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Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, CA 90013-1105
Telephone:(213) 576-6982

FILED

NOV 06 2014

BUREAU OF REAL ESTATE

By



BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation)	No. H-39432 LA
)	
EARVIN SAN JUAN PIEGA,)	<u>STIPULATION & AGREEMENT</u>
)	
Respondent.)	
_____)	

It is hereby stipulated by and between EARVIN SAN JUAN PIEGA (sometimes referred to as "Respondent"), and his attorney of record, Frank Buda, Esq., and the Complainant, acting by and through Cheryl D. Keily, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on May 1, 2014, in this matter:

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

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

1 ("Bureau") in this proceeding.

2 3. On May 9, 2014, Respondent filed a Notice of Defense, pursuant to Section
3 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
4 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
5 Respondent acknowledges that she understands that by withdrawing said Notice of Defense he
6 will thereby waive his right to require the Commissioner to prove the allegations in the
7 Accusation at a contested hearing held in accordance with the provisions of the APA and that he
8 will waive other rights afforded to him in connection with the hearing, such as the right to
9 present evidence in defense of the allegations in the Accusation and the right to cross-examine
10 witnesses.
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12 4. It is understood by the parties that the Real Estate Commissioner may adopt
13 the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and
14 sanctions on Respondent's real estate licenses and license rights as set forth in the below
15 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation
16 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
17 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
18 bound by any admission or waiver made herein.

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

25 6. This Stipulation and Respondent's decision not to contest the Accusation are
26 made for the purpose of reaching an agreed disposition of this proceeding, and are expressly
27 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate,

1 or another licensing agency of this state, another state or the federal government is involved
2 and otherwise shall not be admissible in any other criminal or civil proceedings.

3
4 7. The Order or any subsequent Order of the Real Estate Commissioner made
5 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
6 further administrative or civil proceedings by the Bureau of Real Estate with respect to any
7 matters which were not specifically alleged to be causes for accusation in this proceeding.

8 8. Respondent understands that by agreeing to this Stipulation, Respondent
9 agrees to pay, pursuant to California Business and Professions Code ("Code") Section 10106,
10 the Commissioner's cost for the investigation and enforcement of this matter. The amount of
11 said cost is \$879.92.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions and waivers and solely for
14 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
15 agreed that the following determination of issues shall be made:
16

17 The conduct of Respondent is in violation of Code Section 10177(b), and is
18 grounds for the suspension or revocation of all of the real estate licenses and license rights of
19 Respondent.

20 ORDER

21 WHEREFORE, THE FOLLOWING ORDER is hereby made:

22 ALL licenses and licensing rights of Respondent EARVIN SAN JUAN PIEGA,
23 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
24 license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent
25 makes application therefor and pays to the Department the appropriate fee for the restricted
26 license within 90 days from the effective date of this Decision.
27

1 I. The restricted license issued to Respondent shall be subject to all of the
2 provisions of Section 10156.7 of the Code and to the following conditions, limitations and
3 restrictions imposed under the authority of Section 10156.6 of the Code:

4 1. The restricted license issued to Respondent may be suspended prior to hearing
5 by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
6 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
7 estate salesperson licensee.

8 2. The restricted license issued to Respondent may be suspended prior to hearing
9 by Order of the Commissioner on evidence satisfactory to the Commissioner that Respondent
10 has violated provisions of the Real Estate law, the Subdivided Lands Law, Regulations of the
11 Real Estate Commissioner or conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for issuance of an unrestricted real
13 estate license nor for the removal of any of the conditions, limitations or restrictions of a
14 restricted license until two (2) years have elapsed from the effective date of this Decision.

15 4. Respondent shall submit with any application for license under an employing
16 broker, or any application for transfer to a new employing broker, a statement signed by the
17 prospective employing real estate broker, on a form approved by the Bureau, which shall
18 certify:

19 (a) That the employing broker has read the Decision of the Commissioner
20 which granted the right to a restricted license; and

21 (b) That the employing broker will exercise close supervision over the
22 performance by the restricted licensee relating to activities for which a real estate salesperson
23 license is required.
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1 5. Respondent shall, within nine (9) months from the effective date of this
2 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the
3 most recent issuance of an original or renewal real estate salesperson license, taken and
4 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
5 Real Estate Law for renewal of a real estate salesperson license. If Respondent fails to satisfy
6 this condition, the Commissioner may order the suspension of the restricted license until
7 Respondent presents such evidence. The Commissioner shall afford Respondent the
8 opportunity for a hearing pursuant to the APA to present such evidence.
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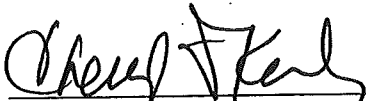
10 6. Respondent shall notify the Commissioner in writing within 72 hours of any
11 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, 320 W. 4th
12 Street, Suite 350, Los Angeles, California 90013-1105. The letter shall set forth the date of
13 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
14 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
15 constitute an independent violation of the terms of the restricted license and shall be grounds
16 for the suspension or revocation of that license.
17

18 II. Pursuant to Code Section 10106, Respondent shall pay the Commissioner's
19 reasonable costs for investigation and enforcement of the matter which led to this disciplinary
20 action. The investigation and enforcement cost in this matter is \$879.92. Payment of these
21 costs shall be made within sixty (60) days of the effective date of this Decision in the form of a
22 cashier's or certified check to the Consumer Recovery Account of the Bureau of Real Estate.
23

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

1 Respondent and the Commissioner. The suspension shall remain in effect until payment is
2 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to
3 provide for payment, or until a decision providing otherwise is adopted following a hearing
4 held pursuant to this condition.
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7 DATED: Oct 16, 2014


Cheryl D. Keily, Counsel
BUREAU OF REAL ESTATE

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

18 Respondent can signify acceptance and approval of the terms and conditions of
19 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
20 Respondent, to the Bureau at the following telephone/fax number (213) 576-6917. Respondent
21 agrees, acknowledges, and understands that by electronically sending to the Bureau a fax copy
22 of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed
23 copy by the Bureau shall be as binding on Respondent as if the Bureau had received the
24 original signed Stipulation and Agreement.

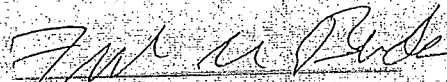
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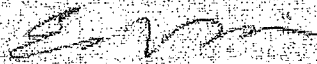
1 I have reviewed the Stipulation and Agreement as to form and content and have
2 advised my client accordingly

3 DATED: 10-15-14



4 Frank Buda, Esq.
5 Attorney for Respondent
6 EARVIN SAN JUAN PEBGA

7 DATED: 10/15/14



8 EARVIN SAN JUAN PEBGA
9 Respondent

10 ***

11 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
12 this matter and shall become effective at 12 o'clock noon on _____, 2014.

13 IT IS SO ORDERED _____, 2014.

14 Real Estate Commissioner
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I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: _____

Frank Buda, Esq.
Attorney for Respondent
EARVIN SAN JUAN PIEGA

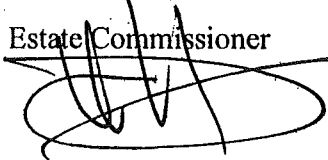
DATED: _____

EARVIN SAN JUAN PIEGA
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on November 26, 2014.

IT IS SO ORDERED OCTOBER 30, 2014.

Real Estate Commissioner



By: JEFFREY MASON
Chief Deputy Commissioner