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BUREAU OF REAL ESTATE
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982

FILED
MAR 30 2018
BUREAU OF REAL ESTATE
By *Sydney Danner*

BEFORE THE BUREAU OF REAL ESTATE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

* * * *

| | | |
|--|---|----------------------------------|
| In the Matter of the Accusation against |) | CalBRE No. H-40751 LA |
| |) | OAH No. 2017090080 |
| |) | |
| PAB COMPANIES, INC. and |) | |
| PATRICK ANTHONY BURRIS, individually and |) | <u>STIPULATION AND AGREEMENT</u> |
| as designated officer of PAB Companies, Inc. |) | <u>IN SETTLEMENT AND ORDER</u> |
| |) | |
| Respondents. |) | |
| |) | |
| |) | |
| |) | |

It is hereby stipulated by and between Respondents PAB COMPANIES, INC. ("PABCI") and PATRICK ANTHONY BURRIS ("BURRIS"), individually and as designated officer of PAB Companies, Inc. (collectively "Respondents") and their attorney, Frank M. Buda, Esq., and Complainant, acting by and through Lissete Garcia, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing the Accusation filed on August 18, 2017, with Bureau Case No. H-40751 LA ("Accusation") in this matter:
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1 1. All issues which were to be contested and all evidence which was to be presented by
2 Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be
3 held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall
4 instead and in place thereof be submitted on the basis of the provisions of this Stipulation and
5 Agreement in Settlement and Order ("Stipulation").

6 2. Respondents have received, read, and understand the Statement to Respondent, the
7 Discovery Provisions of the APA, and Accusation filed by the Bureau in this proceeding.

8 3. A Notice of Defense was filed by Respondents pursuant to Section 11506 of the
9 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
10 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
11 acknowledge and understand that by withdrawing said Notice of Defense they will thereby waive
12 their rights to require the Real Estate Commissioner ("Commissioner") to prove the allegations
13 in the Accusation at a contested hearing held in accordance with the provisions of the APA and
14 that they will waive other rights afforded to them in connection with the hearing such as the right
15 to present evidence in defense of the allegations in the Accusation and the right to cross-examine
16 witnesses.

17 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
18 this proceeding. In the interest of expedience and economy, Respondents choose not to contest
19 these factual allegations, but to remain silent and understand that, as a result thereof, these
20 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
21 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
22 such allegations.

23 5. This Stipulation and Respondents' decision not to contest the Accusation are made for
24 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this

1 proceeding and any other proceeding or case in which the Bureau, or another licensing agency of
2 this state, another state or if the federal government is involved and otherwise shall not be
3 admissible in any other criminal or civil proceedings.

4 6. It is understood by the parties that the Real Estate Commissioner may adopt the
5 Stipulation as his decision in this matter thereby imposing the penalty and sanctions on
6 Respondents' real estate licenses and license rights as set forth in the below "Order". In the
7 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall
8 be void and of no effect, and Respondents shall retain the right to a hearing on the Accusation
9 under all the provisions of the APA and shall not be bound by any stipulation or waiver made
10 herein.

11 7. The Order or any subsequent Order of the Real Estate Commissioner made
12 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
13 administrative or civil proceedings by the Bureau of Real Estate with respect to any conduct
14 which was not specifically alleged to be causes for accusation in this proceeding.

15 8. Respondents understand that by agreeing to this Stipulation, Respondents agree to pay
16 pursuant to Section 10148 of the California Business and Professions Code ("Code") the cost of
17 the audit which resulted in the determination that Respondents committed the violations found in
18 the "Determination of Issues" below. The amount of said cost is \$7,586.36.

19 9. Respondents understand that by agreeing to this Stipulation, the findings set forth
20 below in the Determination of Issues become final, and the Commissioner may charge
21 Respondents for the cost of any subsequent audit conducted pursuant to Business and
22 Professions Code Section 10148 to determine if the violations have been corrected. The
23 maximum cost of the subsequent audit will not exceed \$9,482.95.

