

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

FILED

FEB 10 2021

DEPT. OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of
12 KRICH ADARY,
13 Respondent.

14 } No. H-41713 LA
15 } OAH No. 2020080819

16 } STIPULATION AND AGREEMENT
17 } IN SETTLEMENT AND ORDER

18 It is hereby stipulated by and between Respondent KRICH ADARY, (sometimes
19 referred to as "Respondent"), and the Complainant, acting by and through Andrea Bentler,
20 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
21 of the Accusation ("Accusation") filed on June 30, 2020, in this matter:

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

27 2. Respondent has received, read and understands the Statement to Respondent,
the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
("Department") in this proceeding.

3. On July 14, 2020, Respondent filed a Notice of Defense pursuant to Section

STIPULATION AND AGREEMENT

1 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
2 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
3 Respondent acknowledges that he understands that by withdrawing said Notice of Defense
4 Respondent thereby waives his right to require the Commissioner to prove the allegations in the
5 Accusation at a contested hearing held in accordance with the provisions of the APA and that
6 Respondent will waive other rights afforded to him in connection with the hearing such as the
7 right to present evidence in his defense, and the right to cross-examine witnesses.

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

14 5. It is understood by the parties that the Real Estate Commissioner may adopt
15 this Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
16 Respondent's real estate license and license rights as set forth in the below "Order". In the event
17 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
18 void and of no effect and Respondent shall retain the right to a hearing and proceed on the
19 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
20 made herein.

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

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3. Respondent shall not be eligible to petition for the issuance of any unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department 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.

II.

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$6,921.70 for the Commissioner's reasonable costs of the investigation and enforcement, 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 and enforcement 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.

DATED: 01/14/2021

Andrea Bantler

**Andrea Bentler, Counsel for
Department of Real Estate**

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2 EXECUTION OF THE STIPULATION

3 I have read the Stipulation and Agreement, and its terms are understood by me
4 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
5 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
6 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive
7 those rights, including the right of requiring the Commissioner to prove the allegations in the
8 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
9 and to present evidence in defense and mitigation of the charges.

10 Respondent shall mail the original signed signature page of the stipulation herein
11 to Andrea Bentler, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite
12 350, Los Angeles, California 90013-1105.

13 In the event of time constraints before an administrative hearing, Respondent can
14 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
15 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
16 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands
17 that by electronically sending the Department a scan of Respondent's actual signature as it
18 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
19 binding on Respondent as if the Department had received the original signed Stipulation and
20 Agreement.

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

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STIPULATION AND AGREEMENT

1
2 DATED:

JAN, 14, 2021



KRICH ADARY
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent KRICH ADARY and shall become effective at 12 o'clock noon on

IT IS SO ORDERED

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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DATED: _____

KRICH ADARY
Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent KRICH ADARY and shall become effective at 12 o'clock noon on

MAR - 2 2021

IT IS SO ORDERED 2.2.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley