

FILED

OCT 27 2016

BUREAU OF REAL ESTATE

By AS Delorio

1 Bureau of Real Estate  
2 320 W. 4<sup>th</sup> St., Room 350  
3 Los Angeles, California 90013  
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7  
8 Telephone: (213) 576-6982

9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12	In the Matter of the Accusation of )	No. H-40131 LA
13		L-2016 031 392
14	BASKARAN PANCHADSARAM, )	
15		<u>STIPULATION AND AGREEMENT</u>
16	Respondent. )	

17 It is hereby stipulated by and between BASKARAN  
18 PANCHADSARAM (sometimes referred to as Respondent), and his  
19 attorney, Frank M. Buda, and the Complainant, acting by and  
20 through James R. Peel, Counsel for the Bureau of Real Estate, as  
21 follows for the purpose of settling and disposing of Accusation  
22 filed in this matter.

23  
24 1. All issues which were contested and all evidence  
25 which was to be presented by Complainant and Respondent at a  
26 formal hearing on the Accusation, which hearing was to be held  
27 in accordance with the provisions of the Administrative

1 Procedure Act ("APA"), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement ("Stipulation").

4 2. Respondent has received, read and understands the  
5 Statement to Respondent, the Discovery Provisions of the  
6 Administrative Procedure Act ("APA") and the Accusation filed by  
7 the Bureau of Real Estate in this proceeding.

8 3. On March 15, 2016, Respondent filed a Notice of  
9 Defense pursuant to Section 11506 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondent hereby freely and voluntarily withdraws  
12 said Notice of Defense. Respondent acknowledges that he  
13 understands that by withdrawing said Notice of Defense he will  
14 thereby waive his right to require the Commissioner to prove the  
15 allegations in the Accusation at a contested hearing held in  
16 accordance with the provisions of the APA and that he will waive  
17 other rights afforded to him in connection with the hearing such  
18 as the right to present evidence in defense of the allegations  
19 in the Accusation and the right to cross-examine witnesses.

20 4. This Stipulation is based on the factual  
21 allegations contained in the Accusation filed in this  
22 proceeding. In the interest of expedience and economy,  
23 Respondent chooses not to contest these factual allegations, but  
24 to remain silent and understands that, as a result thereof,  
25 these factual statements, will serve as a prima facie basis for  
26 the disciplinary action stipulated to herein. The Real Estate  
27

1 Commissioner shall not be required to provide further evidence  
2 to prove such allegations.

3 5. This Stipulation and Respondent's decision not to  
4 contest the Accusation are made for the purpose of reaching an  
5 agreed disposition of this proceeding and are expressly limited  
6 to this proceeding and any other proceeding or case in which the  
7 Bureau of Real Estate ("Bureau"), the state or federal  
8 government, or another licensing agency of this state, another  
9 state or the federal government is involved, and otherwise shall  
10 not be admissible in any other criminal or civil proceedings.

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

21 7. The Order or any subsequent Order of the Real  
22 Estate Commissioner made pursuant to this Stipulation shall not  
23 constitute an estoppel, merger or bar to any further  
24 administrative or civil proceedings by the Bureau of Real Estate  
25 with respect to any conduct which was not specifically alleged  
26 to be causes for accusation in this proceeding.  
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DETERMINATION OF ISSUES

1  
2 By reason of the foregoing stipulations and waivers  
3 and solely for the purpose of settlement of the pending  
4 Accusation, it is stipulated and agreed that the following  
5 determination of issues shall be made:

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6  
7 The conduct, acts and/or omissions of Respondent  
8 BASKARAM PANCHADSARAM, as set forth in the Accusation,  
9 constitute cause for the suspension or revocation of all of the  
10 real estate licenses and license rights of Respondent under the  
11 provisions of Sections 10177(d) and 10177(g) of the Business and  
12 Professions Code ("Code") for violation of Code Section 10145.

ORDER

13  
14 1) All licenses and licensing rights of Respondent  
15 BASKARAM PANCHADSARAM under the Real Estate Law are suspended  
16 for a period of thirty (30) days for from the effective date of  
17 this Decision and Order; provided, however, that said  
18 suspension shall be stayed for one (1) year upon the following  
19 terms and conditions:

20  
21 a) Respondent shall obey all laws, rules and  
22 regulations governing the rights, duties and responsibilities of  
23 a real estate licensee in the State of California; and

24 b) That no final subsequent determination be made,  
25 after hearing or upon stipulation, that cause for disciplinary  
26 action occurred within one (1) year from the effective date of  
27 this Decision and Order. Should such a determination be made,

1 the Commissioner may, in his discretion, vacate and set aside  
2 the stay order and reimpose all or a portion of the stayed  
3 suspension. Should no such determination be made, the stay  
4 imposed herein shall become permanent.

5           2) Pursuant to Section 10148 of the Code, Respondent  
6 shall pay the sum of \$6,455 for the Commissioner's cost of the  
7 audit which led to this disciplinary action. Respondent shall  
8 pay such cost within sixty (60) days of receiving an invoice  
9 from the Commissioner. Payment of audit costs should not be  
10 made until Respondent receives the invoice. If Respondents fail  
11 to satisfy this condition in a timely manner as provided for  
12 herein, Respondent's real estate licenses shall automatically be  
13 suspended until payment is made in full or until a decision  
14 providing otherwise is adopted following a hearing held pursuant  
15 to this condition.

