

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

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FILED

AUG 23 2021

DEPT. OF REAL ESTATE

By *Zmi - J*

8 DEPARTMENT OF REAL ESTATE
9
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation of }
12 PETER ANTHONY RUA, } DRE No. H-41768 LA
13 Respondent. } STIPULATION AND AGREEMENT

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16 It is hereby stipulated by and between PETER ANTHONY RUA ("Respondent")
17 and his attorney of record, Alexis Saab of Law Offices of Alexis Saab, and the Complainant, acting
18 by and through Kevin H. Sun, Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation filed on September 8, 2020 in this matter:

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

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

1 3. On or about October 21, 2020, Respondent filed a Notice of Defense pursuant to
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in
3 the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will
5 thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a
6 contested hearing held in accordance with the provisions of the APA and that he will waive other
7 rights afforded to him in connection with the hearing such as the right to present evidence in defense
8 of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
10 factual allegations in the Accusation filed in this proceeding are true and correct and the Real Estate
11 Commissioner shall not be required to provide further evidence of such allegations.

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

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

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions and waivers and solely for the
25 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that
26 the following determination of issues shall be made:

27 The conduct of Respondent, as described in the Accusation, is in violation of

1 California Business and Professions Code (“Code”) Section 490, and is grounds for the suspension
2 or revocation of all of the real estate license and license rights of Respondent under the provision of
3 Section 10177(b) of the Code.

4 ORDER

5 WHEREFORE, THE FOLLOWING ORDER is hereby made:

6 I.

7 All licenses and licensing rights of Respondent PETER ANTHONY RUA under the
8 Real Estate Law are revoked; provided, however: a restricted real estate salesperson license shall be
9 issued to Respondent, to be issued pursuant to Code Section 10156.5 if Respondent makes
10 application therefore and pays to the Department the appropriate fee for his restricted real estate
11 salesperson license within thirty (30) days from the effective date of this Decision and Order. The
12 restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7
13 of the Code and to the following limitations, conditions and restrictions imposed under authority of
14 Section 10156.6 of the Code:

15 1. The restricted license issued to Respondent may be suspended prior to hearing by
16 Order of the Commissioner in the event of Respondent’s conviction or plea of *nolo contendere* to a
17 crime which is substantially related to Respondent’s fitness or capacity as a real estate licensee.

18 2. The restricted license issued to Respondent may be suspended prior to hearing by
19 Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
20 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law,
21 Regulations of the Real Estate Commissioner or conditions attaching to the restricted licenses.

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

25 4. Respondent shall, within nine (9) months from the effective date of this Decision
26 and Order, present evidence satisfactory to the Commissioner that Respondent has, since the most
27 recent issuance of an original or renewal real estate license, taken and successfully completed the

continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the continuing education requirements. Proof of completion of the continuing education courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

5. 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 of Real Estate 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.

6. All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$2,305.38 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check or certified check made payable to the Department of Real Estate. The investigation 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: 5/26/2021

Kevin H. Sun
Counsel for Complainant

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EXECUTION OF THE STIPULATION

I have read the Stipulation and Agreement. 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 AND FACSIMILE

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by sending a hard copy of the original signed signature page of the Stipulation herein to Kevin H. Sun, Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges, and understands that by electronically sending to the Department a scan of Respondent's actual signatures as they appear on the Stipulation and Agreement, that receipt of the scan by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 5/25/2021



PETER ANTHONY RUA
Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent PETER ANTHONY RUA in this matter and shall become effective at 12 o'clock noon on **SEP 22 2021**, 2021.

IT IS SO ORDERED 8.12.21, 2021.

DOUGLAS R. McCUALEY
REAL ESTATE COMMISSIONER

Reuben R. McColley