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1 10. Respondents further understand that by agreeing to this Stipulation, Respondents
2 agree to pay, pursuant to Section 10106(a) of the Code, investigative and enforcement costs of
3 \$1,437.55 which led to this disciplinary action.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulation and agreement and solely for the purpose of
6 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
7 following determination of issues shall be made:

8 I.

9 The conduct, acts and/or omissions of Respondent PABCI as set forth in Paragraphs
10 11(A) through 11(G) of the Accusation, constitute cause for the suspension or revocation of all
11 real estate licenses and license rights of Respondent PABCI under the provisions of Sections
12 10177(d) and 10176(e) of the Business and Professions Code (“Code”) for violation of Code
13 Sections 10145, 10176(e), and Regulations 2832.1, 2831, 2831.1, 2831.2, 2832, and 2834 of the
14 Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of
15 Regulations (“Regulations”).

16 II.

17 As the designated broker-officer of PABCI, the conduct, acts and/or omissions of
18 Respondent BURRIS constitute cause for the suspension or revocation of all real estate licenses
19 and license rights of Respondent BURRIS under the provisions of Code Section 10177(g) as set
20 forth in Paragraphs 11(H) and 13 of the Accusation.

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ORDER

I.

1) All licenses and license rights of Respondent PABCI under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision and Order; provided, however, that:

a) 30 days of said suspension shall be stayed, upon the condition that Respondent petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total monetary penalty of \$1,500.00.

b) Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. Payment should not be made until the Stipulation has been approved by the Commissioner.

c) No further cause for disciplinary action against the Real Estate licenses of Respondent PABCI occurs within two (2) years from the effective date of the Decision and Order in this matter.

d) If Respondent PABCI fails to pay the monetary penalty in accordance with the terms and conditions of this Decision and Order, the suspension shall go into effect automatically. 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.

e) If Respondent PABCI pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action

1 against the real estate license of said Respondent occurs within two (2) years from
2 the effective date of this Decision and Order, the entire stay hereby granted
3 pursuant to this Decision and Order, as to said Respondent only, shall become
4 permanent.

5 2) The remaining 30 days of said sixty (60) suspension shall be stayed for two (2) years

6 upon the following terms and conditions:

- 7 a. Respondent shall obey all laws, rules and regulations governing the rights, duties
8 and responsibilities of a real estate licensee in the State of California; and,
9 b. That no final subsequent determination be made, after hearing or upon stipulation,
10 that cause for disciplinary action occurred within two (2) years from the effective
11 date of this Decision and Order. Should such a determination be made, the
12 Commissioner may, in his discretion, vacate and set aside the stay order and
13 reimpose all or a portion of the stayed suspension. Should no such determination
14 be made, the stay imposed herein shall become permanent.

15 3) All licenses and licensing rights of Respondent PABCI are indefinitely suspended
16 unless or until Respondent PABCI pays, severally or jointly with Respondent BURRIS, the sum
17 of \$1,437.55 for the Commissioner's reasonable cost of the investigation and enforcement which
18 led to this disciplinary action. Said payment shall be in the form of a cashier's check made
19 payable to the Bureau of Real Estate. **The investigative and enforcement costs must be**
20 **delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA**
21 **95813-7013, prior to the effective date of this Decision and Order. Payment of investigation**
22 **and enforcement costs should not be made until the Stipulation has been approved by the**
23 Commissioner.

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1 4) Pursuant to Section 10148 of the Code, Respondent PABCI shall pay, severally or
2 jointly with Respondent BURRIS, the sum of \$7,586.36 for the Commissioner's cost of the audit
3 which led to this disciplinary action. **Respondents shall pay such cost within sixty (60) days**
4 **of receiving an invoice therefore from the Commissioner.** Payment of audit costs should not
5 be made until Respondents receive the invoice. If Respondents fail to satisfy this condition in a
6 timely manner as provided for herein, Respondents' real estate licenses shall automatically be
7 suspended until payment is made in full, or until a decision providing otherwise is adopted
8 following a hearing held pursuant to this condition.

9 5) Pursuant to Section 10148 of the Code, Respondent PABCI shall pay, severally or
10 jointly with Respondent BURRIS, the Commissioner's reasonable cost, not to exceed \$9,482.95,
11 for an audit to determine if Respondents have corrected the violations found in the Determination
12 of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner
13 may use the estimated average hourly salary for all persons performing audits of real estate
14 brokers, and shall include an allocation for travel time to and from the auditor's place of work.
15 **Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore**
16 **from the Commissioner.** Payment of the audit costs should not be made until Respondents
17 receive the invoice. If Respondents fail to satisfy this condition in a timely manner as provided
18 for herein, Respondents' real estate licenses shall automatically be suspended until payment is
19 made in full, or until a decision providing otherwise is adopted following a hearing held pursuant
20 to this condition.

