

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

JUL 30 2018

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT¹ OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against

No. H-40821 LA

12 A REAL ESTATE & MANAGEMENT
13 COMPANY, INC.; and DREW
14 CAMERON BAKER, individually and
as Designated Officer of A Real Estate
& Management Company, Inc.,

STIPULATION
AND
AGREEMENT

15 Respondents.
16

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18 It is hereby stipulated by and between Respondents A REAL ESTATE &
19 MANAGEMENT COMPANY, INC., and DREW CAMERON BAKER, individually and as
20 designated officer of A Real Estate & Management Company, Inc., (sometimes collectively
21 referred to as "Respondents"), acting by and through their attorney, Frank M. Buda, and the
22 Complainant, acting by and through Amelia V. Vetrone, Counsel for the Department of Real
23 Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation")
24 filed on October 16, 2017, in this matter:

25 1. All issues which were to be contested and all evidence which was to be
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27 ¹ Between July 1, 2013, and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

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

5 2. Respondents have received, read and understand the Statement to Respondent,
6 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
7 ("Department") in this proceeding.

8 3. Respondents each filed a Notice of Defense 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 Notices of Defense. Respondents
11 acknowledge that they understand that by withdrawing said Notices of Defense they thereby
12 waive their right to require the Commissioner to prove the allegations in the Accusation at a
13 contested hearing held in accordance with the provisions of the APA and that they will waive
14 other rights afforded to them in connection with the hearing such as the right to present evidence
15 in their defense, and the right to cross-examine witnesses.

16 4. This Stipulation is based on the factual allegations contained in the
17 Accusation. In the interest of expedience and economy Respondents choose not to contest these
18 allegations but to remain silent and understand that, as a result thereof, these factual allegations,
19 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
20 stipulated to herein. The Real Estate Commissioner shall not be required to provide evidence to
21 prove said factual allegations.

22 5. This Stipulation is made for the purpose of reaching an agreed disposition of
23 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
24 in which the Department, or another licensing agency of this state, another state, or the federal
25 government is involved, and otherwise shall not be admissible in any criminal or civil
26 proceeding.

27 6. It is understood by the parties that the Real Estate Commissioner may adopt

1 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
2 Respondents' real estate licenses and license rights as set forth in the below "Order". In the
3 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall
4 be void and of no effect and Respondents shall retain the right to a hearing and proceed on the
5 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
6 made herein.

7 7. The Order or any subsequent Order of the Real Estate Commissioner made
8 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
9 administrative or civil proceedings by the Department with respect to any matters which were
10 not specifically alleged to be causes for accusation in this proceeding.

11 8. Respondents understand that by agreeing to this Stipulation, Respondents
12 agreed to pay, and have paid, pursuant to Business and Professions Code ("Code") Section
13 10148, the cost of the audit which led to this disciplinary action. The amount of said cost is
14 \$9,227.25.

15 DETERMINATION OF ISSUES

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

18 The conduct, acts or omissions of Respondents A REAL ESTATE &
19 MANAGEMENT COMPANY, INC., and DREW CAMERON BAKER ("BAKER"), as
20 described in Paragraph 4, above, are in violation of Code Section 10145 and, additionally as to
21 BAKER, 10159.2, 10177(h), and Section 2725 of Title 10, Chapter 6 of the California Code of
22 Regulations ("Regulations") and are a basis for discipline of Respondents' licenses and license
23 rights as a violation of the Real Estate Law, Part 1 of Division 4 of the Code, pursuant to Code
24 Sections 10177(d), 10177(g), and 10177(h) (BAKER).

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1 II.

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

7 III.

8 Respondent BAKER shall, within nine (9) months from the effective date of this
9 Decision and Order, present evidence satisfactory to the Real Estate Commissioner that he has,
10 since the most recent issuance of an original or renewal real estate license, taken and successfully
11 completed the continuing education course on trust fund accounting and handling specified in
12 paragraph (3) of subdivision (a) of Code Section 10170.5. If Respondent fails to satisfy this
13 condition, Respondent BAKER's real estate license shall be automatically suspended until he
14 presents evidence satisfactory to the Commissioner of having taken and successfully completed
15 the trust fund accounting and handling course. Proof of completion of the continuing education
16 course must be delivered to the Department of Real Estate, Flag Section, P.O. Box 137013,
17 Sacramento, CA 95813-7013.

18 IV.

19 Pursuant to Code Section 10148, and Stipulation and Agreement in Department
20 Case No. 38225 LA, Respondents have paid the Commissioner's reasonable cost for the audit
21 which led to this disciplinary action in the amount of \$9,227.25.

22 Also, pursuant to Code Section 10148, Respondents shall pay the Commissioner's
23 reasonable cost, not to exceed \$11,534.06, for a subsequent audit to determine if Respondents
24 have corrected the violations found in the Determination of Issues. In calculating the amount of
25 the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly
26 salary for all persons performing audits of real estate brokers, and shall include an allocation for
27 travel time to and from the auditor's place of work. Respondents shall pay such cost within sixty

(60) days of receiving an invoice therefor from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice. Respondents are jointly and severally liable for the cost of the subsequent audit. If Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 7-9-18



Amelia V. Vetrone, Counsel for
Department of Real Estate

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EXECUTION OF THE STIPULATION

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

MAILING

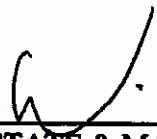
Respondents (1) shall mail the original signed signature page of the stipulation herein to Amelia V. Vetrone, Attention: Legal Section, Department of Real Estate, 320 W. 4th St., Suite 350, Los Angeles, California 90013-1105.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as

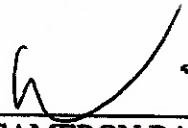
1 actually signed by Respondents, to the Department. Respondent agree, acknowledge, and
2 understand that by electronically sending to the Department an electronic copy of Respondents'
3 actual signatures, as they appear on the Stipulation, that receipt of the emailed copy by the
4 Department shall be as binding on Respondents as the original signed Stipulation.

5 Respondents' signatures below constitute acceptance and approval of the terms
6 and conditions of this Stipulation. Respondents agree, acknowledge and understand that by
7 signing this Stipulation Respondents are bound by its terms as of the date of such signatures and
8 that this agreement is not subject to rescission or amendment at a later date except by a separate
9 Decision and Order of the Real Estate Commissioner.

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11 DATED: 7/6/18


A REAL ESTATE & MANAGEMENT
COMPANY, INC., Respondent
By: DREW CAMERON BAKER

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14
15 DATED: 7/6/18


DREW CAMERON BAKER
Respondent

16
17
18 DATED: 7-11-18


Frank M. Buda
Counsel for Respondents
Approved as to Form

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