

FILED

OCT 30 2018

DEPT. OF REAL ESTATE
By *AG Selou*

1 DEPARTMENT OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

8 **BEFORE THE DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 * * *

12 In the Matter of the Accusation against)
13)
14 **VILLAGE PROPERTIES, INC. and EDWARD**)
15 **ALAN EDICK, individually, and as designated**)
16 **officer of Village Properties, Inc.,**)
Respondents.)

No. H-40986 LA

**STIPULATION
AND AGREEMENT**

17 It is hereby stipulated by and between Respondent **VILLAGE PROPERTIES, INC.**
18 (“Respondent VPI”), acting by and through its counsel, Frank M. Buda, and Complainant, acting
19 by and through Michelle Nijm, Counsel for Complainant, as follows for the purpose of settling
20 and disposing the Accusation filed on April 17, 2018 in this matter:

21 1. All issues which were to be contested and all evidence which was to be presented by
22 Complainant and Respondent VPI at a formal hearing on the Accusation, which hearing was to
23 be held in accordance with the provisions of the Administrative Procedure Act (herein “APA”),
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Stipulation and Agreement
H-40986 LA

1 shall instead and in place thereof be submitted on the basis of the provisions of this Stipulation
2 and Agreement in Settlement and Order (“Stipulation”).

3 2. Respondent VPI has received, read, and understood the Statement to Respondent, the
4 Discovery Provisions of the APA, and Accusation filed by the Department of Real Estate
5 (“Department”) in this proceeding.

6 3. A Notice of Defense was filed by Respondent VPI pursuant to section 11506 of the
7 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
8 Respondent VPI hereby freely and voluntarily withdraws said Notice of Defense. Respondent
9 VPI acknowledges and understands that, by withdrawing said Notice of Defense, it will thereby
10 waive its right to require the Real Estate Commissioner (“Commissioner”) to prove the
11 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
12 APA and that it will waive other rights afforded to it in connection with the hearing such as the
13 right to present evidence in defense of the allegations in the Accusation and the right to cross-
14 examine witnesses.

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

21 5. This Stipulation and Respondent VPI’s decision not to contest the Accusation are
22 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
23 limited to this proceeding and any other proceeding or case in which the Department, or another
24

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

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

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

14 8. Respondent VPI understands that by agreeing to this Stipulation, Respondent VPI
15 agrees to pay, pursuant to section 10148 of the California Business and Professions Code
16 ("Code"), the cost of the audit which resulted in the determination that Respondent committed
17 the violations found in the "Determination of Issues" below. The amount of said cost is
18 \$7,888.37.

19 9. Respondent VPI has received, read, and understood the "Notice Concerning Costs of
20 Subsequent Audit." Respondent VPI further understands that by agreeing to this Stipulation,
21 the findings set forth below in the Determination of Issues become final, and the Commissioner
22 may charge Respondent VPI for the cost of any subsequent audit conducted pursuant to Code
23 section 10148 to determine if the violations have been corrected. The maximum cost of the
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1 subsequent audit shall not exceed \$9,860.46.

2 10. Respondent VPI further understands that by agreeing to this Stipulation, Respondent
3 VPI agrees to pay, pursuant to section 10106, subdivision (a), of the Code, investigative and
4 enforcement costs of \$1,288.85 which led to this disciplinary action.

5 DETERMINATION OF ISSUES

6 I.

7 The conduct, acts, and/or omissions of Respondent VPI, as set forth in Paragraphs 8(d)
8 through 8(g) of the Accusation, is in violation of Code Sections 10145 and constitutes cause for
9 the suspension or revocation of Respondent VPI's real estate licenses and license rights under
10 the provisions of Code section 10177, subdivision (g).

11 ORDER

12 I.

13 All licenses and license rights of Respondent VPI are suspended for a period of 60 days
14 from the effective date of this Decision and Order; which period shall be stayed on the following
15 terms and conditions:

16 1) Respondent shall obey all laws, rules and regulations governing the rights, duties
17 and responsibilities of a real estate licensee in the State of California.