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II.

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2 1) All licenses and license rights of Respondent BURRIS under the Real Estate Law are
3 suspended for a period of sixty (60) days from the effective date of this Decision and Order;
4 provided, however, that:

5 a) 30 days of said suspension shall be stayed, upon the condition that Respondent
6 petition pursuant to Section 10175.2 of the Code and pays a monetary penalty
7 pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of the
8 suspension for a total monetary penalty of \$1,500.00.

9 f) Said payment shall be in the form of a cashier's check made payable to the
10 **Bureau of Real Estate. Said check must be delivered to the Bureau of Real**
11 **Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior**
12 **to the effective date of this Decision and Order. Payment should not be made**
13 **until the Stipulation has been approved by the Commissioner.**

14 g) No further cause for disciplinary action against the Real Estate licenses of
15 Respondent BURRIS occurs within two (2) years from the effective date of the
16 Decision and Order in this matter.

17 h) If Respondent BURRIS fails to pay the monetary penalty in accordance with the
18 terms and conditions of this Decision and Order, the suspension shall go into
19 effect automatically. Respondent shall not be entitled to any repayment nor
20 credit, prorated or otherwise, for money paid to the Bureau under the terms of this
21 Decision and Order.

22 i) If Respondent BURRIS pays the monetary penalty and any other moneys due
23 under this Stipulation and Agreement and if no further cause for disciplinary
24 action against the real estate license of said Respondent occurs within two (2)

1 years from the effective date of this Decision and Order, the entire stay hereby
2 granted pursuant to this Decision and Order, as to said Respondent only, shall
3 become permanent.

4 2) The remaining 30 days of said sixty (60) suspension shall be stayed for two (2) years

5 upon the following terms and conditions:

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

8 b. That no final subsequent determination be made, after hearing or upon stipulation,

9 that cause for disciplinary action occurred within two (2) years from the effective
10 date of this Decision and Order. Should such a determination be made, the
11 Commissioner may, in his discretion, vacate and set aside the stay order and
12 reimpose all or a portion of the stayed suspension. Should no such determination
13 be made, the stay imposed herein shall become permanent.

14 3) All licenses and licensing rights of Respondent BURRIS are indefinitely

15 suspended unless or until Respondent BURRIS pays, severally or jointly with Respondent
16 PABCI, the sum of \$1,437.55 for the Commissioner's reasonable cost of the investigation and
17 enforcement which led to this disciplinary action. Said payment shall be in the form of a
18 cashier's check made payable to the Bureau of Real Estate. **The investigative and enforcement**
19 **costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
20 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**
21 Payment of investigation and enforcement costs should not be made until the Stipulation has
22 been approved by the Commissioner.

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1 4) All licenses and licensing rights of Respondent BURRIS are indefinitely
2 suspended unless or until Respondent provides proof satisfactory to the Commissioner, of having
3 taken and successfully completed the continuing education course on trust fund accounting and
4 handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and
5 Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent
6 has successfully completed the trust fund account and handling continuing education courses, no
7 earlier than 120 days prior to the effective date of the Decision and Order in this matter. **Proof**
8 **of completion of the trust fund accounting and handling course must be delivered to the**
9 **Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by**
10 **fax at 916-263-8758, prior to the effective date of this Decision and Order.**

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

21 6) Pursuant to Section 10148 of the Code, Respondent BURRIS shall pay, severally
22 or jointly with Respondent PABCI, the sum of \$7,586.36 for the Commissioner's cost of the
23 audit which led to this disciplinary action. **Respondents shall pay such cost within sixty (60)**
24 **days of receiving an invoice therefore from the Commissioner.** Payment of audit costs

1 should not be made until Respondents receive the invoice. If Respondents fail to satisfy this
2 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
3 automatically be suspended until payment is made in full, or until a decision providing otherwise
4 is adopted following a hearing held pursuant to this condition.

