

1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

FILED

SEP 25 2014

BUREAU OF REAL ESTATE

By *[Signature]*

7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)

) CalBRE No. H-39162 LA
) OAH No. 2013120546

11 ANDREW LAWRENCE PARTIDA,)
12)

) STIPULATION AND
) AGREEMENT

13)
14) Respondent.)
15)

16 It is hereby stipulated by and between ANDREW LAWRENCE
17 PARTIDA (Respondent), represented by Daniel J. Tripathi, Esq., and
18 the Complainant, acting by and through Lissete Garcia, Counsel for
19 the Bureau of Real Estate, as follows for the purpose of settling
20 and disposing of the Accusation in this matter, filed on November
21 21, 2013:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 ANDREW LAWRENCE PARTIDA at a formal hearing on the Accusation,

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

5 2. Respondent ANDREW LAWRENCE PARTIDA has received,
6 read and understands the Statement to Respondent, the Discovery
7 Provisions of the APA and the Accusation filed by the Bureau of
8 Real Estate in this proceeding.

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

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24 ///

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

9 5. This Stipulation and Respondent's decision not to
10 contest the Accusation are made for the purpose of reaching an
11 agreed disposition of this proceeding and are expressly limited to
12 this proceeding and any other proceeding or case in which the
13 Bureau of Real Estate, or another licensing agency of this state,
14 another state or if the federal government is involved and
15 otherwise shall not be admissible in any other criminal or civil
16 proceedings.

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

1 Respondent shall not be entitled to any repayment nor credit,
2 prorated or otherwise, for money paid to the Bureau under the
3 terms of this Decision.

4 5. If Respondent pays the monetary penalty and if no
5 further cause for disciplinary action against the real estate
6 license of Respondent occurs within two years from the effective
7 date of the Decision, the stay hereby granted shall become
8 permanent.

9 II.

10 Respondent ANDREW LAWRENCE PARTIDA shall, prior to the
11 effective date of this Decision, pay \$2,619.05 for the
12 Commissioner's reasonable costs of the investigation and
13 enforcement which led to this disciplinary action. Said payment
14 shall be in the form of a cashier's check made payable to the Real
15 Estate Fund. The investigative costs must be delivered to the
16 Bureau of Real Estate, Legal & Recovery Account Mail, at P.O. Box
17 137007, Sacramento, CA 95813-7007, prior to the effective date of
18 this Order.

19 If Respondent ANDREW LAWRENCE PARTIDA fails to satisfy
20 this condition, the Commissioner shall order the suspension of the
21 Respondent's license until the Respondent presents evidence of
22 payment. The Commissioner shall afford Respondent the opportunity
23 for a hearing pursuant to the Administrative Procedure Act to
24 present such evidence that payment was timely made. The

1 suspension shall remain in effect until payment is made in full or
2 until a decision providing otherwise is adopted following a
3 hearing held pursuant to this condition.

4 III.

5 Respondent ANDREW LAWRENCE PARTIDA shall, within six (6)
6 months from the effective date of the Decision herein, take and
7 pass the Professional Responsibility Examination administered by
8 the Bureau including the payment of the appropriate examination
9 fee. If Respondent fails to satisfy this condition, the
10 Commissioner shall order the suspension of Respondent's license
11 until Respondent passes the examination.

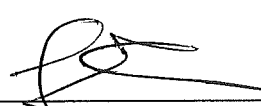
12 IV.

13 Respondent ANDREW LAWRENCE PARTIDA shall, within nine
14 (9) months from the effective date of the Decision herein, present
15 evidence satisfactory to the Real Estate Commissioner that
16 Respondent has, since the most recent issuance of an original or
17 renewal real estate license, taken and successfully completed the
18 continuing education requirement of Article 2.5 of Chapter 3 of
19 the Real Estate Law for renewal of a real estate license. If
20 Respondent fails to satisfy this condition, the Commissioner shall
21 order the suspension of Respondent's license until Respondent
22 presents such evidence. The Commissioner shall afford Respondent
23 the opportunity for a hearing pursuant to the Administrative
24 Procedure Act to present such evidence.

1 V.

2 A copy of all proofs of payment and completed coursework
3 shall be submitted to Bureau Counsel Lissete Garcia, Attention:
4 Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite
5 350, Los Angeles, California 90013-1105, on or before the dates
6 set forth above.

7 DATED: 9/4/2014


8 LISSETE GARCIA, Counsel for the
Bureau of Real Estate

9 EXECUTION OF THE STIPULATION

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

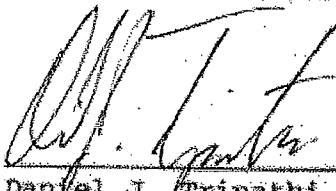
20 Respondent can signify acceptance and approval of the
21 terms and conditions of this Stipulation by faxing a copy of the
22 signature page, as actually signed by Respondent, to the Bureau at
23 the following telephone/fax number: Lissete Garcia at (213) 576-
24 6917. Respondent agrees, acknowledges and understands that by

1 electronically sending to the Bureau a fax copy of Respondent's
 2 actual signature, as it appears on the Stipulation, that receipt
 3 of the faxed copy by the Bureau shall be as binding on Respondent
 4 as if the Bureau had received the original signed Stipulation.

5 DATED: 8/29/14


 ANDREW LAWRENCE PARTIDA, Respondent

8 DATED: 9/2/14


 Daniel J. Tripathi, Attorney for
 Respondent Andrew Lawrence Partida

12 The foregoing Stipulation and Agreement is hereby
 13 adopted as my Decision as to Respondent ANDREW LAWRENCE PARTIDA
 14 and shall become effective at 12 o'clock noon on

17 IT IS SO ORDERED _____

18 REAL ESTATE COMMISSIONER

21 Wayne S. Bell

1 electronically sending to the Bureau a fax copy of Respondent's
2 actual signature, as it appears on the Stipulation, that receipt
3 of the faxed copy by the Bureau shall be as binding on Respondent
4 as if the Bureau had received the original signed Stipulation.

5 DATED: _____
6 _____
7 ANDREW LAWRENCE PARTIDA, Respondent

8 DATED: _____
9 _____
10 Daniel J. Tripathi, Attorney for
11 Respondent Andrew Lawrence Partida

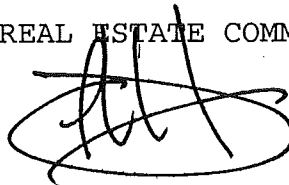
12 ***

13 The foregoing Stipulation and Agreement is hereby
14 adopted as my Decision as to Respondent ANDREW LAWRENCE PARTIDA
15 and shall become effective at 12 o'clock noon on

16 OCT 15 2014

17 IT IS SO ORDERED SEPTEMBER 17, 2014

18 REAL ESTATE COMMISSIONER

19 

20 _____
21 By: JEFFREY MASON
22 Chief Deputy Commissioner