18 2) No final subsequent determination shall be made, after hearing or upon
19 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
20 date of this Decision and Order. Should such a determination be made, the Commissioner may,
21 in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made, the stay imposed herein shall become
23 permanent.


1 3) Pursuant to section 10148 of the Code, Respondent VPI shall pay, jointly or severally
2 with Respondent Edick, the sum of \$7,888.37 for the Commissioner's cost of the audit which led
3 to this disciplinary action. Respondent VPI shall pay such cost within sixty (60) days of
4 receiving an invoice therefore from the Commissioner. Payment of audit costs should not be
5 made until Respondent VPI receives the invoice. If Respondent VPI fails to satisfy this
6 condition in a timely manner as provided for herein, Respondent VPI's real estate licenses shall
7 automatically be suspended until payment is made in full, or until a decision providing otherwise
8 is adopted following a hearing held pursuant to this condition.

9 5) Pursuant to section 10148 of the Code, Respondent VPI shall pay, jointly or
10 severally with Respondent Edick, the Commissioner's reasonable cost, not to exceed \$9,860.46,
11 for an audit to determine if Respondents have corrected the violation(s) found in the
12 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the
13 Commissioner may use the estimated average hourly salary for all persons performing audits of
14 real estate brokers, and shall include an allocation for travel time to and from the auditor's place
15 of work. Respondent VPI shall pay, jointly or severally with Respondent Edick, such cost within
16 sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of the audit
17 costs shall not be made until Respondent VPI receives the invoice. If Respondent VPI fails to
18 satisfy this condition in a timely manner as provided for herein, Respondent VPI's real estate
19 license shall automatically be suspended until payment is made in full, or until a decision
20 providing otherwise is adopted following a hearing held pursuant to this condition.

21 6) Respondent VPI shall pay, jointly or severally with Respondent Edick, the
22 Commissioner's reasonable costs for investigation and enforcement of this matter. The
23 investigation and enforcement costs which led to this disciplinary action total \$1,288.85. The
24 investigation and enforcement costs must be delivered to the Department of Real Estate, Flag

1 Section at P.O. Box 137013, Sacramento, California 95813-7013, prior to the effective date of
2 this Decision and Order. The Commissioner shall suspend the license of Respondent VPI
3 pending a hearing held in accordance with California Government Code section 11500, et seq., if
4 payment is not timely made as provided for herein. The suspension shall remain in effect until
5 payment is made in full, or until a decision providing otherwise is adopted following a hearing
6 held pursuant to this condition.

7 DATED: 10/2/18

8 
Michelle Nijm
9 Counsel for Complainant

10 * * *

11 I have read this Stipulation and its terms are understood by me and are agreeable and
12 acceptable to me. I understand that I am waiving rights given to me by the APA (including, but
13 not limited to, sections 11506, 11508, 11509, and 11513 of the Government Code), and I
14 willingly, intelligently, and voluntarily waive those rights, including the right of requiring the
15 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
16 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
17 the charges.

18 I understand that I can signify acceptance and approval of the terms and conditions of this
19 Stipulation and Agreement by emailing or faxing a copy of the signature page, as actually signed
20 by me, to the Department. I agree, acknowledge, and understand that by sending a copy to the
21 Department of my actual signature as it appears on the Stipulation, that receipt of the copy by the
22 Department shall be as binding on me as if the Department had received the original signed
23 Stipulation.

24 ///

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1 By signing this Stipulation, I understand and agree that I may not withdraw my
2 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
3 acts upon it or prior to the effective date of the Stipulation and Order.

