

1 Bureau of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

APR 21 2017

BUREAU OF REAL ESTATE

By Zmi Jan

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-40083 LA

12 SWAMI INTERNATIONAL; and)
13 MARK RAM MITTAL, individually)
and as Designated Officer of)
14 Swami International,)

STIPULATION

AND

15 Respondents.)

AGREEMENT

16
17 It is hereby stipulated by and between Respondents SWAMI INTERNATIONAL,
18 and MARK RAM MITTAL, individually and as designated officer of Swami International,
19 (sometimes collectively referred to as "Respondents"), acting by and through their attorney,
20 Mary E. Work of Mary E. Work, A Professional Corporation, and the Complainant, acting by
21 and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the
22 purpose of settling and disposing of the Accusation ("Accusation") filed on December 28, 2015,
23 in this matter:

24 1. All issues which were to be contested and all evidence which was to be
25 presented by Complainant and Respondents at a formal hearing on the Accusation, which
26 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
27 ("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 Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in
4 this proceeding.

5 3. Respondents each 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 Notices of Defense. Respondents
8 acknowledge that they understand that by withdrawing said Notices of Defense they 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 evidence
12 in their defense, and the right to cross-examine witnesses.

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

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

24 6. It is understood by the parties that the Real Estate Commissioner may adopt
25 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
26 Respondents’ real estate licenses and license rights as set forth in the below “Order”. In the
27 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall

1 be void and of no effect and Respondents shall retain the right to a hearing and proceed on the
2 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
3 made herein.

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

8 8. Respondents understand that by agreeing to this Stipulation, Respondents
9 agree to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit
10 which led to this disciplinary action. The amount of said cost is \$10,457.85.

11 9. Respondents understand that by agreeing to this Stipulation, Respondents
12 agree to pay, pursuant to Business and Professions Code Section 10106, the cost of the
13 investigation of this matter. The amount of said cost is \$2,542.15.

14 DETERMINATION OF ISSUES

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

17 The conduct, acts or omissions of SWAMI INTERNATIONAL and MARK RAM
18 MITTAL ("MITTAL"), as described in Paragraph 4, above, are in violation of Sections 10145,
19 10159.2, 10177(d), and 10177(g) and, additionally as to MITTAL, 10177(h) of the Business and
20 Professions Code ("Code") and Section 2725 of Title 10, Chapter 6 of the California Code of
21 Regulations ("Regulations") and are a basis for discipline of Respondents' license and license
22 rights as a violation of the Real Estate Law, to Part 1 of Division 4 of the Code, pursuant to Code
23 Sections 10177(d), 10177(g), and 10177(h) (MITTAL).

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 All licenses and licensed rights of Respondents SWAMI INTERNATIONAL and
27 MARK RAM MITTAL under the Real Estate Law are revoked; provided, however, a restricted

1 real estate corporate broker license shall be issued to Respondent SWAMI INTERNATIONAL,
2 and a restricted real estate broker license shall be issued to Respondent MITTAL pursuant to
3 Section 10156.5 of the Business and Professions Code if Respondents make application therefor
4 and pay to the Bureau of Real Estate the appropriate fee for the restricted licenses within 90 days
5 from the effective date of this Decision. The restricted licenses issued to Respondents shall be
6 subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to
7 the following limitations, conditions and restrictions imposed under authority of Section 10156.6
8 of that Code:

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

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

18 3. Respondents shall not be eligible to petition for the issuance of any
19 unrestricted real estate licenses nor for removal of any of the conditions, limitations or
20 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
21 Decision and Order. Respondents shall not be eligible to apply for any unrestricted licenses until
22 all restrictions attaching to the license have been removed.

23 4. Respondent MITTAL shall, within nine (9) months from the effective date
24 **of this Decision and Order**, present evidence satisfactory to the Real Estate Commissioner that
25 he has, since the most recent issuance of an original or renewal real estate license, taken and
26 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
27 Real Estate Law for renewal of a real estate license. Evidence of continuing education submitted

1 in connection with a real estate license renewal within nine (9) months prior to the effective date
2 of this Decision and Order shall be deemed to satisfy this condition. If Respondent fails to
3 satisfy this condition, then Respondent's real estate license shall be automatically suspended
4 until he presents evidence satisfactory to the Commissioner of having taken and successfully
5 completed the continuing education requirements. **Proof of completion of the continuing
6 education courses must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box
7 137013, Sacramento, CA 95813-7013.**

8 5. Respondent MITTAL shall within 120 days from the effective date of the
9 Decision and Order herein submit proof satisfactory to the Commissioner of having taken and
10 successfully completed the continuing education course on trust fund accounting and handling
11 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. If Respondent fails
12 to satisfy this condition, Respondent MITTAL's real estate license shall be automatically
13 suspended until he presents evidence satisfactory to the Commissioner of having taken and
14 successfully completed the trust fund accounting and handling course. **Proof of completion of
15 the continuing education course must be delivered to the Bureau of Real Estate, Flag
16 Section, P.O. Box 137013, Sacramento, CA 95813-7013.**

17 6. Pursuant to Section 10148 of the Business and Professions Code, Respondents
18 shall pay the Commissioner's reasonable cost for the audit which led to this disciplinary action.
19 Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the
20 Commissioner. Payment of the audit costs should not be made until Respondents receive the
21 invoice. Respondents are jointly and severally liable for the cost of the audit. If Respondents
22 fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate
23 licenses shall automatically be suspended until payment is made in full, or until a decision
24 providing otherwise is adopted following a hearing held pursuant to this condition.

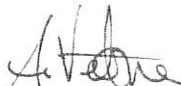
25 Pursuant to Section 10148 of the Code, Respondents shall pay the
26 Commissioner's reasonable cost, not to exceed \$10,457.85, for a subsequent audit to determine if
27 Respondents have corrected the violations found in the Determination of Issues. In calculating

1 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
2 average hourly salary for all persons performing audits of real estate brokers, and shall include
3 an allocation for travel time to and from the auditor's place of work. Respondents shall pay such
4 cost within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of
5 the audit costs should not be made until Respondents receive the invoice. Respondents are
6 jointly and severally liable for the cost of the audit. If Respondents fail to satisfy this condition
7 in a timely manner as provided for herein, Respondents real estate licenses shall automatically be
8 suspended until payment is made in full, or until a decision providing otherwise is adopted
9 following a hearing held pursuant to this condition.

10 7. Prior to the effective date of this Decision, and pursuant to Section 10106 of
11 the Business and Professions Code, Respondents shall pay the Commissioner's reasonable cost
12 for the investigation which led to this disciplinary action in the amount of \$2,542.15.
13 Respondents are jointly and severally liable for the cost of the investigation. Said payment shall
14 be in the form of a cashier's check made payable to the Bureau of Real Estate. **Said check must**
15 **be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA**
16 **95813-7013, prior to the effective date of this Decision and Order.**

17 If Respondents fail to satisfy this condition in a timely manner as provided for
18 herein, Respondents' real estate licenses shall automatically be suspended until payment is made
19 in full, or until a decision providing otherwise is adopted following a hearing held pursuant to
20 this condition.

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22
23 DATED: 2-16-17



Amelia V. Vetrone, Counsel for
Bureau of Real Estate

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DATED: 2/15/17



Mary E. Work
Counsel for Respondent
Approved as to Form

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents SWAMI INTERNATIONAL and MARK RAM MITTAL, individually and as Designated Officer of Swami International, and shall become effective at 12 o'clock noon on
MAY 11 2017

IT IS SO ORDERED 4/8/2017

WAYNE S. BELL
Real Estate Commissioner

