

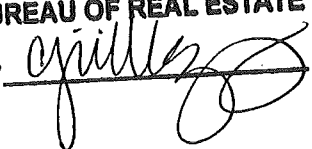
1 Bureau of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982
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FILED

FEB 27 2015

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

No. H-39519 LA

12 JAMES LEE BAYER,

STIPULATION

AND

13 Respondent.

AGREEMENT

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16 It is hereby stipulated by and between Respondent JAMES LEE BAYER, acting
17 on his own behalf, and the Complainant, acting by and through Amelia V. Vetrone, Counsel for
18 the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation
19 ("Accusation") filed on July 7, 2014, in this matter:

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

25 2. Respondent has received, read and understands the Statement to Respondent,
26 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in
27

1 this proceeding.

2 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the
3 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
4 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
5 acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives
6 his right to require the Commissioner to prove the allegations in the Accusation at a contested
7 hearing held in accordance with the provisions of the APA and that he will waive other rights
8 afforded to him in connection with the hearing such as the right to present evidence in his
9 defense and the right to cross-examine witnesses.

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

16 5. This Stipulation is made for the purpose of reaching an agreed disposition of
17 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
18 in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another
19 state or if the federal government is involved, and otherwise shall not be admissible in any other
20 criminal or civil proceeding.

21 6. It is understood by the parties that the Real Estate Commissioner may adopt
22 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
23 Respondent's real estate license and license rights as set forth in the below "Order". In the event
24 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
25 void and of no effect and Respondent shall retain the right to a hearing and proceeding on the
26 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
27 made herein.

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

DETERMINATION OF ISSUES

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

The conduct of JAMES LEE BAYER as described in Paragraph 4, herein above, is in violation of Sections 10176(a), 10177(d), and 10177(g) of the Business and Professions Code (“Code”) and is a basis for discipline of Respondent’s license and license rights as a violation of the Real Estate Law pursuant to those Code Sections.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate salesperson license of Respondent JAMES LEE BAYER under the Real Estate Law is revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent, pursuant to Section 10156.5 of the Code, if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision.

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

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

1 2. The restricted license issued to Respondent may be suspended prior to hearing
2 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
3 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
4 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
5 license.

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

10 4. Respondent shall submit with any application for license under an employing
11 broker, or any application for transfer to a new employing broker, a statement signed by the
12 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
13 shall certify:

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

16 (b) That the employing broker will exercise close supervision over the
17 performance by the restricted licensee relating to activities for which a real
18 estate license is required.

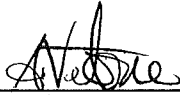
19 5. Respondent JAMES LEE BAYER shall, within nine (9) months from the
20 effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner
21 that Respondent has, since the most recent issuance of an original or renewal real estate license,
22 taken and successfully completed the continuing education requirements of Article 2.5 of
23 Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to
24 satisfy this condition, the Commissioner may order the suspension of the restricted license until
25 Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity
26 for a hearing pursuant to the Administrative Procedure Act to present such evidence.

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1 6. Respondent JAMES LEE BAYER shall within six (6) months from the
2 effective date of the Decision herein, take and pass the Professional Responsibility Examination
3 administered by the Bureau including the payment of the appropriate examination fee. If
4 Respondent fails to satisfy this condition, the Commissioner may order suspension of
5 Respondent's license until Respondent passes the examination. The Commissioner shall afford
6 Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present
7 such evidence.

8 7. Respondent JAMES LEE BAYER shall, prior to the issuance of any restricted
9 license, pay the Bureau of Real Estate for costs of investigation incurred in this matter in the
10 amount of \$2,632.80, pursuant to Code Section 10106.

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13 DATED: 2-6-15



Amelia V. Vetrone, Counsel for
Bureau of Real Estate

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16 * * *

17 EXECUTION OF THE STIPULATION

18 I have read the Stipulation. Its terms are understood by me and are agreeable and
19 acceptable to me. I understand that I am waiving rights given to me by the California
20 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
21 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights,
22 including the right of requiring the Commissioner to prove the allegations in the Accusation at a
23 hearing at which I would have the right to cross-examine witnesses against me and to present
24 evidence in defense and mitigation of the charges.

25 MAILING AND FACSIMILE

26 Respondent (1) shall mail the original signed signature page of the stipulation
27

1 herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
2 St., Suite 350, Los Angeles, California 90013-1105. Respondent shall also (2) facsimile a copy
3 of signed signature page, to the Bureau at the following telephone/fax number: (213) 576-6917,
4 Attention: Amelia V. Vetrone.

5 A facsimile constitutes acceptance and approval of the terms and conditions of
6 this stipulation. Respondent agrees, acknowledges and understands that by electronically sending
7 to the Bureau a facsimile copy of Respondent's actual signature as it appears on the stipulation
8 that receipt of the facsimile copy by the Bureau shall be as binding on Respondent as if the
9 Bureau had received the original signed stipulation.

10
11 DATED: 2-2-15


12 JAMES LEE BAYER
13 Respondent
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15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
17 Respondent JAMES LEE BAYER, and shall become effective at 12 o'clock noon on
18 2-2-15.

19 IT IS SO ORDERED _____.

20 Real Estate Commissioner
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23 _____
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1 herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
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9 Bureau had received the original signed stipulation.

10
11 DATED: _____

12 JAMES LEE BAYER
13 Respondent
14

15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
17 Respondent JAMES LEE BAYER, and shall become effective at 12 o'clock noon on

18 MAR 19 2015

19 IT IS SO ORDERED FEBRUARY 17, 2015

20 Real Estate Commissioner

21 
22

23 By: JEFFREY MASON
24 Chief Deputy Commissioner
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26
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