decision and Order, the suspension will go into effect automatically. In
10 that event, Respondent shall not be entitled to any repayment nor credit, prorated or otherwise,
11 for money paid to the Bureau under the terms of this Decision and Order.

12 5. If Respondent pays the monetary penalty and if no further cause for
13 disciplinary action against Respondent's real estate license occurs within two (2) years from the
14 effective date of the Decision and Order, the stay hereby granted shall become permanent.

15 B. The remaining sixty (60) days of the ninety (90) day suspension shall be
16 stayed for two (2) years upon the following terms and conditions:

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

19 2. That no final subsequent determination be made after hearing or upon
20 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
21 date of this Decision and Order. Should such a determination be made, the Commissioner may,
22 in his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
23 suspension. Should no such determination be made under this section, the stay imposed herein
24 shall become permanent.

25 II.

26 Respondent shall, within nine (9) months from the effective date of this
27 Decision and Order, present evidence satisfactory to the Real Estate Commissioner that

1 Respondent has, since the most recent issuance of an original or renewal real estate license, taken
2 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
3 the Real Estate Law for renewal of a real estate license. **Such continuing education shall**
4 **include a course on Broker Supervision and Management of a real estate office.** If
5 Respondent fails to satisfy this condition, then Respondent's real estate license shall be
6 automatically suspended until he presents evidence satisfactory to the Commissioner of having
7 taken and successfully completed the continuing education requirements. **Proof of completion**
8 **of the continuing education courses must be delivered to the Bureau of Real Estate, Flag**
9 **Section, P.O. Box 137013, Sacramento, CA 95813-7013.**

10 III.

11 Respondent shall within six (6) months from the effective date of the Decision
12 **and Order** herein, take and pass the Professional Responsibility Examination administered by
13 the Bureau including the payment of the appropriate examination fee. If Respondent fails to
14 satisfy this condition, Respondent's real estate license shall be automatically suspended until
15 Respondent passes the examination.

16 IV.

17 Respondent shall within 120 days from the effective date of the Decision and
18 **Order** herein submit proof satisfactory to the Commissioner of having taken and successfully
19 completed the continuing education course on trust fund accounting and handling specified in
20 paragraph (3) of subdivision (a) of Section 10170.5 of the Code. If Respondent fails to satisfy
21 this condition, Respondent's real estate license shall be automatically suspended until he presents
22 evidence satisfactory to the Commissioner of having taken and successfully completed the trust
23 fund accounting and handling course. **Proof of completion of the continuing education course**
24 **must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento,**
25 **CA 95813-7013.**

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V.

Pursuant to Sections 10106 and 10148 of the Business and Professions Code,
Respondent shall pay the Commissioner's reasonable costs for (a) investigation of the case and
(b) the audit which led to this disciplinary action. For the purposes of this Stipulation and
Agreement, Respondent agrees to pay the full sum of \$4,000.00 for the costs of investigation and
audit. Respondent shall pay such cost within 90 days of the effective date of this Decision. **Said
check must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013,
Sacramento, CA 95813-7013.**

If Respondent fails to satisfy this condition, Respondent's real estate license shall
be automatically suspended until Respondent enters into an agreement satisfactory to the
Commissioner to provide for payment, or until a decision providing otherwise is adopted
following a hearing held pursuant to this condition.

DATED: 10/19/16



Amelia V. Vetrone, Counsel for
the Bureau of Real Estate

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EXECUTION OF THE STIPULATION

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

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