16           Pursuant to Section 10148 of the Code, Respondent  
17 shall pay the Commissioner's reasonable cost, not to exceed  
18 \$8,069, for an audit to determine if Respondent has corrected  
19 the violations found in the Determination of Issues. In  
20 calculating the amount of the Commissioner's reasonable cost,  
21 the Commissioner may use the estimated average hourly salary for  
22 all persons performing audits of real estate brokers, and shall  
23 include an allocation for travel time to and from the auditor's  
24 place of work. Respondent shall pay such cost within 60 days of  
25 receiving an invoice from the Commissioner. Payment of the  
26 audit costs should not be made until Respondent receives the  
27

1 invoice. If Respondent fails to satisfy this condition in a  
2 timely manner as provided for herein, Respondent's real estate  
3 licenses shall automatically be suspended until payment is made  
4 in full, or until a decision providing otherwise is adopted  
5 following a hearing held pursuant to this condition.

6 3) All licenses and licensing rights of Respondent  
7 are indefinitely suspended unless or until Respondent provides  
8 proof satisfactory to the Commissioner of having taken and  
9 successfully completed the continuing education course on trust  
10 fund accounting and handling specified in paragraph (3) of  
11 subdivision (a) of Section 10170.5 of the Business and  
12 Professions Code. Proof of satisfaction of these requirements  
13 includes evidence that Respondent has successfully completed the  
14 trust fund account and handling continuing education courses, no  
15 earlier than 120 days prior to the effective date of the  
16 Decision and Order in this matter. Proof of completion of the  
17 trust fund accounting and handling course must be delivered to  
18 the Bureau of Real Estate, Flag Section at P.O. Box 137013,  
19 Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to  
20 the effective date of the Decision and Order.  
21

22 4) All licenses and licensing rights of Respondent  
23 are indefinitely suspended unless or until Respondent pays the  
24 sum of \$2,446 for the Commissioner's reasonable cost of the  
25 investigation and enforcement which led to this disciplinary  
26 action. Said payment shall be in the form of a cashier's check  
27 made payable to the Bureau of Real Estate. The investigative

1 and enforcement costs must be delivered to the Bureau of Real  
2 Estate, Flag Section at P. O. Box 137013, Sacramento, CA 95813-  
3 7013, prior to the effective date of this Decision and Order.

4  
5 DATED: 8-2-16

James R. Peel  
6 JAMES R. PEEL, Counsel for the  
Bureau of Real Estate

7 \* \* \*

8 I have read the Stipulation and Agreement, have  
9 discussed it with my counsel, and its terms are understood by me  
10 and are agreeable and acceptable to me. I understand that I am  
11 waiving rights given to me by the California Administrative  
12 Procedure Act (including but not limited to Sections 11506,  
13 11508, 11509 and 11513 of the Government Code), and I willingly,  
14 intelligently and voluntarily waive those rights, including the  
15 right of requiring the Commissioner to prove the allegations in  
16 the Accusation at a hearing at which I would have the right to  
17 cross-examine witnesses against me and to present evidence in  
18 defense and mitigation of the charges.

19 Respondent shall send a hard copy of the original  
20 signed Stipulation and Agreement to: James R. Peel, Bureau of  
21 Real Estate, 320 West Fourth St., Suite 350, Los Angeles, CA  
22 90013-1105.

23 In the event of time constraints before an  
24 administrative hearing, Respondent can signify acceptance and  
25 approval of the terms and conditions of this Stipulation and  
26 Agreement by emailing a scanned copy of the signature page, as  
27 actually signed by Respondent, to the Bureau counsel assigned to

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this case. Respondent agrees, acknowledges and understands that  
by electronically sending the Bureau a scan of Respondent's  
actual signature as it appears on the Stipulation and Agreement,  
that receipt of the scan by the Bureau shall be binding on  
Respondent as if the Bureau had received the original signed  
stipulation and Agreement.

DATED: 7/28/2016

Baskaram Panchadsaram  
BASKARAM PANCHADSARAM  
Respondent

DATED: 8-2-16

Frank M. Buda  
FRANK M. BUDA  
Counsel for Respondent

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and Order in this matter, and shall  
become effective at 12 o'clock noon on NOV 16 2016.

IT IS SO ORDERED \_\_\_\_\_

WAYNE S. BELL  
Real Estate Commissioner



1 this case. Respondent agrees, acknowledges and understands that  
2 by electronically sending the Bureau a scan of Respondent's  
3 actual signature as it appears on the Stipulation and Agreement,  
4 that receipt of the scan by the Bureau shall be binding on  
5 Respondent as if the Bureau had received the original signed  
6 Stipulation and Agreement.

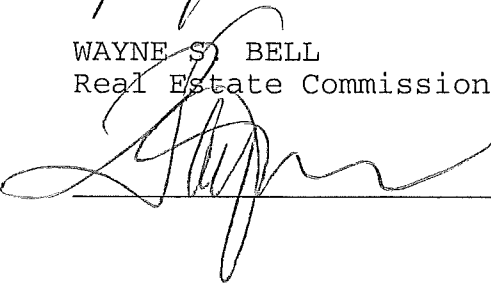
7  
8 DATED: \_\_\_\_\_  
9 BASKARAM PANCHADSARAM  
10 Respondent

11 DATED: \_\_\_\_\_  
12 FRANK M. BUDA  
13 Counsel for Respondent

14 \* \* \*

15 The foregoing Stipulation and Agreement is hereby  
16 adopted as my Decision and Order in this matter, and shall  
17 become effective at 12 o'clock noon on NOV 16 2016

18 IT IS SO ORDERED 10/21/2016

19 WAYNE S. BELL  
20 Real Estate Commissioner  
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