4
5 DATED: 10/02/18

Leanne R Wood, VP
Respondent VPI
By: LR Wood

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

9 DATED: 10-2-18

Frank Buda
Frank Buda, Esq.
Attorney for Respondent VPI

12 * * *

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

15 NOV 19 2018, 2018.

16 IT IS SO ORDERED October 23, 2018.

17 DANIEL J. SANDRI
18 ACTING REAL ESTATE COMMISSIONER

19 Daniel J Sandri
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FILED

OCT 30 2018

DEPT. OF REAL ESTATE
By: *[Signature]*

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9 **STATE OF CALIFORNIA**

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12 In the Matter of the Accusation against)

No. H-40986 LA

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14 ALAN EDICK, individually, and as designated)
15 officer of Village Properties, Inc.,)

**STIPULATION
AND AGREEMENT**

16 Respondents.)

17 It is hereby stipulated by and between Respondent EDWARD ALAN EDICK
18 ("Respondent Edick"), and Complainant, acting by and through Michelle Nijm, Counsel for
19 Complainant, as follows for the purpose of settling and disposing the Accusation filed on April
20 17, 2018 in this matter:

21 1. All issues which were to be contested and all evidence which was to be presented by
22 Complainant and Respondent Edick at a formal hearing on the Accusation, which hearing was to
23 be held in accordance with the provisions of the Administrative Procedure Act (herein "APA"),
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Stipulation and Agreement
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2 and Agreement in Settlement and Order ("Stipulation").

3 2. Respondent Edick has received, read, and understood the Statement to Respondent,
4 the Discovery Provisions of the APA, and Accusation filed by the Department of Real Estate
5 ("Department") in this proceeding.

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

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

21 5. This Stipulation and Respondent Edick's decision not to contest the Accusation are
22 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
23 limited to this proceeding and any other proceeding or case in which the Department, or another
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1 licensing agency of this state, another state or if the federal government is involved and
2 otherwise shall not be admissible in any other criminal or civil proceedings.

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

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

14 8. Respondent Edick understands that by agreeing to this Stipulation, Respondent Edick
15 agrees to pay, pursuant to section 10148 of the California Business and Professions Code
16 ("Code"), the cost of the audit which resulted in the determination that Respondent committed
17 the violations found in the "Determination of Issues" below. The amount of said cost is
18 \$7,888.37.

19 9. Respondent Edick has received, read, and understood the "Notice Concerning Costs
20 of Subsequent Audit." Respondent Edick further understands that by agreeing to this
21 Stipulation, the findings set forth below in the Determination of Issues become final, and the
22 Commissioner may charge Respondent Edick for the cost of any subsequent audit conducted
23 pursuant to Code section 10148 to determine if the violations have been corrected. The
24

1 maximum cost of the subsequent audit shall not exceed \$9,860.46.

2 10. Respondent Edick further understands that by agreeing to this Stipulation,
3 Respondent Edick agrees to pay, pursuant to section 10106, subdivision (a), of the Code,
4 investigative and enforcement costs of \$1,288.85 which led to this disciplinary action.

5 DETERMINATION OF ISSUES

6 I.

7 The conduct, acts, and/or omissions of Respondent Edick, as set forth in Paragraph 9(c)
8 of the Accusation, constitute cause for the suspension or revocation of all real estate licenses and
9 license rights of Respondent Edick under Code section 10177, subdivision (h).

10 ORDER

11 I.

12 All licenses and license rights of Respondent Edick are suspended for a period of 60 days
13 from the effective date of this Decision and Order; which period shall be stayed on the following
14 terms and conditions:

15 1) Respondent shall obey all laws, rules and regulations governing the rights, duties
16 and responsibilities of a real estate licensee in the State of California.

17 2) No final subsequent determination shall be made, after hearing or upon
18 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
19 date of this Decision and Order. Should such a determination be made, the Commissioner may,
20 in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
21 suspension. Should no such determination be made, the stay imposed herein shall become
22 permanent.

