

**FILED**

JUL 21 2017

BUREAU OF REAL ESTATE

By *[Signature]*

Bureau of Real Estate  
320 W. 4<sup>TH</sup> Street, Suite 350  
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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|                                    |   |                    |
|------------------------------------|---|--------------------|
| In the Matter of the Accusation of | ) | No. H-40411 LA     |
|                                    | ) |                    |
| <u>SHIYAR UMPANT; and</u>          | ) | <u>STIPULATION</u> |
| <u>FERDINAND L. NAVALTA,</u>       | ) | <u>AND</u>         |
|                                    | ) | <u>AGREEMENT</u>   |
| Respondents.                       | ) |                    |

It is hereby stipulated by and between FERDINAND L. NAVALTA ("Respondent"), acting on his own behalf, and the Complainant, acting by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on October 17, 2016, in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in 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 Section 10106, costs of the  
5 investigation of this matter in the amount of \$1,638.30.

6 DETERMINATION OF ISSUES

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

9 The conduct of Respondent FERDINAND L. NAVALTA, as described in  
10 Paragraph 4 above, is a basis for discipline of Respondent's license and license rights pursuant to  
11 Code Section 10177(g).

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I.

15 A. All licenses and licensed rights of Respondent FERDINAND L. NAVALTA  
16 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date  
17 of this Decision; provided, however, that the initial thirty (30) days of that suspension shall be  
18 stayed for two years upon the following terms and conditions:

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

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

25 3. No further cause for disciplinary action against the real estate license of  
26 Respondent occurs within two (2) years from the effective date of the Decision in this matter.  
27

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

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

B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed  
for two (2) years upon the following terms and conditions:

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

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

## II.

Respondent shall, within nine (9) months from the effective date of this

**Decision and Order**, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, then his real estate license shall be automatically suspended until he presents evidence satisfactory to the Commissioner of having taken and successfully completed the continuing education requirements. **Proof of completion of the continuing education courses must be**

1 delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA  
2 95813-7013.

3 III.

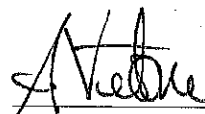
4 Respondent shall within six (6) months from the effective date of the Decision  
5 **and Order** herein, take and pass the Professional Responsibility Examination administered by  
6 the Bureau including the payment of the appropriate examination fee. If Respondent fails to  
7 satisfy this condition,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

9 IV.

10 Pursuant to Section 10106 of the Business and Professions Code, Respondent  
11 shall pay the Commissioner's reasonable cost for the investigation which led to this disciplinary  
12 action in the amount of \$1,638.30. Respondent shall pay such cost within 30 days of the  
13 effective date of this Decision. Said payment shall be in the form of a cashier's check made  
14 payable to the Bureau of Real Estate. **Said check must be delivered to the Bureau of Real**  
15 **Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective**  
16 **date of this Decision and Order.**

17 If Respondent fails to satisfy this condition in a timely manner as provided for  
18 herein, Respondent's real estate license 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.

21  
22  
23 DATED: 6-27-17



24 Amelia V. Vetrone, Counsel for  
25 Bureau of Real Estate

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2 EXECUTION OF THE STIPULATION

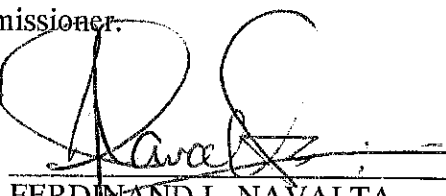
3 I have read the Stipulation. Its terms are understood by me and are agreeable and  
4 acceptable to me. I understand that I am waiving rights given to me by the California  
5 Administrative Procedure Act, (including but not limited to Sections 11506, 11508, 11509 and  
6 11513 of the Government Code),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

10 MAILING

11 Respondent (1) shall mail the original signed signature page of the stipulation  
12 herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth  
13 St., Suite 350, Los Angeles, California 90013-1105.

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

19  
20 DATED: June 21 / 2017

21   
22 FERDINAND L. NAVALTA  
23 Respondent

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Respondent FERDINAND L. NAVALTA, and shall become effective at 12 o'clock noon on

**AUG 10 2017**

IT IS SO ORDERED.

7/17/17

WAYNE S. BELL  
Real Estate Commissioner

Samuel J. Sand

By: DANIEL J. SANDRI  
Chief Deputy Commissioner