

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

AUG - 8 2019

DEPT. OF REAL ESTATE
By *Zm - Ja*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-41283 LA
12 EWING REALTY GROUP INC and)
13 ROGER PATRICK EWING,)
14 individually and as designated officer of) STIPULATION AND AGREEMENT
Ewing Realty Group Inc.) IN SETTLEMENT AND ORDER
15 Respondents.)
16 As to Respondent Roger Patrick Ewing
17 only

18 It is hereby stipulated by and between ROGER PATRICK EWING, (sometimes
19 referred to as "Respondent"), acting by and through his attorney Marc A. Lieberman, Esq., and
20 the Complainant, acting by and through Judith B. Vasan, Counsel for the Department of Real
21 Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation")
22 filed on January 30, 2019, in this matter:

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

STIPULATION AND AGREEMENT

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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 Department of Real Estate
3 ("Department") in this proceeding.

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

12 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
13 factual allegations in Paragraphs 9(i) and 9(j) of the Accusation filed in this proceeding are true
14 and correct and the Real Estate Commissioner shall not be required to provide further evidence
15 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 not any other proceeding or case
18 in which the Department, or another licensing agency of this state, another state, or the federal
19 government is involved, and otherwise shall not be admissible in any criminal or civil
20 proceeding.

21 6. In the event that the Commissioner in his discretion does not adopt the
22 Stipulation, the Stipulation shall be void and of no effect and Respondent shall retain the right to
23 a hearing and proceed on the Accusation under the provisions of the APA and shall not be bound
24 by any stipulation or waiver made herein.

25 7. The Order or any subsequent Order of the Real Estate Commissioner made
26 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
27 administrative or civil proceedings by the Department with respect to any matters which were

STIPULATION AND AGREEMENT



1 not specifically alleged to be causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

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

5 The conduct of Respondent ROGER PATRICK EWING described in Paragraph
6 9(I) of the Accusation, is the basis for discipline of Respondent's licenses and license rights as
7 violations of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code
8 ("Code") sections 10159.2 (failure to supervise) and 10177(h) (failure to supervise) and Section
9 2725 (broker supervision) of Title 10, Chapter 6 of the California Code of Regulations
10 ("Regulations").

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I.

14 All licenses and license rights of Respondent ROGER PATRICK EWING under
15 the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this
16 Decision; provided, however, that all thirty (30) days of said suspension shall be stayed upon the
17 following terms and conditions:

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

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

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II.

Pursuant to Code Section 10148, Respondent shall pay the Commissioner's
reasonable costs for the audit which led to this disciplinary action in the amount of \$7,229.18.
Respondent shall pay such costs within sixty (60) days of receiving an invoice therefore from the
Commissioner. Payment of the audit costs should not be made until Respondent receives the
invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
Respondent's real estate license(s) 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.

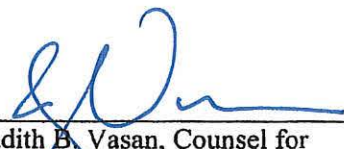
III.

All licenses and license rights of Respondent are indefinitely suspended unless or
until Respondent pays the sum of \$766.30 for the Commissioner's reasonable costs of the
investigation, which led to this disciplinary action. Said payment shall be in the form of a
cashier's check made payable to the Department of Real Estate. The investigative costs must be
delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA
95813-7013, prior to the effective date of this Decision and Order.

IV.

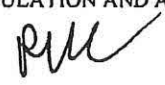
Respondent is prohibited from being an officer designated by a corporate real
estate broker licensee pursuant to Code section 10211 for three (3) years.

DATED: 7-15-2019



Judith B. Vasani, Counsel for
Department of Real Estate

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EXECUTION OF THE STIPULATION

I have read the Stipulation, have discussed it with my counsel, and 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.

Respondent shall mail the original signed signature page of the stipulation herein to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.


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

DATED: 7/1/2019



ROGER PATRICK EWING
Respondent

DATED: 7/2/2019



Marc A. Lieberman
Counsel for Respondent
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent ROGER PATRICK EWING and shall become effective at 12 o'clock noon on
AUG 28 2019.

IT IS SO ORDERED August 5, 2019.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri

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STIPULATION AND AGREEMENT