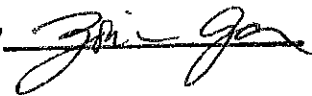


1 Bureau of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982  
5  
6  
7

**FILED**

FEB 17 2017

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

No. H-40264 LA

12 ALLAN VON HAASUM,

STIPULATION

AND

13 Respondent:

AGREEMENT

14  
15  
16 It is hereby stipulated by and between ALLAN VON HAASUM ("Respondent"),  
17 acting by and through Frank M. Buda, Attorney at Law, and the Complainant, acting by and  
18 through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of  
19 settling and disposing of the Accusation ("Accusation") filed on May 24, 2016, in this matter:

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

25 2. Respondent has received, read and understands the Statement to Respondent,  
26 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in  
27 this proceeding.

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

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

14                  5. This Stipulation is made for the purpose of reaching an agreed disposition of  
15 this proceeding and is expressly limited to this proceeding and not any other proceeding or case  
16 in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another  
17 state or the federal government is involved, and otherwise shall not be admissible in any other  
18 criminal or civil proceeding.

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 license and license rights as set forth in the below "Order". In the event  
22 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be  
23 void and of no effect and Respondent shall retain the right to a hearing and proceeding on the  
24 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver  
25 made herein.

26                  7. The Order or any subsequent Order of the Real Estate Commissioner made  
27 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further

1 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters  
2 which were not specifically alleged to be causes for accusation in this proceeding.

3 8. Respondent understands that by agreeing to this Stipulation, Respondent  
4 agrees to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of  
5 the audit which led to this disciplinary action. The amount of said cost is \$5,663.75.

6 9. Respondent has received, read, and understands the "Notice Concerning Costs  
7 of Subsequent Audit". Respondent further understands that by agreeing to this Stipulation, the  
8 findings set forth below in the Determination of Issues become final, and the Commissioner may  
9 charge Respondent for the cost of any subsequent audit conducted pursuant to Code Section  
10 10148 to determine if the violations have been corrected. The maximum cost of the subsequent  
11 audit will not exceed \$5,663.75.

12 10. Respondent understands that by agreeing to this Stipulation, Respondent  
13 agrees to pay, pursuant to Code Section 10106, the cost of the investigation of this matter. The  
14 amount of said cost is \$1,194.20.

#### 15 DETERMINATION OF ISSUES

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

18 The conduct of Respondent ALLAN VON HAASUM, as described in Paragraph  
19 4 above, is a basis for discipline of Respondent's license and license rights pursuant to Code  
20 Sections 10177(d), and 10177(g).

#### 21 ORDER

22 WHEREFORE, THE FOLLOWING ORDER is hereby made:

#### 23 I.

24 A. All licenses and licensed rights of Respondent ALLAN VON HAASUM  
25 under the Real Estate Law are suspended for a period of ninety (90) days from the effective date  
26 of this Decision; provided, however, that the initial forty-five (45) days of that suspension shall  
27 be stayed for two years upon the following terms and conditions:

1                   1. Respondent shall pay a monetary penalty pursuant to Section 10175.2 of the  
2 Business and Professions Code of \$500.00.

3                   2. Said payment shall be in the form of a cashier's check made payable to the  
4 **Bureau of Real Estate.** Said check must be delivered to the Bureau of Real Estate, Flag  
5 Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
6 Decision and Order.

7                   3. No further cause for disciplinary action against the real estate license of  
8 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

9                   4. If Respondent fails to pay the monetary penalty in accordance with the terms  
10 and conditions of the Decision, the suspension shall go into effect automatically with regard to  
11 Respondent. In that event, Respondent shall not be entitled to any repayment nor credit, prorated  
12 or otherwise, for money paid to the Bureau under the terms of this Decision and Order.

13                   5. If Respondent pays the monetary penalty and if no further cause for  
14 disciplinary action against the real estate license of Respondent occurs within two (2) years from  
15 the effective date of the Decision, the stay hereby granted shall become permanent.

16                   B. The remaining forty-five (45) days of the ninety (90) day suspension shall be  
17 stayed for two (2) years upon the following terms and conditions:

18                   1. That Respondent obey all laws, rules and regulations governing the rights,  
19 duties and responsibilities of a real estate licensee in the State of California; and

20                   2. That no final subsequent determination be made after hearing or upon  
21 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
22 date of this Decision. Should such a determination be made, the Commissioner may, in his  
23 discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed  
24 suspension. Should no such determination be made under this section, the stay imposed herein  
25 shall become permanent.

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1 II.

2 Respondent shall, within nine (9) months from the effective date of this  
3 **Decision and Order**, present evidence satisfactory to the Real Estate Commissioner that  
4 Respondent has, since the most recent issuance of an original or renewal real estate license, taken  
5 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of  
6 the Real Estate Law, beginning at Code Section 10170, for renewal of a real estate license. If  
7 Respondent fails to satisfy this condition, then his real estate license shall be automatically  
8 suspended until he presents evidence satisfactory to the Commissioner of having taken and  
9 successfully completed the continuing education requirements. **Proof of completion of the**  
10 **continuing education courses must be delivered to the Bureau of Real Estate, Flag Section,**  
11 **P.O. Box 137013, Sacramento, CA 95813-7013.**

12 III.

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

18 IV.

19 Respondent shall within 120 days from the effective date of the Decision and  
20 **Order** herein submit proof satisfactory to the Commissioner of having taken and successfully  
21 completed the continuing education course on trust fund accounting and handling specified in  
22 paragraph (3) of subdivision (a) of Section 10170.5 of the Code. If Respondent fails to satisfy  
23 this condition, Respondent's real estate license shall be automatically suspended until he presents  
24 evidence satisfactory to the Commissioner of having taken and successfully completed the trust  
25 fund accounting and handling course. **Proof of completion of the continuing education**  
26 **courses must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013,**  
27 **Sacramento, CA 95813-7013.**

V.

Pursuant to Section 10148 of the Code, Respondent shall pay the Commissioner's  
reasonable cost for 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 the 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.

Pursuant to Section 10148 of the Code, Respondent shall pay the Commissioner's  
reasonable cost, not to exceed \$5,663.75, for a subsequent audit to determine if Respondent has corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. **Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.** Payment of the 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.

VI.

Prior to the effective date of this Decision, and pursuant to Section 10106 of the  
Code, Respondents shall pay the Commissioner's reasonable cost for the investigation which led to this disciplinary action in the amount of \$1,194.20. Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. **Said check must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**

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

5  
6  
7 DATED: 1-3-17



Amelia V. Vetrone, Counsel for  
Bureau of Real Estate

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9  
10 \* \* \*

11 EXECUTION OF THE STIPULATION

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

19 MAILING

20 Respondent shall mail the original signed signature page of the stipulation herein  
21 to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St.,  
22 Suite 350, Los Angeles, California 90013-1105.

23 Respondent's signature below constitutes acceptance and approval of the terms  
24 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by  
25 signing this Stipulation Respondent is bound by its terms as of the date of such signature and that  
26 this agreement is not subject to rescission or amendment at a later date except by a separate  
27 Decision and Order of the Real Estate Commissioner.

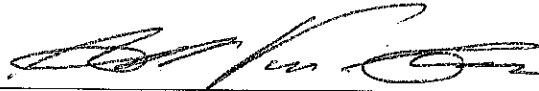


MAILING

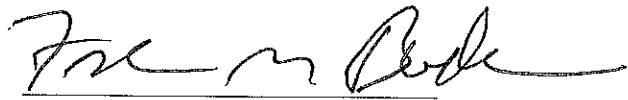
Respondent shall mail the original signed signature page of the stipulation herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing this Stipulation Respondent is bound by its terms as of the date of such signature and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: 12-30-2016

  
ALLAN VON HAASUM  
Respondent

DATED: 1-3-17

  
Frank M. Buda  
Counsel for Respondent  
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
Respondent ALLAN VON HAASUM, and shall become effective at 12 o'clock noon on

MAR - 9 2017

IT IS SO ORDERED

2/13/2017

WAYNE S. BELL  
Real Estate Commissioner



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