5 7) Pursuant to Section 10148 of the Code, Respondent BURRIS shall pay, severally
6 or jointly with Respondent PABCI, the Commissioner's reasonable cost, not to exceed \$9,482.95,
7 for an audit to determine if Respondents have corrected the violations found in the Determination
8 of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner
9 may use the estimated average hourly salary for all persons performing audits of real estate
10 brokers, and shall include an allocation for travel time to and from the auditor's place of work.
11 Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore
12 from the Commissioner. Payment of the audit costs should not be made until Respondents
13 receive the invoice. If Respondents fail to satisfy this condition in a timely manner as provided
14 for herein, Respondents' real estate licenses shall automatically be suspended until payment is
15 made in full, or until a decision providing otherwise is adopted following a hearing held pursuant
16 to this condition.

17 DATED: 3/12/2018



Lissete Garcia, Counsel
Bureau of Real Estate

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19 * * *

20 We have read this Stipulation and its terms are understood by us and are agreeable and
21 acceptable to us. We understand that we are waiving rights given to us by the California APA
22 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government
23 Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of
24 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we

1 would have the right to cross-examine witnesses against us and to present evidence in defense
2 and mitigation of the charges.

3 Respondents can signify acceptance and approval of the terms and conditions of this
4 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
5 signed by Respondents, to the Bureau. Respondents agree, acknowledge, and understand that by
6 electronically sending to the Bureau an electronic copy of Respondents' actual signatures (as
7 they appear on the Stipulation) that receipt of the emailed copy by the Bureau shall be as binding
8 on Respondents as if the Bureau had received the original signed Stipulation. By signing this
9 Stipulation, Respondents understand and agree that Respondents may not withdraw their
10 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
11 acts upon it or prior to the effective date of the Stipulation and Order.

12 MAILING

13 Respondent and Respondent's attorney shall mail the original signed signature
14 page(s) of the stipulation herein to the Bureau: Attention: Legal Section - Lissete Garcia,
15 Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

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

21 DATED: _____

Respondent PAB COMPANIES, INC.

22
23 By: _____
(Printed Name)

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1 would have the right to cross-examine witnesses against us and to present evidence in defense
2 and mitigation of the charges.

3 Respondents can signify acceptance and approval of the terms and conditions of this
4 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
5 signed by Respondents, to the Bureau. Respondents agree, acknowledge, and understand that by
6 electronically sending to the Bureau an electronic copy of Respondents' actual signatures (as
7 they appear on the Stipulation) that receipt of the emailed copy by the Bureau shall be as binding
8 on Respondents as if the Bureau had received the original signed Stipulation. By signing this
9 Stipulation, Respondents understand and agree that Respondents may not withdraw their
10 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
11 acts upon it or prior to the effective date of the Stipulation and Order.

12 MAILING:

13 Respondent and Respondent's attorney shall mail the original signed signature
14 page(s) of the stipulation herein to the Bureau: Attention: Legal Section - Lissete Garcia,
15 Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

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

21 DATED: 3-9-18


Respondent PAB COMPANIES, INC.

By: PATRICK BURRIS
(Printed Name)

24 III

1 DATED: 3-9-18

P.A. Burris
Respondent PATRICK ANTHONY BURRIS

2 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*
3 *content and have advised my clients accordingly.*

4 DATED: 3-12-18

Frank M. Buda
Frank M. Buda, Attorney for Respondents

6 ***

7 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by
8 me as my Decision in this matter and shall become effective at 12 o'clock noon on
9 _____, 2018.

10 IT IS SO ORDERED _____, 2018.

11 WAYNE S. BELL
12 REAL ESTATE COMMISSIONER

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1 DATED: _____

Respondent PATRICK ANTHONY BURRIS

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3 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*
4 *content and have advised my clients accordingly.*

4

5 DATED: _____

Frank M. Buda, Attorney for Respondents

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* * *

7

8 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by
9 me as my Decision in this matter and shall become effective at 12 o'clock noon on

9

APR 18 2018, 2018.

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11 IT IS SO ORDERED March 28, 2018.

11

12 WAYNE S. BELL
13 REAL ESTATE COMMISSIONER

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Daniel J. Sandri

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By: DANIEL J. SANDRI
Chief Deputy Commissioner

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