

12/25/14

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

FILED

OCT 10 2014

BUREAU OF REAL ESTATE

By 

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4 (213) 576-6910
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8 BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13 WYSTEIN CORPORATION, d.b.a.)
14 LAMERICA L P, PAUL WILLIAM WYLIE,)
15 individually, and as designated)
16 officer of Wystein Corporation)
17 and JOHN WILLIAM STEWART,)
18 Respondents.)

BRE No: H-39290 LA
OAH No: 2013090333

STIPULATION AND
AGREEMENT

18 It is hereby stipulated by and between Respondents
19 WYSTEIN CORPORATION, PAUL WILLIAM WYLIE and JOHN WILLIAM STEWART
20 and the Complainant, acting by and through James A. Demus,
21 Counsel for the Bureau of Real Estate ("Bureau"), as follows for
22 the purpose of settling and disposing of the Accusation filed on
23 February 5, 2014, in this matter:

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

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

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

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

4 5. This Stipulation is made for the purpose of
5 reaching an agreed disposition of this proceeding and is
6 expressly limited to this proceeding and any other proceeding or
7 case in which the Bureau, the state or federal government, or any
8 agency of this state, another state or federal government is a
9 party.

10 6. It is understood by the parties that the Real
11 Estate Commissioner may adopt this Stipulation as his Decision in
12 this matter thereby imposing the penalty and sanctions on
13 Respondents' real estate licenses and license rights as set forth
14 in the "Order" herein below. In the event that the Commissioner
15 in his discretion does not adopt the Stipulation, it shall be
16 void and of no effect and Respondents shall retain the right to a
17 hearing and proceeding on the Accusation under the provisions of
18 the APA and shall not be bound by any stipulation or waiver made
19 herein.

20 7. The Order or any subsequent Order of the Real
21 Estate Commissioner made pursuant to this Stipulation shall not
22 constitute an estoppel, merger or bar to any further
23 administrative or civil proceedings by the Bureau of Real Estate
24 with respect to any matters which were not specifically alleged
25 to be causes for Accusation in this proceeding but do constitute
26 a bar, estoppel and merger as to any allegations actually
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1 contained in the Accusation against Respondents herein.

2 DETERMINATION OF ISSUES

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

5 I.

6 The conduct of WYSTEIN CORPORATION, PAUL WILLIAM WYLIE
7 and JOHN WILLIAM STEWART as described in Paragraph 4,
8 hereinabove, if proven at hearing, would be in violation of Title
9 10, California Code of Regulations Section 2950(h) and provides a
10 basis for discipline of their licenses and license rights
11 pursuant to Business and Professions Code Section 10177(d).

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I.

15 Respondent JOHN WILLIAM STEWART is publicly reprovod.

16 II.

17 Pursuant to California Business and Professions Code
18 Section 10106, Respondents WYSTEIN CORPORATION, PAUL WILLIAM
19 WYLIE and JOHN WILLIAM STEWART shall be jointly and severally
20 liable for paying the Commissioner's reasonable cost for
21 investigation and enforcement of the matter. The investigation
22 and enforcement cost which led to this disciplinary action is
23 \$6,088.70. Said payment shall be made within six (6) weeks of
24 the effective date of this Decision.

25 The Commissioner may suspend the licenses of
26 Respondents pending a hearing held in accordance with California
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1 Government Code Section 11500, et seq., if payment is not timely
2 made as provided for herein, or as provided for in a subsequent
3 agreement between the Respondents and the Commissioner. The
4 suspension shall remain in effect until payment is made in full
5 or until Respondents enter into an agreement satisfactory to the
6 Commissioner to provide for payment, or until a decision
7 providing otherwise is adopted following a hearing held pursuant
8 to this condition.

9 III.

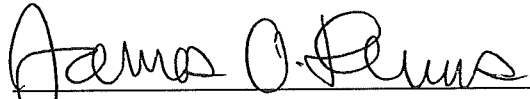
10 A.

11 Respondent PAUL WILLIAM WYLIE shall within six (6)
12 months from the effective date of the Decision herein, take and
13 pass the Professional Responsibility Examination administered by
14 the Bureau, including the payment of the appropriate examination
15 fee. If Respondent fails to satisfy this condition,
16 the Commissioner may order suspension of Respondent's license
17 until Respondent passes the examination.

18 B.

19 Respondent JOHN WILLIAM STEWART shall within six (6)
20 months from the effective date of the Decision herein, take and
21 pass the Professional Responsibility Examination administered by
22 the Bureau. including the payment of the appropriate examination
23 fee. If Respondent fails to satisfy this condition,
24 the Commissioner may order suspension of Respondent's license
25 until Respondent passes the examination.

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3 DATED: 9/29/14


4 JAMES A. DEMUS, Counsel for
5 the Bureau of Real Estate

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7 **EXECUTION OF THE STIPULATION**

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

19 Respondents can signify acceptance and approval of the
20 terms and conditions of this Stipulation by faxing a copy of its
21 signature page, as actually signed by Respondents, to the Bureau
22 at the following telephone/fax number: James A. Demus at (213)
23 576-6917. Respondents agree, acknowledge and understand that by
24 electronically sending to the Bureau a fax copy of Respondent's
25 actual signature as it appears on the Stipulation, that receipt
26 of the faxed copy by the Bureau shall be as binding on Respondent
27 as if the Bureau had received the original signed Stipulation.

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DATED: 09/26/14

Paul William Wylie
PAUL WILLIAM WYLIE, as Designated
Officer of WYSTEIN CORPORATION

DATED: 09/26/14

Paul William Wylie
PAUL WILLIAM WYLIE, Respondent

DATED: _____

JOHN WILLIAM STEWART, Respondent

DATED: 9/26/14

Sanford Michelman
Sanford Michelman,
Attorney for Respondents

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents WYSTEIN CORPORATION,
PAUL WILLIAM WYLIE and JOHN WILLIAM STEART and shall become
effective at 12 o'clock noon on _____, 2014.

IT IS SO ORDERED _____, 2014.

Real Estate Commissioner

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DATED: _____

PAUL WILLIAM WYLIE, as Designated
Officer of WYSTEIN CORPORATION

DATED: _____

PAUL WILLIAM WYLIE, Respondent

DATED: 9/26/2014

DocuSigned by:
John W Stewart

JOHN WILLIAM STEWART, Respondent

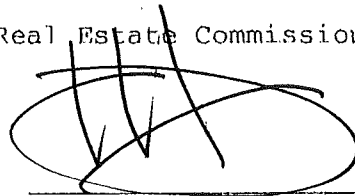
DATED: _____

Sanford Michelman,
Attorney for Respondents

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents WYSTEIN CORPORATION,
PAUL WILLIAM WYLIE and JOHN WILLIAM STEWART and shall become
effective at 12 o'clock noon on October 30, 2014.

IT IS SO ORDERED OCT 07 2014

Real Estate Commissioner



By: JEFFREY MASON
Chief Deputy Commissioner