

1 Bureau of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

JUN 09 2015

BUREAU OF REAL ESTATE

By *Sybil Manner*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-39658 LA
12)
13 LOGOS REALTY, INC.; and) STIPULATION AND AGREEMENT
14 JAMESS HUTSON GERBER,)
15 individually and as designated officer)
16 of Logos Realty, Inc.,)
17 Respondents.)

18 It is hereby stipulated by and between Respondent JAMESS HUTSON GERBER
19 ("Respondent") and the Complainant, acting by and through Diane Lee, Counsel for the Bureau
20 of Real Estate, as follows for the purpose of settling and disposing of the Accusation
21 ("Accusation") filed on November 20, 2014, in this matter:

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

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

1 Real Estate in this proceeding.

2 3. Respondent did not file a Notice of Defense pursuant to California
3 Government Code section 11506 for the purpose of requesting a hearing on the allegations in the
4 Accusation. Respondent acknowledges that he understands that not filing a Notice of Defense,
5 he thereby foregoes his right to require the Commissioner to prove the allegations in the
6 Accusation at a contested hearing held in accordance with the provisions of the APA and that he
7 will waive other rights afforded to him in connection with the hearing such as the right to present
8 evidence in his defense and the right to cross-examine witnesses.

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

15 5. This Stipulation is made for the purpose of reaching an agreed disposition of
16 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
17 which the Bureau of Real Estate, another licensing agency of this case, or another state or federal
18 government is involved.

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

25 7. The Order or any subsequent order of the Real Estate Commissioner made
26 pursuant to this Stipulation and Agreement herein shall not constitute an estoppel, merger, or bar

1 to any further administrative or civil proceedings by the Bureau of Real Estate with respect to any
2 matters which were not specifically alleged to be causes for Accusation in this proceeding, but do
3 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
4 the Accusation against Respondent herein.

5 8. Respondent understands that by agreeing to this Stipulation and Agreement,
6 Respondent agrees to pay, pursuant to California Business and Professions Code section 10106,
7 the cost of the investigation and enforcement. The amount of investigation and enforcement
8 costs total \$889.70.

9
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 I.

14 The conduct, acts, or omissions of Respondent JAMESS HUTSON GERBER, as
15 described in the Accusation and Paragraph 4, above, are in violation of California Business and
16 Professions Code section 10177(d), 10177(f), and/or 10177(g) and/or 10177(h).

17
18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 I.

21 All licenses and licensing rights of Respondent JAMESS HUTSON GERBER
22 under the Real Estate Law are suspended for a period of twenty (20) days from the effective date
23 of this Decision:

24 A. Provided, however, that if Respondent JAMESS HUTSON GERBER so
25 requests, the initial ten (10) days of said suspension (or a portion thereof) shall be stayed upon
26 condition that:

- 1 1. Respondent pays a monetary penalty pursuant to California Business and
2 Professions Code section 10175.2 at a rate of \$100.00 per day for a total
3 monetary penalty of \$1,000.00.
- 4 2. Said payment shall be in the form of a cashier's check made payable to the
5 Bureau of Real Estate. Said check must be delivered to the Bureau of Real
6 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.
- 7 3. No further cause for disciplinary action against the real estate licenses of
8 Respondent occurs within two (2) years from the effective date of the
9 Decision in this matter.
- 10 4. If Respondent fails to pay the monetary penalty in accordance with the
11 terms and conditions of the Decision, the Commissioner may, without a
12 hearing, order the immediate execution of all or any part of the stayed
13 suspension in which event the Respondent shall not be entitled to any
14 repayment nor credit, prorated or otherwise, for money paid to the Bureau
15 of Real Estate under the terms of this Decision.
- 16 5. If Respondent pays the monetary penalty and if no further cause for
17 disciplinary action against the real estate license of Respondent occurs
18 within two (2) years from the effective date of the Decision, the stay
19 hereby granted shall become permanent.
- 20 B. The remaining ten (10) days of the twenty (20) day suspension shall be
21 stayed for two (2) years upon the following terms and conditions:
 - 22 1. Respondent shall obey all laws, rules, and regulations governing the rights,
23 duties, and responsibilities of a real estate licensee in the State of
24 California; and
 - 25 2. That no final subsequent determination be made after hearing or upon
26 stipulation, which cause for disciplinary action occurred within two (2)

1 years from the effective date of this Decision. Should such a
2 determination be made, the Commissioner may, in his discretion, vacate,
3 and set aside the stay order and re-impose all or a portion of the stayed
4 suspension. Should no such determination be made, the stay imposed
5 herein shall become permanent.
6

7 II.

8 Pursuant to California Business and Professions Code section 10106, all licenses
9 and licensing rights of Respondent JAMESS HUTSON GERBER are indefinitely suspended
10 unless and until Respondent pays the sum of \$889.70 for the Commissioner's reasonable cost for
11 investigation and enforcement, which led to this disciplinary action. Said payment shall be in the
12 form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
13 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
14 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision.

15 III.

16 Respondent JAMESS HUTSON GERBER shall, within nine (9) months from the
17 effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that
18 Respondent JAMESS HUTSON GERBER has, since the most recent issuance of an original or
19 renewal real estate license, taken and successfully completed the continuing education
20 requirements of Article 2.4 of Chapter 3 of the Real Estate Law for renewal of a real estate
21 license. Such proof shall be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
22 137013, Sacramento, CA 95813-7013. If Respondent fails to satisfy this condition,
23 Respondent's license shall be suspended until Respondent presents such evidence of taking and
24 successfully completing the continuing education requirements.

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IV.

Respondent JAMESS HUTSON GERBER shall, within six (6) months from the
effective date of the Decision, take and pass the Professional Responsibility Examination
administered by the Bureau of Real Estate including the payment of the appropriate examination
fee. Proof of completion of taking and passing the Professional Responsibility Examination must
be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
95813-7013. If Respondent fails to satisfy this condition, the suspension shall go into effect
automatically and remain in effect until Respondent JAMESS HUTSON GERBER takes and
passes the Professional Responsibility Examination, and delivers such proof to the Bureau of
Real Estate.

DATED: 05/21/2015


DIANE LEE, Counsel for
Bureau of Real Estate

* * *

EXECUTION OF THE STIPULATION

I, JAMESS HUTSON GERBER, have read the Stipulation and Agreement and
discussed it with my attorney, if any. 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 California Government Code sections
11506, 11508, 11509, and 11513), and we willingly, intelligently, and voluntarily waive those
rights, including but not limited to 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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MAILING AND FACSIMILE

Respondent shall mail the original signed signature page of the Stipulation herein to Bureau of Real Estate, Attn: Legal Section - Counsel Diane Lee, 320 West Fourth St., Ste. 350, Los Angeles, California 90013-1105. Respondent may also facsimile a copy of signed signature page, to the Bureau of Real Estate at the following fax number: (213) 576-6917, Attention: Diane Lee. A facsimile constitutes acceptance and approval of the terms and conditions of this stipulation. Respondent agrees, acknowledges, and understands that by electronically sending to the Bureau of Real Estate a facsimile copy of Respondent's actual signature as it appears on the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of Real Estate had received the original signed stipulation.

DATED:

JAMESS HUTSON GERBER

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent JOHN KEVIN MELONAS, and shall become effective at 12 o'clock noon on _____, 2015.

IT IS SO ORDERED _____, 2015.

REAL ESTATE COMMISSIONER

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12 DATED: _____ JAMESS HUTSON GERBER

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
16 Respondent JOHN KEVIN MELONAS, and shall become effective at 12 o'clock noon on
17 **JUN 29 2015** , 2015.

19 REAL ESTATE COMMISSIONER

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