23 ///

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1 3) All licenses and licensing rights of Respondent Edick are indefinitely suspended unless or
2 until Respondent Edick provides proof satisfactory to the Commissioner, of having taken and
3 successfully completed the continuing education course on trust fund accounting and handling
4 specified in paragraph (3) of subdivision (a) of section 10170.5 of the Business and Professions
5 Code. Proof of satisfaction of these requirements includes evidence that Respondent Edick has
6 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 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013**
10 **or by fax at 916-263-8758, prior to the effective date of this Decision and Order.**

11 4) Pursuant to section 10148 of the Code, Respondent Edick shall pay, jointly or
12 severally with Respondent Village Properties, Inc., the sum of \$7,888.37 for the Commissioner's
13 cost of the audit which led to this disciplinary action. **Respondent Edick shall pay such cost**
14 **within sixty (60) days of receiving an invoice therefore from the Commissioner.** Payment of
15 audit costs should not be made until Respondent Edick receives the invoice. If Respondent
16 Edick fails to satisfy this condition in a timely manner as provided for herein, Respondent
17 Edick's real estate licenses shall automatically be suspended until payment is made in full, or
18 until a decision providing otherwise is adopted following a hearing held pursuant to this
19 condition.

20 5) Pursuant to section 10148 of the Code, Respondent Edick shall pay, jointly or
21 severally with Respondent Village Properties, Inc., the Commissioner's reasonable cost, not to
22 exceed \$9,860.46, for an audit to determine if Respondents have corrected the violation(s) found
23 in the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost,
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1 the Commissioner may use the estimated average hourly salary for all persons performing audits
2 of real estate brokers, and shall include an allocation for travel time to and from the auditor's
3 place of work. Respondent Edick shall pay, jointly or severally with Respondent Village
4 Properties, Inc., such cost within sixty (60) days of receiving an invoice therefor from the
5 Commissioner. Payment of the audit costs shall not be made until Respondent Edick receives
6 the invoice. If Respondent Edick fails to satisfy this condition in a timely manner as provided
7 for herein, Respondent Edick's real estate license shall automatically be suspended until payment
8 is made in full, or until a decision providing otherwise is adopted following a hearing held
9 pursuant to this condition.

10 6) Respondent Edick shall pay, jointly or severally with Respondent Village
11 Properties, Inc., the Commissioner's reasonable costs for investigation and enforcement of this
12 matter. The investigation and enforcement costs which led to this disciplinary action total
13 \$1,288.85. The investigation and enforcement costs must be delivered to the Department of Real
14 Estate, Flag Section at P.O. Box 137013, Sacramento, California 95813-7013, prior to the
15 effective date of this Decision and Order. The Commissioner shall suspend the license of
16 Respondent Edick pending a hearing held in accordance with California Government Code
17 section 11500, et seq., if payment is not timely made as provided for herein. The suspension
18 shall remain in effect until payment is made in full, or until a decision providing otherwise is
19 adopted following a hearing held pursuant to this condition.

20 DATED: 10/2/18



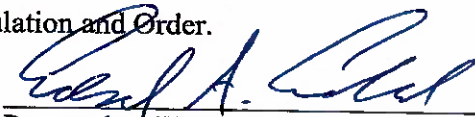
Michelle Nijm
Counsel for Complainant

22 * * *
23 I have read this Stipulation and its terms are understood by me and are agreeable and
24 acceptable to me. I understand that I am waiving rights given to me by the APA (including, but

1 not limited to, sections 11506, 11508, 11509, and 11513 of the Government Code), and I
2 willingly, intelligently, and voluntarily waive those rights, including the right of requiring the
3 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
4 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
5 the charges.

6 I understand that I can signify acceptance and approval of the terms and conditions of this
7 Stipulation and Agreement by emailing or faxing a copy of the signature page, as actually signed
8 by me, to the Department. I agree, acknowledge, and understand that by sending a copy to the
9 Department of my actual signature as it appears on the Stipulation, that receipt of the copy by the
10 Department shall be as binding on me as if the Department had received the original signed
11 Stipulation. By signing this Stipulation, I understand and agree that I may not withdraw my
12 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
13 acts upon it or prior to the effective date of the Stipulation and Order.

14 DATED: 10/1/2018


Respondent EDWARD ALAN EDICK

16 * * *

17 The foregoing Stipulation and Agreement in Settlement and Order is hereby
18 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
19 NOV 19 2018, 2018.

20 IT IS SO ORDERED October 23, 2018.

21 DANIEL J. SANDRI
22 ACTING REAL ESTATE COMMISSIONER

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24