

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

FILED

DEC - 1 2015

BUREAU OF REAL ESTATE

By 

6
7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10	In the Matter of the Accusation of)	CalBRE No. H-39796 LA
)	OAH No. 2015041226
11	SWB PROPERTIES, INC.,)	
	RICARDO ISIDRO DIAZ,)	
12	individually, and as designated)	<u>STIPULATION & AGREEMENT</u>
	officer of SWB Properties, Inc., and)	
13	CHRISTOPHER SHAWN GRAJEDA,)	
)	
14	Respondents.)	

15
16 It is hereby stipulated by and between SWB PROPERTIES, INC., RICARDO
17 ISIDRO DIAZ, and CHRISTOPHER SHAWN GRAJEDA (collectively "Respondents") and
18 their attorney, Robert P. Sievers, and the Complainant, acting by and through Lissete Garcia,
19 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of
20 the Accusation filed on March 30, 2015, in this matter:

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

1 this Stipulation and Agreement (“Stipulation”).

2 2. Respondents have received, read, and understand the Statement to
3 Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Bureau of
4 Real Estate (“Bureau”) in this proceeding.

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

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

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

1 II.

2 The conduct, acts and/or omissions of Respondent RICARDO ISIDRO DIAZ, as
3 set forth in the Accusation, constitute cause for the suspension or revocation of the real estate
4 license and license rights of Respondent RICARDO ISIDRO DIAZ under the provisions of
5 Code Sections 10176(a) and 10177(h) for violation of Code Sections 10137, 10159.5, and
6 Regulation 2731 of the Regulations of the Real Estate Commissioner, Title 10, Chapter 6,
7 California Code of Regulations.

8 III.

9 The conduct, acts and/or omissions of Respondent CHRISTOPHER SHAWN
10 GRAJEDA, as set forth in the Accusation, constitute cause for the suspension or revocation of
11 the real estate license and license rights of Respondent CHRISTOPHER SHAWN GRAJEDA
12 under the provisions of Code Sections 10176(a) and 10177(g).

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 I.

16 All licenses and licensing rights of Respondent SWB PROPERTIES, INC. under
17 the Real Estate Law are revoked; provided, however, a restricted real estate corporation license
18 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code
19 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate
20 fee for the restricted license within 90 days of the effective date of this Decision. The restricted
21 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
22 Business and Professions Code and to the following limitations, conditions and restrictions
23 imposed under authority of Section 10156.6 of that Code:
24

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

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

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

14 4. Respondent SWB PROPERTIES, INC. shall be jointly and severally liable
15 with Respondents RICARDO ISIDRO DIAZ and CHRISTOPHER SHAWN GRAJEDA for
16 payment in the amount of \$9,150.00 as restitution to Enad Fakhouri, Rakan Fakhouri, and
17 Shireen Muallem. Respondents must provide proof satisfactory to the Commissioner, of having
18 paid the restitution of \$9,150. Proof of satisfaction of this requirement includes: a certified
19 copy of the satisfaction of judgment; a letter from an attorney or certified public accountant
20 testifying under penalty of perjury to the fact that said judgment has been paid by
21 Respondent(s); a copy of a cancelled check to the victims; and/or a letter from the victims
22 attesting that repayment of funds has been received. Proof of payment must be delivered to the
23 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax
24 at 916-263-8758, within 90 days from the effective date of this Decision and Order.

1 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
2 real estate licensee.

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

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

12 4. Respondent RICARDO ISIDRO DIAZ shall be jointly and severally liable
13 with Respondents SWB PROPERTIES, INC. and CHRISTOPHER SHAWN GRAJEDA for
14 payment in the amount of \$9,150.00 as restitution to Enad Fakhouri, Rakan Fakhouri, and
15 Shireen Muallem. Respondents must provide proof satisfactory to the Commissioner, of having
16 paid the restitution of \$9,150. Proof of satisfaction of this requirement includes: a certified
17 copy of the satisfaction of judgment; a letter from an attorney or certified public accountant
18 testifying under penalty of perjury to the fact that said judgment has been paid by
19 Respondent(s); a copy of a cancelled check to the victims; and/or a letter from the victims
20 attesting that repayment of funds has been received. Proof of payment must be delivered to the
21 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax
22 at 916-263-8758, within 90 days from the effective date of this Decision and Order.

23 5a. Respondent RICARDO ISIDRO DIAZ shall be jointly and severally liable
24 with Respondents SWB PROPERTIES, INC. and CHRISTOPHER SHAWN GRAJEDA for

1 payment of the sum of \$4,374.40 for the Commissioner's reasonable costs of enforcement and
2 investigation which led to this disciplinary action. Said payment shall be in the form of a
3 cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement
4 costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
5 Sacramento, CA 95813-7013, within 90 days from the effective date of this Decision and Order.

6 5b. The Commissioner shall suspend Respondents' licenses pending a hearing
7 held in accordance with California Government Code Section 11500, et seq., if payment is not
8 timely made as provided for herein. The suspensions shall remain in effect until payment is
9 made in full or until a decision providing otherwise is adopted following a hearing held
10 pursuant to this condition.

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

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

1 III.

2 All licenses and licensing rights of Respondent CHRISTOPHER SHAWN
3 GRAJEDA under the Real Estate Law are revoked; provided, however, a restricted real estate
4 salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business
5 and Professions Code if Respondent makes application therefor and pays to the Bureau of Real
6 Estate the appropriate fee for the restricted license within 90 days of the effective date of this
7 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
8 Section 10156.7 of the Business and Professions Code and to the following limitations,
9 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

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

23 4. Respondent shall submit with any application for license under an employing
24 broker, or any application for transfer to a new employing broker, a statement signed by the

1 prospective employing real estate broker on a form approved by the Bureau of Real Estate
2 which shall certify:

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

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

8 5. Respondent CHRISTOPHER SHAWN GRAJEDA shall be jointly and
9 severally liable with Respondents SWB PROPERTIES, INC. and RICARDO ISIDRO DIAZ for
10 payment in the amount of \$9,150.00 as restitution to Enad Fakhouri, Rakan Fakhouri, and
11 Shireen Muallem. Respondents must provide proof satisfactory to the Commissioner, of having
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12 passes the examination.

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

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23 DATED: 10/27/2015

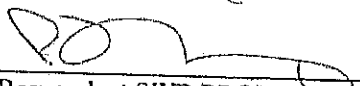

LISSETE GARCIA, Counsel for the
Bureau of Real Estate

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We have read the Stipulation and Agreement and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we 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 we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondents agree, acknowledge, and understand that by electronically sending to the Bureau a fax copy of their actual signatures as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had received the original signed Stipulation and Agreement.

DATED: 10/25/15


Respondent SWB PROPERTIES, INC.
By Respondent Ricardo Isidro Diaz

DATED: 10/25/15


Respondent RICARDO ISIDRO DIAZ

DATED: _____

Respondent CHRISTOPHER SHAWN GRAJEDA

I have reviewed the Stipulation and Agreement as to form and content and have

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DATED: _____

Respondent SWB PROPERTIES, INC.
By Respondent Ricardo Isidro Diaz

DATED: _____

Respondent RICARDO ISIDRO DIAZ

DATED: 5/24/15



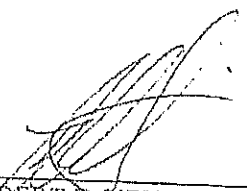
Respondent CHRISTOPHER SHAWN GRAJEDA

I have reviewed the Stipulation and Agreement as to form and content and have

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advised my client accordingly.

DATED: 10/23/2015



ROBERT P. SIEVERS, ESQ.
Attorney for Respondents SWB PROPERTIES,
INC., RICARDO ISIDRO DIAZ, and
CHRISTOPHER SHAWN GRAJEDA

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

IT IS SO ORDERED _____

REAL ESTATE COMMISSIONER

1 * * *

2 We have read the Stipulation and Agreement and its terms are understood by us
3 and are agreeable and acceptable to us. We understand that we are waiving rights given to us by
4 the California Administrative Procedure Act (including but not limited to Sections 11506,
5 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and
6 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
7 allegations in the Accusation at a hearing at which we would have the right to cross-examine
8 witnesses against us and to present evidence in defense and mitigation of the charges.

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11 Respondents, to the Bureau at the following telephone/fax number: (213) 576-6917.

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14 of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had
15 received the original signed Stipulation and Agreement.

16
17 DATED: _____

Respondent SWB PROPERTIES, INC.
By Respondent Ricardo Isidro Diaz

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20 DATED: _____

Respondent RICARDO ISIDRO DIAZ

21
22 DATED: _____

Respondent CHRISTOPHER SHAWN GRAJEDA

23
24 *I have reviewed the Stipulation and Agreement as to form and content and have*

1 *advised my client accordingly.*

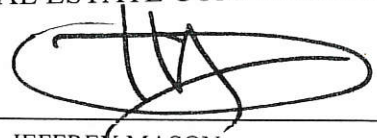
2
3 DATED: _____

ROBERT P. SIEVERS, ESQ.
Attorney for Respondents SWB PROPERTIES,
INC., RICARDO ISIDRO DIAZ, and
CHRISTOPHER SHAWN GRAJEDA

6
7 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
8 this matter, and shall become effective at 12 o'clock noon on DEC 21 2015.

9 IT IS SO ORDERED Nov 27, 2015.

10
11 WAYNE S. BELL
REAL ESTATE COMMISSIONER

12 

13 By: JEFFREY MASON
14 Chief Deputy Commissioner