-sta	Contraction Contraction			
1	Bureau of Real Estate			
2	320 West Fourth Street, #350			
3	(213) 576-6982 FILED			
4	FEB 2 0 2018			
5	BUREAU OF REAL ESTATE			
6	By Soyred Stanner			
7				
8	BEFORE THE BUREAU OF REAL ESTATE			
9	STATE OF CALIFORNIA			
10	* * *			
11				
12	In the Matter of the Accusation of ) No. H-40549 LA			
13	SILVESTRE MEDEL ) STIPULATION AND AGREEMEN			
14 15	) Respondents.			
16				
17	It is hereby stipulated by and between SILVESTRE MEDEL and his attorney,			
	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:			
<ul> <li>21</li> <li>I. All issues which were to be contested and all evidence which was to be</li> </ul>				
presented by Complainant and Respondent at a formal hearing on the Accusation, which he				
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24	shall instead and in place thereof be submitted solely on the basis of the provisions of this			
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26	Sapalaton and Agrooment.			
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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.

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

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

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

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

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1	7. It is understood by the parties that the Real Estate Commissioner may adopt			
2	the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and			
3	sanctions on Respondent's real estate license and license rights as set forth in the below			
4	"Order." In the event that the Commissioner in his discretion does not adopt the Stipulation			
5	and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a			
6	hearing and proceeding on the Accusation under all the provisions of the APA and shall not be			
7	bound by any admission or waiver made herein.			
8	8. The Order or any subsequent Order of the Real Estate Commissioner made			
9	pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any			
10	further administrative or civil proceedings by the Bureau of Real Estate with respect to any			
11	matters which were not specifically alleged to be causes for accusation in this proceeding.			
12	DETERMINATION OF ISSUES			
13	By reason of the foregoing stipulations, admissions and waivers and solely for			
14	the purpose of settlement of the pending Accusation without a hearing, it is stipulated and			
15	agreed that the following determination of issues shall be made:			
16	The conduct of Respondent SILVESTRE MEDEL, as set forth in the Accusation			
17	constitutes grounds for suspension or revocation of Respondent MEDEL's real estate			
18	salesperson license under the provisions of: Code Sections 10130; 10137; 10176(a); 10176(i);			
19	10177(d); 10177(j); 10145(c); and 10159.5 and Title 10, Chapter 6, California Code of			
20	Regulations 2731.			
21	///			
22	///			
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## <u>ORDER</u>

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	<u>orderk</u>
2	WHEREFORE, THE FOLLOWING ORDER is hereby made:
3	All licenses and licensing rights of Respondent SILVESTRE MEDEL under the
4	Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall
5	be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if
6	Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee
7	for the restricted license within 90 days from the effective date of this Decision. The restricted
8	license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
9	Business and Professions Code and to the following limitations, conditions and restrictions
10	imposed under authority of Section 10156.6 of that Code:
11	1. The restricted license issued to Respondent may be suspended prior to hearing
12	by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of
13	nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
14	real estate licensee.
15	2. The restricted license issued to Respondent may be suspended prior to hearing
16	by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
17	Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
18	Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted
19	license.
20	3. Respondent shall not be eligible to apply for the issuance of an unrestricted
21	real estate license nor for removal of any of the conditions, limitations or restrictions
22	of a restricted license until three (3) years have elapsed from the effective date of this Decision
23	and Order.
24	4. Respondent shall submit with any application for license under an employing
25	broker, or any application for transfer to a new employing broker, a statement signed by the
26	
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prospective employing broker on a form approved by the Bureau of Real Estate which shall certify:

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

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

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

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

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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: 1-29-18 202		
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		
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it appears on the Stipulation an	nd Agreement, that receipt of the faxed copy by the Bureau sha		
be as binding on Respondent as if the Bureau had received the original signed Stipulation and			
Agreement.	and barout had received the original signed Supulation an		
DATED:			
	SILVESTRE MEDEL, Respondent		
	* * *		
	d the Stipulation and Agreement as to form and content and ha		
advised my client accordingly.			
DATED:			
	Michael A. Lanphere, Attorney for Respondent		
	* * *		
The foregoing Stip	ipulation and Agreement is hereby adopted as my Decision in		
matter and shall become effective			
IT IS SO ORDERED	2/8/18		
	REAL ESTATE COMMESSIONER		
	REAL ESTATE COMMISSIONER WAYNE S. BELL		
	Adda .		
	Daniel ! Sand		
	By: DANIEL J. SANDRI Chief Deputy Commissioner		
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it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall 1 be as binding on Respondent as if the Bureau had received the original signed Stipulation and 2 3 Agreement. 4 silvesty placed DATED: 5 SILVESTRE MEDEL, Respondent 6 \* \* \* I have reviewed the Stipulation and Agreement as to form and content and have 7 advised my client accordingly. 8 DATED: / 9 10 Michael A. Lanphere, Attorney for Respondent 11 \* \* \* 12 The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on 13 14 IT IS SO ORDERED 15 REAL ESTATE COMMISSIONER 16 17 18 19 Wayne S. Bell 20 21 22 23 24 25 26 27 CalBRE Stipulation and Agreement, Silvestre Medel - H-40549 LA Page 7 of 7

7			
1	it appears on the Stipulation and Agree	eement, 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			
4	DATED:		
5		SILVESTRE MEDEL, Respondent	
6		* * *	
7	I have reviewed the St.	ipulation and Agreement as to form and content and have	
8	advised my client accordingly.		
9	DATED:		
10		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 1		
14	IT IS SO ORDERED 2	8/18	
15		REAL ESTATE COMMISSIONER	
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17		A did l.	
18		Daniel ! Sand	
19		By: DANIEL J. SANDRI Chief Deputy Commissioner	
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