

File

Bureau of Real Estate
320 W. 4th St., Room 350
Los Angeles, California 90013

Telephone: (213) 576-6982

FILED

JAN 13 2017
BUREAU OF REAL ESTATE
By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-40288 LA
)	L-2016 080 592
)	
ROBERT WILLIAM EDWARDS,	)
)	<u>STIPULATION AND AGREEMENT</u>
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)	
Respondent.	)
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It is hereby stipulated by and between ROBERT WILLIAM EDWARDS (sometimes referred to as Respondent), and his attorney, Frank M. Buda, and the Complainant, acting by and through James R. Peel, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of Accusation filed in this matter.

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

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Bureau of Real Estate in this proceeding.

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

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

10 5. This Stipulation is made for the purpose of
11 reaching an agreed disposition of this proceeding and is
12 expressly limited to this proceeding and any other proceeding or
13 case in which the Bureau of Real Estate ("Bureau"), the state or
14 federal government, or an agency of this state, another state or
15 the federal government is involved.

16 6. It is understood by the parties that the Real
17 Estate Commissioner may adopt the Stipulation as his decision
18 in this matter thereby imposing the penalty and sanctions on
19 Respondent's real estate licenses and license rights as set
20 forth in the below "Order". In the event that the Commissioner
21 in his discretion does not adopt the Stipulation, the
22 Stipulation shall be void and of no effect, and Respondent shall
23 retain the right to a hearing and proceeding on the Accusation
24 under all the provisions of the APA and shall not be bound by
25 any stipulation or waiver made herein.
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1 7. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Bureau of Real Estate
5 with respect to any conduct which was not specifically alleged
6 to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers
9 and solely for the purpose of settlement of the pending
10 Accusation, it is stipulated and agreed that the following
11 determination of issues shall be made:

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13 The conduct, acts and/or omissions of Respondent
14 ROBERT WILLIAM EDWARDS, as set forth in the Accusation,
15 constitute cause for the suspension or revocation of all of the
16 real estate licenses and license rights of Respondent under the
17 provisions of Sections 10177(d) and 10177(g) of the Business and
18 Professions Code ("Code") for violation of Code Section 10145.
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20 ORDER

21 1) All licenses and licensing rights of Respondent
22 ROBERT WILLIAM EDWARDS under the Real Estate Law are suspended
23 for a period of thirty (30) days from the effective date of this
24 Decision and Order; provided, however, that said suspension
25 shall be stayed for two (2) years upon the following terms and
26 conditions:

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1 a) Respondent shall obey all laws, rules and
2 regulations governing the rights, duties and responsibilities of
3 a real estate licensee in the State of California; and

4 b) That no final subsequent determination be made,
5 after hearing or upon stipulation, that cause for disciplinary
6 action occurred within two (2) years from the effective date of
7 this Decision and Order. Should such a determination be made,
8 the Commissioner may, in his discretion, vacate and set aside
9 the stay order and reimpose all or a portion of the stayed
10 suspension. Should no such determination be made, the stay
11 imposed herein shall become permanent.

12 2) Pursuant to Section 10148 of the Code, Respondent
13 shall pay the sum of \$2,303 for the Commissioner's cost of the
14 audit which led to this disciplinary action. Respondent shall
15 pay such cost within sixty (60) days of receiving an invoice
16 from the Commissioner. Payment of audit costs should not be made
17 until Respondent receives the invoice. If Respondent fails to
18 satisfy this condition in a timely manner as provided for
19 herein, Respondent's real estate licenses shall automatically be
20 suspended until payment is made in full, or until a decision
21 providing otherwise is adopted following a hearing held pursuant
22 to this condition.

24 Pursuant to Section 10148 of the Code, Respondent
25 shall pay the Commissioner's reasonable cost, not to exceed
26 \$3,455 for an audit to determine if Respondent has corrected the
27 violations found in the Determination of Issues. In

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

13 3) All licenses and licensing rights of Respondent
14 are indefinitely suspended unless or until Respondents pay the
15 sum of \$1,620 for the Commissioner's reasonable cost of the
16 investigation and enforcement which led to this disciplinary
17 action. Said payment shall be in the form of a cashier's check
18 made payable to the Bureau of Real Estate. The investigative
19 and enforcement costs must be delivered to the Bureau of Real
20 Estate, Flag Section at P. O. Box 137013, Sacramento, CA 95813-
21 7013, prior to the effective date of this Decision and Order.
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25 DATED: 12-1-16

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

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2 * * *

3 I have read the Stipulation and Agreement, and its
4 terms are understood by me and are agreeable and acceptable to
5 me. I understand that I am waiving rights given to me by the
6 California Administrative Procedure Act (including but not
7 limited to Sections 11506, 11508, 11509 and 11513 of the
8 Government Code), and I willingly, intelligently and voluntarily
9 waive those rights, including the right of requiring the
10 Commissioner to prove the allegations in the Accusation at a
11 hearing at which I would have the right to cross-examine
12 witnesses against me and to present evidence in defense and
13 mitigation of the charges.
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16 Respondent can signify acceptance and approval of the
17 terms and conditions of this Stipulation and Agreement by e-
18 mailing a copy of the signature page, as actually signed by
19 Respondent.
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DATED: 12/1/16

Robert William Edwards
ROBERT WILLIAM EDWARDS
Respondent

DATED: 12-1-16

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 _____.

IT IS SO ORDERED _____

WAYNE S. BELL
Real Estate Commissioner

1
2 DATED: _____

3 ROBERT WILLIAM EDWARDS
4 Respondent

5 DATED: _____

6 FRANK M. BUDA
7 Counsel for Respondent

8 * * *

9 The foregoing Stipulation and Agreement is hereby
10 adopted as my Decision and Order in this matter, and shall
11 become effective at 12 o'clock noon on February 2, 2017.

12 IT IS SO ORDERED

13 January 9, 2017

14 WAYNE S. BELL
15 Real Estate Commissioner

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