

FILED

AUG 28 2017

BUREAU OF REAL ESTATE

By AL Delois

Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013

(213) 576-6913

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-40475 LA
)	L-2016 120 711
)	
)	
ALBERTO LARA,	)
)	)
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)	)
Respondent.)	<u>STIPULATION AND AGREEMENT</u>
)	

It is hereby stipulated by and between ALBERTO LARA (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 the Accusation filed in this matter.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent

1 at a formal hearing on the Accusation, which hearing was to be
2 held in accordance with the provisions of the Administrative
3 Procedure Act (APA), shall instead and in place thereof be
4 submitted solely on the basis of the provisions of this
5 Stipulation and Agreement.

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7 2. Respondent has received, read and understands the
8 Statement to Respondent, the Discovery Provisions of the APA and
9 the Accusation filed by the Bureau of Real Estate in this
10 proceeding.

11 3. On December 7, 2016, Respondent filed a Notice of
12 Defense pursuant to Section 11506 of the Government Code for the
13 purpose of requesting a hearing on the allegations in the
14 Accusation. Respondent hereby freely and voluntarily withdraws
15 said Notice of Defense. Respondent acknowledges that he
16 understands that by withdrawing said Notice of Defense he will
17 thereby waive his right to require the Commissioner to prove the
18 allegations in the Accusation at a contested hearing held in
19 accordance with the provisions of the APA and that he will waive
20 other rights afforded to him in connection with the hearing such
21 as the right to present evidence in defense of the allegations
22 in the Accusation and the right to cross-examine witnesses.
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26 4. This Stipulation is based on the factual
27 allegations contained in the Accusation filed in this

1 proceeding. In the interest of expedience and economy,
2 Respondent chooses not to contest these factual allegations, but
3 to remain silent and understands that, as a result thereof,
4 these factual statements, will serve as a prima facie basis for
5 the disciplinary action stipulated to herein. The Real Estate
6 Commissioner shall not be required to provide further evidence
7 to prove such allegations.
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9 5. The Stipulation herein and Respondent's decision
10 not to contest the Accusation, are made solely for the purpose
11 of reaching an agreed disposition of this proceeding and are
12 expressly limited to this proceeding and any other proceeding or
13 case in which the Bureau of Real Estate ("Bureau") or another
14 licensing agency of this state, another state or if the federal
15 government is involved, and otherwise shall not be admissible in
16 any other criminal or civil proceedings.
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19 6. It is understood by the parties that the Real
20 Estate Commissioner may adopt the Stipulation and Agreement as
21 his Decision in this matter, thereby imposing the penalty and
22 sanctions on Respondent's real estate licenses and license
23 rights as set forth in the below "Order". In the event that the
24 Commissioner in his discretion does not adopt the Stipulation
25 and Agreement, it shall be void and of no effect, and Respondent
26 shall retain the right to a hearing and proceeding on the
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1 Accusation under all the provisions of the APA and shall not be
2 bound by any stipulation or waiver made herein.

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

12 By reason of the foregoing stipulations and waivers
13 and solely for the purpose of settlement of the pending
14 Accusation without a hearing, it is stipulated and agreed that
15 the following determination of issues shall be made:
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17 The conduct of Respondent, ALBERTO LARA, as described
18 in Paragraph 4, above, is grounds for the suspension or
19 revocation of all of the real estate licenses and license rights
20 of Respondent under the provisions of Sections 490 and 10177(b)
21 of the Business and Professions Code.
22

23 ORDER

24 All licenses and licensing rights of Respondent
25 ALBERTO LARA under the Real Estate Law are revoked, provided,
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1 however, a restricted real estate broker license shall be issued
2 to Respondent pursuant to Section 10156.5 of the Business and
3 Professions Code if Respondent makes application therefor and
4 pays to the Bureau of Real Estate the appropriate fee for the
5 restricted license within 90 days from the effective date of
6 this Decision and Order. The restricted license issued to
7 Respondent shall be subject to all of the provisions of Section
8 10156.7 of the Business and Professions Code and to the
9 following limitations, conditions, and restrictions imposed
10 under authority of Section 10156.6 of that Code:
11

12 1. The restricted license issued to Respondent may be
13 suspended prior to hearing by Order of the Real Estate
14 Commissioner in the event of Respondent's conviction or plea of
15 nolo contendere to a crime which is substantially related to
16 Respondent's fitness or capacity as a real estate licensee.
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18 2. The restricted license issued to Respondent may be
19 suspended prior to hearing by Order of the Real Estate
20 Commissioner on evidence satisfactory to the Commissioner that
21 Respondent has violated provisions of the California Real Estate
22 Law, the Subdivided Lands Law, Regulations of the Real Estate
23 Commissioner or conditions attaching to the restricted license.
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25 3. Respondent shall not be eligible to apply for the
26 issuance of an unrestricted real estate broker license nor for
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1 the removal of any of the conditions, limitations or
2 restrictions of a restricted license until three years have
3 elapsed from the effective date of this Decision.

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

18 5. Respondent shall pay the sum of \$1,774 for the
19 Commissioner's reasonable cost of the investigation and
20 enforcement which led to this disciplinary action. Said payment
21 shall be in the form of a cashier's check made payable to the
22 Bureau of Real Estate. The investigative and enforcement costs
23 must be delivered to the Bureau of Real Estate, Flag Section at

1 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
2 effective date of this Order and Decision.

3 DATED: 8-16-17

4
5 James R. Peel
6 JAMES R. PEEL
7 Counsel for Complainant

8 * * *

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

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22 Respondent can signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by e-
24 mailing the signature page, as actually signed by Respondent, to
25 the Bureau.
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Page: 009

ID: LAW OFC FRANK BUDA

From:

AUG-15-2017 15:51

01/19/2017 TUE 7:43 FAX *** Frank Buda

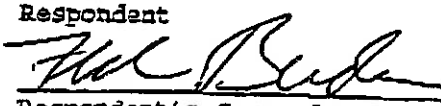
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3 DATED:

8/14/17


ALBERTO LARA
Respondent4
5 DATED:

8-15-17


Respondent's Counsel
FRANK M. BUDA

* * *

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9 The foregoing Stipulation and Agreement is hereby
10 adopted as my Decision in this matter and shall become effective
11 at 12 o'clock noon on _____

12 IT IS SO ORDERED _____

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14 WAYNE S. SELL
15 REAL ESTATE COMMISSIONER
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DATED: _____

ALBERTO LARA
Respondent

DATED: _____

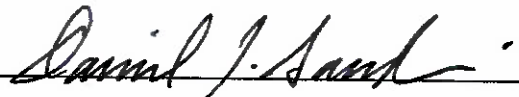
Respondent's Counsel
FRANK M. BUDA

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on SEP 15 2017.

IT IS SO ORDERED 8/24/17

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner