

1 Bureau of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982

**FILED**

FEB 20 2018

BUREAU OF REAL ESTATE

By *Liquid Penner*

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-40549 LA  
12 )  
13 SILVESTRE MEDEL ) STIPULATION AND AGREEMENT  
14 )  
15 Respondents. )

16 It is hereby stipulated by and between SILVESTRE MEDEL and his attorney,  
17 Michael A. Lanphere, Esq./ Lanphere Law Group and the Complainant, acting by and through  
18 Julie L. To, Counsel for the Bureau of Real Estate ("BRE"), as follows for the purpose of  
19 settling and disposing of the Accusation filed on February 16, 2017 in CalBRE Case No.  
20 H-40549 LA, in this matter:

21 I. All issues which were to be contested and all evidence which was to be  
22 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing  
23 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),  
24 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
25 Stipulation and Agreement.  
26

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

4                   3. On June 8, 2017, Respondent filed a Notice of Defense pursuant to Section  
5 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the  
6 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
7 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he  
8 will thereby waive his right to require the Commissioner to prove the allegations in the  
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that he  
10 will waive other rights afforded to him in connection with the hearing such as the right to  
11 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
12 witnesses.

13                   4. Respondent, pursuant to the limitations set forth below, hereby admits that the  
14 factual allegations of the Accusation filed in this proceeding are true and correct and the Real  
15 Estate Commissioner shall not be required to provide further evidence of such allegations.

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

21                   6. Respondent understands that by agreeing to this Stipulation and Agreement,  
22 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions  
23 Code ("Code"), the cost of the investigation and enforcement which resulted in the  
24 determination that Respondent committed the violations found in the Determination of Issues.  
25 The amount of said costs is \$2,958.35.





1 prospective employing broker on a form approved by the Bureau of Real Estate which shall  
2 certify:

3 (a) That the employing broker has read the Decision of the Commissioner which  
4 granted the right to a restricted license; and

5 (b) That the employing broker will exercise close supervision over the  
6 performance by the restricted licensee relating to activities for which a real estate license  
7 is required.

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

18 6. Respondent shall, within six (6) months from the effective date of this  
19 Decision and Order, take and pass the Professional Responsibility Examination administered by  
20 the Bureau including the payment of the appropriate examination fee. If Respondent fails to  
21 satisfy this condition, Respondent's real estate license shall automatically be suspended until  
22 Respondent passes the examination.

23 7. All licenses and licensing rights of Respondent are indefinitely suspended  
24 unless or until Respondent pays the sum of \$2,958.35 for the Commissioner's reasonable cost of  
25 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
26



1 the form of a cashier's check made payable to the Bureau of Real Estate, or in the form of a  
2 credit card payment payable to the Bureau of Real Estate. The investigative and enforcement  
3 costs must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013,  
4 Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

5 (a) If Respondent fails to satisfy this condition, the Commissioner shall  
6 order the suspension of the restricted license until the Respondent presents evidence of payment.  
7 The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the  
8 Administrative Procedure Act to present such evidence that payment was timely made. The  
9 suspension shall remain in effect until payment is made in full or until a decision providing  
10 otherwise is adopted following a hearing held pursuant to this condition.

11 DATED: 1-29-18 

12 Julie L. To, Counsel for Complainant

13 \* \* \*

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

22 Respondent can signify acceptance and approval of the terms and conditions of  
23 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
24 Respondent, to the Bureau, at fax number (213) 576-6917. Respondent agrees, acknowledges  
25 and understands that by electronically sending to the Bureau a fax copy of his actual signature as  
26

1 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall  
2 be as binding on Respondent as if the Bureau had received the original signed Stipulation and  
3 Agreement.

4 DATED: \_\_\_\_\_

\_\_\_\_\_

SILVESTRE MEDEL, Respondent

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7 *I have reviewed the Stipulation and Agreement as to form and content and have*  
8 *advised my client accordingly.*

9 DATED: \_\_\_\_\_

\_\_\_\_\_

Michael A. Lanphere, Attorney for Respondent

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12 The foregoing Stipulation and Agreement is hereby adopted as my Decision in this  
13 matter and shall become effective at 12 o'clock noon on ~~MAR 12~~ 2018.

14 IT IS SO ORDERED 2/8/18.

15 REAL ESTATE COMMISSIONER  
16 WAYNE S. BELL

17  
18 

19 By: DANIEL J. SANDRI  
20 Chief Deputy Commissioner

1 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall  
2 be as binding on Respondent as if the Bureau had received the original signed Stipulation and  
3 Agreement.

4 DATED: 1/22/18

Silvestre Medel  
SILVESTRE MEDEL, Respondent

6 \* \* \*

7 *I have reviewed the Stipulation and Agreement as to form and content and have*  
8 *advised my client accordingly.*

9 DATED: 1/22/18

Michael A. Lanphere  
Michael A. Lanphere, Attorney for Respondent

11 \* \* \*

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

14 IT IS SO ORDERED \_\_\_\_\_.

15 REAL ESTATE COMMISSIONER

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19 \_\_\_\_\_  
Wayne S. Bell

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27



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2 be as binding on Respondent as if the Bureau had received the original signed Stipulation and  
3 Agreement.

4 DATED: \_\_\_\_\_  
5  
6 SILVESTRE MEDEL, Respondent

\*\*\*

7 *I have reviewed the Stipulation and Agreement as to form and content and have*  
8 *advised my client accordingly.*

9 DATED: \_\_\_\_\_  
10  
11 Michael A. Lanphere, Attorney for Respondent

\*\*\*

12 The foregoing Stipulation and Agreement is hereby adopted as my Decision in this  
13 matter and shall become effective at 12 o'clock noon on MAR 12 2018.

14 IT IS SO ORDERED 2/8/18.

15 REAL ESTATE COMMISSIONER  
16 WAYNE S. BELL

17  
18 

19 By: DANIEL J. SANDRI  
20 Chief Deputy Commissioner