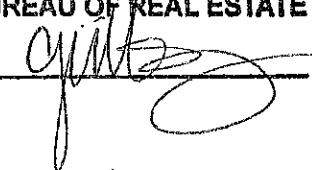


1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
4 (213) 576-6982

FILED

SEP 22 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) CalBRE No. H-39711 LA
12)
13 EDDIE HAM CASARES,) OAH No. 2015020292
14 doing business as Pacific Coast Realty/ESC)
Preferred Services/Mortgage Express,) STIPULATION AND AGREEMENT
Respondent.)

15
16 It is hereby stipulated by and between EDDIE HAM CASARES ("Respondent") and his
17 attorney, Steven C. Vondran, and the Complainant, acting by and through Lissete Garcia,
18 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of
19 the Accusation filed on January 15, 2015, in this matter:

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

1 2. Respondent has received, read, and understands the Statement to Respondent, the
2 Discovery Provisions of the APA and the Accusation, filed by the Bureau of Real Estate
3 ("Bureau") in this proceeding.

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

12 4. This Stipulation is based on the factual allegations contained in the Accusation filed
13 in this proceeding. In the interest of expedience and economy, Respondent chooses not to
14 contest these factual allegations, but to remain silent and understands that, as a result thereof,
15 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
16 herein. The Real Estate Commissioner shall not be required to provide further evidence to
17 prove such allegations.

18 5. This Stipulation and Respondent's decision not to contest the Accusation are made for
19 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this
20 proceeding and any other proceeding or case in which the Bureau or another licensing agency of
21 this state, another state or if the federal government is involved and otherwise shall not be
22 admissible in any other criminal or civil proceedings.

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

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

11 8. Respondent understands that by agreeing to this Stipulation, he agrees to pay pursuant
12 to Business and Professions Code Section 10148, the cost of audit which led to this disciplinary
13 action. The amount of said cost for the audit is \$6,658.87.

14 DETERMINATION OF ISSUES

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

18 The conduct, acts and/or omissions of Respondent EDDIE HAM CASARES, as set forth
19 in Paragraph 7 of the Accusation, constitute cause for the suspension or revocation of all the
20 real estate licenses and license rights of Respondent EDDIE HAM CASARES under the
21 provisions of Sections 10177, subdivisions (d) and (g) for violations of the Business and
22 Professions Code ("Code") and Title 10, Chapter 6, California Code of Regulations as set as set
23 forth in Paragraph 7 of the Accusation.

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WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent EDDIE HAM CASARES under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days of 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 Business and Professions Code and to 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.

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

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

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

(a) That the employing broker has read the Order of the Commissioner which granted the right to a restricted license, and

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

5. Respondent shall be prohibited from being a signer on any bank account holding trust
funds held by any employing broker of Respondent, during the period that Respondent is
licensed as a restricted real estate salesperson.

II.

All licenses and licensing rights of Respondent are indefinitely suspended unless or until

Respondent provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code.

Proof of satisfaction of these requirements includes evidence that Respondent has successfully completed the trust fund account and handling continuing education courses, no earlier than 120 days prior to the effective date of the Order in this matter. Proof of completion of the trust fund accounting and handling course must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this Order.

1 III.

2 Respondent shall, within six (6) months from the effective date of this Order, take and
3 pass the Professional Responsibility Examination administered by the Bureau including the
4 payment of the appropriate examination fee. If Respondent fails to satisfy this condition,
5 Respondent's real estate license shall automatically be suspended until Respondent passes the
6 examination.

7 IV.

8 Respondent shall, within nine (9) months of the effective date of this Order, present
9 evidence satisfactory to the Commissioner that Respondent has, since the most recent issuance
10 of an original or renewal real estate license, taken and successfully completed the continuing
11 education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real
12 estate license. If Respondent fails to satisfy this condition, Respondent's real estate license shall
13 automatically be suspended until Respondent presents evidence satisfactory to the
14 Commissioner of having taken and successfully completed the continuing education
15 requirements. Proof of completion of the continuing education courses must be delivered to the
16 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

17 V.

18 Prior to the issuance of any restricted license to Respondent, Respondent shall, as a
19 condition of the issuance of said restricted license, pay the sum of \$2,170.80 for the
20 Commissioner's reasonable costs of enforcement and investigation which led to this
21 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
22 Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau
23 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
24 effective date of this Order.

If Respondent fails to satisfy this condition, the Commissioner shall suspend any license
issued to Respondent until the Respondent presents evidence of payment. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence that payment was timely made. The suspensions shall remain in effect until payment is made in full or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

VI.

Pursuant to Section 10148 of the Code, Respondent is liable for payment of the sum of
\$6,658.87 for the Commissioner's cost of the audit which led to this disciplinary action.

Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of audit costs should not be made until Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate license shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 8/25/2015


LISSETTE GARCIA, Counsel for the
Bureau of Real Estate

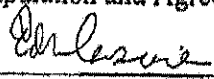
* * *

I have read the Stipulation and Agreement and 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 Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including 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

1 me and to present evidence in defense and mitigation of the charges.

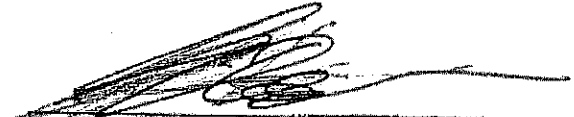
2 Respondent can signify acceptance and approval of the terms and conditions of
3 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
4 Respondent, to the Bureau at the following telephone/fax number:
5 (213) 576-6917. Respondent agrees, acknowledges, and understands that by electronically
6 sending to the Bureau a fax copy of his actual signature as it appears on the Stipulation and
7 Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if
8 the Bureau had received the original signed Stipulation and Agreement.

9 DATED: 8-23-15


EDDIE HAM CASARES
Respondent

11 *I have reviewed the Stipulation and Agreement as to form and content and have advised*
12 *my client accordingly.*

13 DATED: 8-24-15


STEVEN C. VONDRAN, ESQ.
Attorney for Respondent

16 * * *

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

19 IT IS SO ORDERED _____

20 REAL ESTATE COMMISSIONER
21 _____
22 _____
23 _____
24 _____

1 me and to present evidence in defense and mitigation of the charges.

2 Respondent can signify acceptance and approval of the terms and conditions of
3 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
4 Respondent, to the Bureau at the following telephone/fax number:
5 (213) 576-6917. Respondent agrees, acknowledges, and understands that by electronically
6 sending to the Bureau a fax copy of his actual signature as it appears on the Stipulation and
7 Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if
8 the Bureau had received the original signed Stipulation and Agreement.

9 DATED: _____

EDDIE HAM CASARES
Respondent

11 *I have reviewed the Stipulation and Agreement as to form and content and have advised*
12 *my client accordingly.*

13 DATED: _____

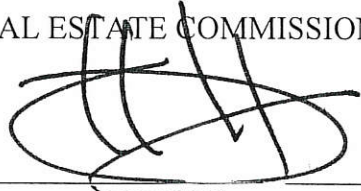
STEVEN C. VONDRAN, ESQ.
Attorney for Respondent

16 * * *

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
18 this matter and shall become effective at 12 o'clock noon on OCT 12 2015

19 IT IS SO ORDERED SEPTEMBER 9 2015

20 **WAYNE S. BELL**
REAL ESTATE COMMISSIONER

21 
22 _____
23 By: JEFFREY MASON
24 Chief Deputy Commissioner